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IN THE
COURT OF APPEALS OF INDIANA

DARREN REESE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0812-CR-1146
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Carol Orbison, Judge
Cause No. 49G22-0806-FB-153561

July 7, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Darren Reese appeals his sentence for criminal confinement and sexual battery, both class D felonies, as being inappropriate in light of the nature of the offenses and his character. We affirm.

In June of 2008, Reese was living in the same house as his wife, O.R., but they had been sleeping separately. On June 24, 2008, O.R. fell asleep in the parental bedroom with her youngest son. Reese came into the bedroom and took the son to another bedroom. Reese returned and started making sexual advances by touching O.R., but she was unreceptive. O.R. pushed Reese's hand away and attempted to leave. A struggle ensued. Reese grabbed O.R.'s arm, forced her back onto the bed, and tried to take off her clothes. Reese was able to remove O.R.'s pants.

The couple's daughter, D.R., heard the struggle. D.R. came to the door and asked if O.R. was all right. O.R. told her daughter that she was not all right. D.R. told Reese to leave her mother alone and that she was going to call the police. Reese swore at D.R. and threatened to "whoop" her if she called the police. Tr. at 52. During this exchange, another daughter was crying at the door of the bedroom. D.R. called the police, who arrived five minutes later. When an officer knocked on the bedroom door, O.R. unlocked it and ran out naked and in "sheer terror." *Id*. at 60.

On July 21, 2008, the State charged Reese with eight separate counts: sexual battery, confinement, two counts of criminal deviate conduct, strangulation, two counts of domestic battery, and battery. On November 17, 2008, a jury convicted Reese of sexual battery and confinement and acquitted him of the remaining charges. On November 26, 2008, the trial

court sentenced Reese to one year of probation for the criminal confinement count and a consecutive term of three years executed for the sexual battery count. The trial court found multiple aggravating factors, including Reese's criminal history, the presence of his children during the offense, his violation of the husband-wife relationship, and his lack of remorse. The trial court found that the sole mitigating factor, financial hardship on the family due to Reese's incarceration, was "substantially outweighed by the aggravating factors." Tr. at 122.

On appeal, Reese challenges his sentence pursuant to Indiana Appellate Rule 7(B), which provides that this Court 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. The burden is on the defendant to persuade us that the sentence is inappropriate.[1] *Anglemeyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218.

Here, the nature of the offenses is serious. Reese physically attacked his wife in an attempt to satisfy his own sexual appetite. Further, the incident occurred in the presence of his children. As for Reese's character, he has a significant criminal history indicating an inability to lead a law-abiding life. Reese has been charged with battery numerous times, and in 1990 he was convicted of battering a police officer and resisting law enforcement. In 2007, Reese was found guilty of driving with a suspended license. Here, Reese confined and

[1] Reese argues that his sentence was the maximum allowed and that maximum sentences should generally be reserved for the worst offenses and offenders. While Reese may have received the maximum sentence for a single count, he fails to appreciate that he did not receive the maximum sentence possible, in that he could have received two additional years for his confinement conviction. Instead he was given one year of probation.

battered his wife and threatened violence toward his daughter when she tried to protect her mother by calling the police. Further, Reese expressed no remorse for his actions. In sum, Reese has failed to persuade us that his sentence is inappropriate.

Affirmed.

BRADFORD, J., and BROWN, J., concur.