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IN THE
COURT OF APPEALS OF INDIANA

CORY MILLS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0804-CR-309
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Jane Magnus-Stinson, Judge
Cause No. 49G04-0209-PC-206534

June 24, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Cory Mills ("Mills") pleaded guilty in Marion Superior Court to Class B felony unlawful possession of a firearm by a serious violent felon and to being a habitual offender and pleaded guilty in an unrelated case to Class D felony criminal confinement and to being a habitual offender. The trial court sentenced Mills to an aggregate term of twenty years. Mills appeals and argues that his sentence is inappropriate in light of the nature of the offense and the character of the offender.

We affirm.

Facts and Procedural History

On September 6, 2002, the State charged Mills with Class B felony unlawful possession of a firearm by a serious violent felon, Class A misdemeanor carrying a handgun without a license, and Class C felony carrying a handgun without a license having committed a felony within the past fifteen years. The State also filed a habitual offender enhancement.

On March 3, 2003, Mills and the State agreed to a plea agreement that consolidated the instant case with an unrelated case. The plea agreement called for Mills to plead guilty to Class D felony criminal confinement and admit to being a habitual offender, on the unrelated case, and to plead guilty to Class B felony possession of a handgun by a serious violent felon and admit to being a habitual offender in the instant case. The sentences were to be served concurrently with executed time not to exceed twenty years. The trial court accepted the plea agreement.

On March 28, 2003, the trial court sentenced Mills on the unrelated case to three years, enhanced by four and a half years, for a total term of seven and a half years. The

trial court sentenced Mills in the instant case to the advisory sentence of ten years, enhanced by ten years for a total term of twenty years executed. The trial court ordered that the sentences be served concurrently. Mills now appeals.

Discussion and Decision

Mills argues that his sentence is inappropriate in light of the nature of the offense and the character of the offender. A defendant may challenge his sentence under Indiana Appellate Rule 7(B) which provides: "The Court may revise a sentence authorized by statute if, after due consideration of the trial court's decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender." Our supreme court has explained:

> It is on this basis alone that a criminal defendant may now challenge his or her sentence where the trial court has entered a sentencing statement that includes a reasonably detailed recitation of its reasons for imposing a particular sentence that is supported by the record, and the reasons are not improper as a matter of law, but has imposed a sentence with which the defendant takes issue.

Anglemyer v. State, 868 N.E.2d 482, 494 (Ind. 2007). "[A] defendant must persuade the appellate court that his or her sentence has met the inappropriateness standard of review." Id.

The trial court imposed an aggregate twenty-year executed sentence. Pursuant to Mills's plea agreement, the State agreed to a cap of twenty years on the total sentence to be imposed. Mills received a sentence that he bargained for, and therefore, he bears the considerable burden of persuading our court that his sentence is inappropriate. See Childress v. State, 848 N.E.2d 1073, 1081 (Dickson, J., concurring) ("A defendant's conscious choice to enter a plea agreement that limits the trial court's discretion to a

sentence less than the statutory maximum should usually be understood as strong and persuasive evidence of sentence reasonableness and appropriateness.")

The record discloses little about the circumstances surrounding the commission of the crime committed, so it is difficult to accurately gauge the nature of the offense. However, Mills's character adequately supports the trial court's decision. Mills has been involved with the criminal justice system since 1987 when he was found to have committed what would have been attempted theft had he been an adult. Since then Mills has amassed a criminal history that consists of four felonies and four misdemeanors. The four felony convictions involved violence and, in the case of Mills's voluntary manslaughter conviction, involved a firearm. Also, at the time Mills committed this offense he had been release on parole for his voluntary manslaughter conviction for less than one year, during which time he had also been convicted of Class B misdemeanor public intoxication.

Under these facts and circumstances, we conclude that Mills's twenty year aggregate sentence is not inappropriate in light of the nature of the offense and the character of the offender.

Affirmed.

RILEY, J., and KIRSCH, J., concur.