

William G. Crank appeals his maximum consecutive sentences for Class D felony theft¹ and Class B misdemeanor battery.² Because his criminal history includes thirty-seven prior convictions, eight of which were for theft or receiving stolen property, we cannot find his sentence inappropriate. Accordingly, we affirm.

FACTS AND PROCEDURAL HISTORY

Crank and his brother took items from Sears. The owner of the store confronted them in the parking lot. During the confrontation, the owner took the license plate from the front of the Cranks' truck. Crank caught the manager, spun him around by the arm, and retrieved the license plate. Police were called and apprehended the Cranks.

The State charged Crank with Class D felony theft, Class D felony conspiracy to commit theft, Class C felony robbery, and Class B misdemeanor battery. In addition, the State asserted Crank was an habitual offender. Crank pled guilty to theft and battery, in exchange for dismissal of the remaining charges.

The court found Crank's criminal history a significant aggravator. The court found no significant mitigators, explicitly declining to find Crank's plea significant because he received the benefit of charges being dismissed. The court ordered Crank to serve three years for theft³ consecutive to 180 days for battery.⁴

¹ Ind. Code § 35-43-4-2(a).

² Ind. Code § 35-42-2-1(a).

³ Pursuant to Ind. Code § 35-50-2-7, the sentencing range for a Class D felony is six months to three years.

⁴ Pursuant to Ind. Code § 35-50-3-3, the maximum sentence for a Class B misdemeanor is 180 days.

DISCUSSION AND DECISION

Crank argues his sentence is inappropriate.

Although a trial court may have acted within its lawful discretion in determining a sentence, Article VII, Sections 4 and 6 of the Indiana Constitution “authorize[] independent appellate review of a sentence imposed by the trial court.” This appellate authority is implemented through Appellate Rule 7(B), which provides that 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.”

Anglemyer v. State, 868 N.E.2d 482, 491 (Ind. 2007) (citations omitted), *clarified on reh’g on other grounds* 875 N.E.2d 218 (Ind. 2007). We give deference to the trial court’s decision, recognizing its special expertise in making sentencing decisions. *Barber v. State*, 863 N.E.2d 1199, 1208 (Ind. Ct. App. 2007), *trans. denied* 878 N.E.2d 208 (Ind. 2007). The defendant bears the burden of persuading us the sentence is inappropriate. *Rutherford v. State*, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007).

We agree with Crank that his crimes were “in no way more egregious than would be contemplated by this level of crime.” (Appellant’s Br. at 5.) Nevertheless, his character demonstrates his sentence was appropriate. Crank has thirty-seven prior convictions, and eight of those have been for theft or receiving stolen property. We see nothing inappropriate about a three-and-a-half-year sentence for a man who has not learned, or will not learn, from twenty-two incarcerations, nine periods of probation, and eight fines.

Crank also notes maximum sentences “should be reserved for the worst offenders and offenses.” *Newsome v. State*, 797 N.E.2d 293, 302 (Ind. Ct. App. 2003), *trans.*

denied 812 N.E.2d 792 (Ind. 2004). However, “the class of offenses and offenders that warrant the maximum punishment . . . encompasses a considerable variety of offenses and offenders.” *Buchanan v. State*, 767 N.E.2d 967, 974 (Ind. 2002). A man with thirty-seven prior convictions, eight of which were for offenses like the felony committed herein, surely falls within that class of offenders.

Affirmed.

MATHIAS, J., and VAIDIK, J., concur.