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IN THE
COURT OF APPEALS OF INDIANA

PAUL PATTERSON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 09A02-1009-CR-1041
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE CASS CIRCUIT COURT
The Honorable Thomas C. Perrone, Special Judge
Cause No. 09C01-9709-CF-38

June 17, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Paul Patterson pled guilty on February 27, 1998, to Class B felony dealing in cocaine.[1] He fled the jurisdiction and did not appear for his sentencing hearing until he was returned involuntarily. On September 16, 2009, the trial court sentenced him to ten years. Patterson appeals his sentence, and we affirm.

FACTS AND PROCEDURAL HISTORY

Patterson's guilty plea agreement capped his sentence at ten years, which is the advisory sentence for a Class B felony. *See* Ind. Code § 35-50-2-5 (defining range as six to twenty years). When Patterson did not appear for sentencing, the court issued a warrant for his arrest. In August of 2009, an Illinois court convicted Patterson of theft and forgery, and executed the Indiana warrant on Patterson.

On Patterson's return to Cass County, the trial court sentenced Patterson to ten years. We reversed because the trial court judge did not recuse himself despite a conflict of interest.[2] *Patterson v. State*, 926 N.E.2d 90, 96 (Ind. Ct. App. 2010). On remand, a special judge sentenced Patterson to ten years. The judge cited as aggravating factors Patterson's "long history of criminal activity"[3] and failure to appear at sentencing. (Tr. at 111.) He considered Patterson's family situation and guilty plea as mitigating factors. (*Id*. at 112.)

DISCUSSION AND DECISION

Patterson asserts his sentence is inappropriate under Indiana Appellate Rule 7(B),[4]

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[1] Ind. Code § 35-48-4-1(a)(1).
[2] The judge had been the deputy prosecutor assigned to Patterson's case at the initial probable cause hearing.
[3] Patterson has been convicted of criminal trespass, delivery of cocaine, robbery, theft, and forgery.
[4] Patterson does not argue the sentence was an abuse of discretion and, therefore, he waives this argument. *See Nordstrom v. State*, 627 N.E.2d 1380, 1385 (Ind. Ct. App. 1994) (waiving issues not supported by cogent argument or citation to relevant authority), *trans. denied*.

which permits us to revise a sentence if it is "inappropriate in light of the nature of the offense and the character of the offender." The defendant bears the burden to prove a sentence is inappropriate. *Rutherford v. State*, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). The Legislature has made the advisory sentence the "starting point" of our analysis. *Childress v. State*, 848 N.E.2d 1073, 1081 (Ind. 2006).

Patterson cites a few facts that he believes indicate his sentence is inappropriate for his character. First, Patterson argues the sentence is inappropriate because he has a substance abuse problem, but he cites no legal authority to support this proposition, and our case law supports the opposite conclusion. *See, e.g.*, *Hildebrandt v. State*, 770 N.E.2d 355, 363 (Ind. Ct. App. 2002) (holding no abuse of discretion in finding substance abuse was an aggravating factor), *trans. denied*. Patterson next asserts he "took responsibility" for his unlawful actions. (Appellant's Br. at 7.) He did not. Patterson skipped town before being sentenced and did not return for over ten years. The only reason Patterson returned was his extradition to Indiana following his arrest in Illinois. Patterson did not take responsibility for his actions.[5] For the same reasons, we reject Patterson's argument that he was "cooperative." (*Id.* at 7.) None of Patterson's assertions prompt us to look more favorably on his character. Nor do they suggest a ten-year-advisory sentence is inappropriate.

[5] Patterson points to circumstances that he thinks should excuse his failure to return for sentencing. For example, he asks the court to consider his mother's illness and the death of his son. These arguments do not fall under either prong of Rule 7(B). We review such mitigation arguments for an abuse of discretion, *see* Ind. Code Ann. § 35-38-1-7.1(b)(10), and Patterson waived them. *See Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g* 875 N.E.2d 218 (Ind. 2007).

As for the nature of the offense, Patterson notes "[no one] got injured," (Appellant's Br. at 7), and he claims his crime was not the "worst type." (*Id*. at 8.) A lack of violence "does not in *any* way lessen the severity of the crimes as such, and . . . thus does *not* constitute a mitigating factor justifying a reduction . . ." of the sentence. *Fointno v. State*, 487 N.E.2d 140, 148 (Ind. 1986). Nor need we address Patterson's assertion that his crime was not the "worst," as he received the advisory sentence, which was half of the possible maximum sentence. Thus, Patterson has not demonstrated the circumstances of his crime support a sentence less than the advisory.

Patterson has not convinced us that anything about his character or offense makes his sentence inappropriate for someone who dealt cocaine then fled the jurisdiction for twelve years. Accordingly, we affirm.

Affirmed.

BAKER, J., and BRADFORD, J., concur.