Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

ANNA ONAITIS HOLDEN
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

MONIKA PREKOPA TALBOT
Deputy Attorney General
Indianapolis, Indiana

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IN THE
COURT OF APPEALS OF INDIANA

STACY L. COULTER,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 47A04-0901-CR-35
	)	
STATE OF INDIANA,	)	
	)	
Appellee- Plaintiff.	)	

APPEAL FROM THE LAWRENCE SUPERIOR COURT
The Honorable William G. Sleva, Judge
Cause No. 47D02-0801-FC-64

July 22, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Stacy L. Coulter challenges his sentence for battery causing bodily injury, a class C felony, as being inappropriate in light of the nature of the offense and his character. We affirm.

On January 16, 2008, Coulter and his wife, A.C., got into an argument. During the argument Coulter struck A.C. several times in the face, kicked her in the ribs, threatened her, and threw her down the stairs. A.C. suffered bruising and brain hemorrhaging and had to be airlifted to Methodist Hospital in Indianapolis as a result of the altercation. On January 17, 2008, the State charged Coulter with battery resulting in bodily injury, criminal confinement, domestic battery, and intimidation. On March 20, 2008, Coulter pled guilty to battery causing bodily injury, and the remaining charges were dismissed. Sentencing was left to the trial court's discretion. On November 20, 2008, the trial court sentenced Coulter to seven years executed in the Department of Correction. The trial court noted Coulter's criminal record, which included two previous battery convictions, a conviction for operating a vehicle while intoxicated, and a criminal confinement conviction, as an aggravating factor. The trial court also recognized Coulter's guilty plea and the emotional hardship of incarceration on Coulter's dying mother as mitigating factors, but it ultimately found that the aggravating factors outweighed the mitigating factors.

On appeal, Coulter contends that his sentence is inappropriate 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. *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 offense is serious. Coulter threw his wife down the front steps, kicked her in the ribs, struck her several times in the face, and threatened further violence if she attempted to leave, resulting in severe bruising and brain hemorrhaging. As for Coulter's character, he has a significant criminal history indicating an inability to lead a law-abiding life. Coulter has violated probation and has been convicted of criminal recklessness and operating a vehicle while intoxicated. Coulter has also twice been convicted of battery, most recently in 2005. Further, Coulter has previously completed the Lawrence County Non-Violence Program, which did not stop him from battering A.C. In sum, Coulter has failed to persuade us that his sentence is inappropriate.

Affirmed.

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