

Pursuant to a plea agreement, James Clint Lawson (“Lawson”) pleaded guilty to possession of a firearm by a serious violent felon,¹ a Class B felony; strangulation,² a Class D felony; domestic battery,³ a Class A misdemeanor; and dealing in methamphetamine,⁴ a Class A felony. He was sentenced to an aggregate sentence of thirty-two and one-half-years. He now appeals contending that his sentence is inappropriate in light of his character and the nature of his offenses.

We affirm.

FACTS AND PROCEDURAL HISTORY

Lawson lived with Tiffany Devine (“Devine”) and their minor children (ages eight, three, and one-and-one-half years). On November 25, 2009, Lawson battered Devine by strangling her, pulling her by her hair across the room, and slamming her against a wall, all causing injury and pain, and pointing a firearm at her head in front of two of their minor children.

In addition to the charges to which he pleaded guilty, Lawson was also charged with pointing a firearm,⁵ a Class D felony; possession of a firearm by a domestic batterer,⁶ a Class

¹ See Ind. Code § 35-47-4-5.

² See Ind. Code § 35-42-2-9.

³ See Ind. Code § 35-42-2-1.3.

⁴ See Ind. Code § 35-48-4-1.1(2)(b).

⁵ See Ind. Code § 35-47-4-3.

⁶ See Ind. Code § 35-47-4-6.

A misdemeanor; criminal recklessness,⁷ a Class D felony; possession of methamphetamine,⁸ a Class C felony; two counts of possession of controlled substance,⁹ as Class D felonies; and domestic battery,¹⁰ a Class D felony.

Lawson was sentenced to one-and-one-half years for strangulation and six months for domestic battery, to be served concurrently but consecutive to six years for possession of a firearm by a serious violent felon and twenty-five years for dealing in methamphetamine, for an aggregate sentence of thirty-two and one-half years. Lawson appeals his sentence only.

DISCUSSION AND DECISION

Pursuant to Indiana Appellate Rule 7(B), this court has the authority to review and revise a sentence 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." *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007) *clarified on reh'g*, 875 N.E.2d 218 (Ind. 2007). This court may look to any factors appearing in the record. *Calvert v. State*, 930 N.E.2d 633, 643 (Ind. Ct. App. 2010). However, the defendant bears the burden of persuading this court that the sentence is inappropriate. *Anglemyer*, 868 N.E.2d at 494.

Lawson concedes that he has a criminal history, including four prior misdemeanor convictions and one prior felony conviction, but argues that they are all either substance abuse or spurred on by his substance abuse. He also argues, and the trial court

⁷ See Ind. Code § 35-42-2-.2.

⁸ See Ind. Code § 35-48-4-6.1.

⁹ See Ind. Code § 35-48-4-7.

¹⁰ See Ind. Code § 35-42-2-1.3.

acknowledged, that Lawson accepted responsibility for his offenses and demonstrated remorse. Furthermore, the victim asserted that Lawson was a good person who only committed these crimes because of his substance addiction. Lawson requests that we revise his sentences such that the aggregate amount is no greater than thirty years, the advisory sentence for a Class A felony. Lawson also requests that we order a portion of this time to be served in an inpatient drug treatment program and then a halfway house. While acknowledging that he has not done well in prior treatment programs, Lawson vows to do better this time.

Lawson minimizes his extensive criminal history which includes convictions of two counts of possession of alcohol by a minor, resisting law enforcement, failure to obtain a handgun license, domestic violence battery, criminal recklessness, and aggravated battery, the latter as a Class B felony. These prior convictions include batteries on three previous girlfriends, two of which resulted in injuries serious enough to require that they get medical attention. Furthermore, he has had petitions to revoke probation filed on every prior case.

While it is undisputed that Lawson's addiction is an integral part of his criminal history, Lawson has refused to participate in any rehabilitation program previously imposed by the court, including support meetings and a program at a halfway house. In light of Lawson's extensive criminal history including drugs, firearms, and violence, particularly domestic violence, we do not find that Lawson's sentence of thirty-two and one-half years is inappropriate in light of the nature of the offense and the character of the offender.

Affirmed.

BAKER, J., and BROWN, J., concur.