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FILED
Sep 11 2009, 8:48 am
CLERK
of the supreme court, court of appeals and tax court

ATTORNEY FOR APPELLANT:

STEPHENIE K. GOOKINS
Campbell Kyle Proffitt LLP
Noblesville, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

NICOLE DONGIEUX WIGGINS
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

TIMOTHY MAX BLOOM,	)	
	)	
Appellant/Defendant,	)	
	)	
vs.	)	No. 29A02-0906-CR-508
	)	
STATE OF INDIANA,	)	
	)	
Appellee/Plaintiff.	)	

APPEAL FROM THE HAMILTON SUPERIOR COURT
The Honorable Wayne A. Sturtevant, Judge
Cause No. 29D05-0807-FD-4289

September 11, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant/Defendant Timothy Bloom appeals from the sentence imposed following his guilty plea to Class D felony Operating a Vehicle while Intoxicated ("OWI")[1] and the admission that he is a Habitual Substance Offender ("HSO").[2] Bloom contends that his aggregate seven-year sentence is inappropriate in light of the nature of his offense and his character. We affirm.

FACTS AND PROCEDURAL HISTORY

At approximately 3:10 p.m. on July 3, 2008, Bloom was driving his pickup on State Road 37 in Hamilton County when he crossed the center line and struck a vehicle driven by Lora Owen. Although Bloom fled the scene, he was soon apprehended, and his blood alcohol concentration was determined to be .22 grams of alcohol per 100 milliliters of blood. At the time, Bloom had at least two unrelated prior convictions for OWI.

The State charged Bloom with two counts of Class D felony leaving the scene of accident resulting in injury, Class A misdemeanor OWI, Class D felony OWI, and with being an HSO. On November 10, 2008, Bloom pled guilty to Class D felony OWI and admitted to being an HSO. On January 12, 2009, the trial court sentenced Bloom to three years of incarceration for Class D felony OWI, enhanced four years by virtue of his HSO status.

DISCUSSION AND DECISION

Bloom contends that his seven-year sentence is inappropriate in light of the nature of his offense and his character. We "may revise a sentence authorized by statute if, after due

[1] Ind. Code § 9-30-5-3(1) (2008).

[2] Ind. Code § 35-50-2-10(b) (2008).

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." Ind. Appellate Rule 7(B). "Although appellate review of sentences must give due consideration to the trial court's sentence because of the special expertise of the trial bench in making sentencing decisions, Appellate Rule 7(B) is an authorization to revise sentences when certain broad conditions are satisfied." *Shouse v. State*, 849 N.E.2d 650, 660 (Ind. Ct. App. 2006), *trans. denied* (citations and quotation marks omitted).

The nature of Bloom's offense was that he drove with a blood alcohol concentration of .22, nearly three times the legal limit; crossed over the center line, striking Owen's vehicle head-on; and then fled the scene without rendering assistance to the injured Owen, whose vehicle was on fire. Owen suffered injury to her chest, back, head, and left leg and was listed in serious condition after being transported to the hospital. In Owen's victim impact statement, prepared approximately six months after the collision, she indicated that she had gone through physical therapy, still suffered pain in her left shoulder requiring daily medication, and was required to miss many days of work for which she was not paid.

As for Bloom's character, it is that a of person who, despite multiple contacts with the criminal justice system and several criminal convictions, has not chosen to reform himself. Bloom has previous convictions for two counts of Class D felony OWI, 3rd Degree felony fraudulent use of personal information in Florida, Class A misdemeanor OWI, and two counts of public intoxication. Additionally, Bloom has been arrested a total of nine times, has violated the terms of probation four times, was subject to the terms of two probations

when he committed the instant offense, and had a charge of Class B misdemeanor failing to stop pending at the time of sentencing. The trial court noted that Bloom had had opportunities to address his substance abuse issues in the past but had failed to capitalize on those opportunities, the last one coming approximately one month before the collision at issue here. In light of the nature of Bloom's offense and his character, we cannot say that he has established that his seven-year aggregate sentence is inappropriate.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.