

Edward A. Harper appeals his sentence for burglary as a class C felony.¹ Harper raises one issue, which we restate as whether his seven-year sentence is inappropriate in light of the nature of the offense and the character of the offender.² We affirm.

The relevant facts follow. On March 9, 2006, Harper and another person were seen loading a television set onto a truck near the residence of Leonel Ramirez. A neighbor also saw that Ramirez's door was standing open and called the police. Ramirez found that his television, stereo, two gold necklaces with religious icons, five credit cards, and several coins were missing. The police located the truck at a gas station and saw, in plain view, one of the stolen items. At the time Harper was arrested, he had one of the stolen credit cards on his person.

The State charged Harper with burglary as a class B felony.³ Harper agreed to plead guilty to burglary as a class C felony, and the State agreed to refrain from filing an habitual offender enhancement. At the sentencing hearing, the trial court found two aggravators, Harper's criminal history and his probation violations. The trial court also found two mitigators, his guilty plea and remorse. However, the trial court found that the aggravators outweighed the mitigators and sentenced Harper to seven years in the Indiana Department of Correction.

¹ Ind. Code § 35-43-2-1 (2004).

² Although Harper's argument is not altogether clear, we interpret it as a contention that his sentence was inappropriate. To the extent that Harper is attempting to argue that the trial court abused its discretion by considering his criminal history, the argument is waived for failure to make a cogent argument. See, e.g., Bigler v. State, 732 N.E.2d 191, 196 (Ind. Ct. App. 2000) (holding that the failure to offer cogent argument in support of claims made upon appeal results in waiver of any error).

The issue is whether Harper's seven-year sentence is inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B) provides that we "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender." Under this rule, the burden is on the defendant to persuade the appellate court that his sentence is inappropriate. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

Our review of the nature of the offense reveals that Harper and an accomplice entered Ramirez's residence without permission and stole a television, stereo, two gold necklaces with religious icons, five credit cards, and several coins. Our review of the character of the offender reveals that thirty-three-year-old Harper has an extensive criminal history. The presentence investigation report reveals a juvenile history of battery, trespass, disorderly conduct, and a probation violation. As an adult, Harper has incurred seven misdemeanor conviction and four felony convictions. The felony convictions include two convictions for theft as class D felonies, one conviction for burglary as a class B felony, and one conviction for escape as a class C felony. The misdemeanor convictions include convictions for possession of a controlled substance, theft, operating without proof of insurance, operating without receiving a license, refusal to identify, and two battery convictions. Additionally, Harper has unsatisfactory probation discharges in four causes.

³ Ind. Code § 35-43-2-1(1) (2004).

Harper does not dispute his criminal history but argues that the trial court should have taken into consideration the fact that four years passed between his last conviction and the instant case. The Indiana Supreme Court has emphasized that “the extent, if any, that a sentence should be enhanced [based upon prior convictions] turns on the weight of an individual’s criminal history.” Duncan v. State, 857 N.E.2d 955, 959 (Ind. 2006). “This weight is measured by the number of prior convictions and their gravity, by their proximity or distance from the present offense, and by any similarity or dissimilarity to the present offense that might reflect on a defendant’s culpability.” Id. (quoting Bryant v. State, 841 N.E.2d 1154, 1156 (Ind. 2006)). “[T]he significance of a defendant’s prior criminal history in determining whether to impose a sentence enhancement will vary ‘based on the gravity, nature and number of prior offenses as they relate to the current offense.’” Prickett v. State, 856 N.E.2d 1203, 1209 (Ind. 2006) (quoting Ruiz v. State, 818 N.E.2d 927, 929 (Ind. 2004)).

Harper has steadily accumulated a significant number of juvenile adjudications, misdemeanor convictions, and felony convictions since 1987. Many of the convictions are similar in nature to the instant conviction. Although Harper has not received any convictions in the last four years, this gap is not so significant as to require a reduction in his sentence given his extensive criminal history. After due consideration of the trial court’s decision, we cannot say that the seven-year sentence imposed by the trial court is inappropriate in light of the nature of the offense and the character of the offender. See, e.g., Sloan v. State, 794 N.E.2d 1128, 1135 (Ind. Ct. App. 2003) (holding that the

maximum sentence for the defendant's conviction for burglary as a class B felony was no inappropriate).

For the foregoing reasons, we affirm Harper's sentence for burglary as a class C felony.

Affirmed.

MAY, J. and BAILEY, J. concur