



Joshua Renick appeals his sentence for Robbery,<sup>1</sup> a class B felony, Attempted Criminal Confinement,<sup>2</sup> a class B felony, and Resisting Law Enforcement,<sup>3</sup> a class D felony. He claims that the aggregate sentence of twelve years imposed by the trial court is inappropriate in light of his character and the nature of the offense.

We affirm.

Shortly before 1:00 a.m. on June 4, 2007, Renick confronted Tony Koelsch in the parking lot of a bar in Indianapolis. Brandishing a knife, he stuck it against Koelsch's chest and demanded that Koelsch give him a ride. When this proved unsuccessful, Renick advanced to his next victim about two blocks south of the bar. Renick approached David Reed Harris in the parking lot of a fast food restaurant, while Harris was sitting in his Jeep Cherokee. Renick displayed a knife and demanded Harris's vehicle. Renick lacerated Harris's throat during the altercation. Harris then exited his vehicle, and Renick drove it away.

Soon thereafter, Officer Chuck Deblaso of the Indianapolis Metro Police Department began following the Jeep Cherokee. When Officer Deblaso activated the siren and flashing lights on his marked police car, Renick accelerated rapidly. A brief pursuit ensued before Renick stopped and got out of the Jeep Cherokee and then attempted to flee on foot. Officer Deblaso quickly apprehended and arrested Renick, who was subsequently identified by both victims and a witness.

On June 5, 2007, Renick was charged with robbery, a class B felony, carjacking, a

---

1 Ind. Code Ann. § 35-42-5-1 (West, PREMISE through 2007 1<sup>st</sup> Regular Sess.).

2 I.C. § 35-42-3-3 (West, PREMISE through 2007 1<sup>st</sup> Regular Sess.); Ind. Code Ann. § 35-41-5-1 (West, PREMISE through 2007 1<sup>st</sup> Regular Sess.).

class B felony, attempted criminal confinement, a class B felony, criminal recklessness, a class D felony, and two counts of resisting law enforcement, one as a class D felony and the other as a class A misdemeanor. Pursuant to a plea agreement, Renick pleaded guilty to robbery, attempted criminal confinement, and class D felony resisting law enforcement. In exchange, the State dismissed the remaining counts. Sentencing was left open, subject to a cap of twelve years on the executed portion of the sentence and the requirement that all the sentences were to be served concurrently. On December 12, 2007, the trial court accepted the plea agreement and sentenced Renick to an aggregate term of twelve years,<sup>4</sup> with the first ten years served in the Department of Correction and the remaining two in Community Corrections (with an emphasis placed on substance abuse assessment and treatment). Renick now appeals his sentence as inappropriate.

We have the constitutional authority to revise a sentence if, after consideration of the trial court's decision, we conclude the sentence is inappropriate in light of the nature of the offense and character of the offender. *See* Indiana Appellate Rule 7(B); *Anglemyer v. State*, 868 N.E.2d 482 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218. Although we are not required under App. R. 7(B) to be "extremely" deferential to a trial court's sentencing decision, we recognize the unique perspective a trial court brings to such determinations. *Rutherford v. State*, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). Thus, "we exercise with great restraint our responsibility to review and revise sentences." *Scott v. State*, 840 N.E.2d

---

3 Ind. Code Ann. § 35-44-3-3 (West, PREMISE through 2007 1<sup>st</sup> Regular Sess.).

4 Renick received twelve years for both class B felony convictions and one and one-half years for the class D felony conviction. The trial court found Renick's lengthy criminal record to be particularly aggravating, especially given his age of twenty-five. In mitigation, the court noted Renick's guilty plea and the fact he "suffers[s] from some mental health issues". *Transcript* at 46.

376, 381 (Ind. Ct. App. 2006), *trans. denied*. Moreover, we observe that Renick bears the burden of persuading this court that his sentence is inappropriate. *Rutherford v. State*, 866 N.E.2d 867.

With respect to the nature of the offenses, Renick argues he committed the attempted criminal confinement and the robbery merely to obtain transportation to his mother's home, apparently some nine blocks away. He further points to "underlying psychological problems (including Xanax addiction)" in an attempt to establish substantial grounds tending to excuse or justify his criminal actions. *Appellant's Brief* at 6. Finally, Renick asserts that the attempt at criminally confining Koelsch was "feeble, at most" because he was "easily dissuaded" and his conduct "mimics abandonment of his criminal intent." *Id.* at 7. There is no merit to any of these arguments.

Here, while armed with a knife, Renick committed multiple crimes against multiple individuals. Though his attempt at criminally confining Koelsch was not successful, there is no indication in the record that this was because Renick was easily dissuaded or that he had abandoned his criminal intent. Renick, rather, simply turned his criminal intentions toward another victim and escalated the force used to accomplish his goal. It is not clear why Renick committed the crimes of attempted criminal confinement and robbery, both while armed with a deadly weapon, but it in no way mitigates his crimes simply because he may have done so only to travel a short distance (that is, a walking distance) to his mother's house. Finally, Renick has failed to explain how his nonspecific underlying psychological problems had anything to do with the instant crimes, let alone how they establish substantial grounds tending to excuse or justify his criminal actions.

Turning to Renick's character, we observe that at the relatively young age of twenty-five, he has amassed an extensive criminal history, which spans four states (Texas, Virginia, Florida, and Indiana). He has been convicted of possession of marijuana, vehicle theft, burglary, and kidnapping/false imprisonment, all as felonies. Additionally, his misdemeanor convictions include alcohol offenses, resisting law enforcement, disorderly conduct, fraud, and two counts of battery. The sheer number of prior offenses is aggravating, indicating a marked indifference to the law. Moreover, contrary to Renick's apparent assertion on appeal, it is clear that the gravity and nature of many of the prior offenses directly relate to the present offenses.

Finally, we note that Renick faced a possible maximum sentence of forty-three years in prison. Pursuant to the plea agreement, however, the executed portion of Renick's potential sentence was capped at only twelve years and he was to receive concurrent sentences. As the trial court imposed a sentence nowhere near the maximum Renick could have received without the guilty plea, his claim that he is not the worst of the worst is inapposite. In sum, Renick has wholly failed to establish that his twelve-year sentence is inappropriate in light of his character and the nature of the offenses.

Judgment affirmed.

DARDEN, J., and BARNES, J., concur