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IN THE
COURT OF APPEALS OF INDIANA

CORY JEROME BLAND,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 45A04-0902-CR-102
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Thomas P. Stefaniak, Jr., Judge
Cause No. 45G04-0807-FB-59

September 11, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Appellant-Defendant Cory Jerome Bland appeals his sentence, alleging that the trial court abused its discretion in failing to consider placing him in a drug abuse treatment program as an alternative to incarceration. We affirm.

Facts and Procedural History

On July 17, 2008, the State charged Bland with two counts of Dealing in Cocaine, as Class B felonies.[1] By way of a plea agreement, Bland pled guilty to one of the counts in exchange for the State dismissing the other. The agreement also included a provision that the maximum sentence to be imposed would be capped at six years and that the parties were free to argue their respective positions at the sentencing hearing. On November 26, 2008, the trial court accepted the plea agreement and entered judgment. At the conclusion of the later sentencing hearing, the trial court imposed a sentence of six years imprisonment to be fully executed.[2]

Discussion and Decision

Without citing any valid supporting authority,[3] Bland alleges that the trial court erred by failing to consider placing him in a substance abuse treatment program as an alternative to

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[1] Ind. Code § 35-48-4-1.

[2] The sentencing range for a Class B felony is six to twenty years, with ten years as the advisory. See Ind. Code § 35-50-2-5.

[3] Bland cites Jordan v. State, 787 N.E.2d 993, 996 (Ind. Ct. App. 2003) to support his argument. However, the circumstances are not comparable as Jordan involved the considerations in finding aggravators to impose a maximum sentence.

incarceration.[4] The consideration and imposition of alternatives to incarceration is a "matter of grace" left to the discretion of the trial court. Wolf v. State, 793 N.E.2d 328, 330 (Ind. Ct. App. 2003). Bland presented his argument to the trial court for his desired alternative placement. However, the trial court had the discretion to accept or reject the request. Based on the number of Bland's drug related adjudications and convictions as well as the fact that Bland committed the current offense only a week after being put in a drug court program, the trial court rejected the suggested alternative placement. Therefore, the trial court did not abuse its discretion in imposing an executed sentence.

Affirmed.

VAIDIK, J., and BRADFORD, J., concur.

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[4] Our supreme court announced in Anglemyer v. State, the ways in which a trial court may abuse its discretion are by failing to enter a sentencing statement, making a sentencing statement that includes aggravators or mitigators that are not supported by the record, omitting reasons that are clearly supported by the record and advanced for consideration, or including reasons that are improper as a matter of law. Anglemyer v. State, 868 N.E.2d 482, 490-91 (Ind. 2007), clarified on reh'g, 875 N.E.2d 218 (Ind. 2007). Bland concedes that his sentence is within the statutory range and does not allege that the trial court's sentencing statement is in any way deficient.