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IN THE
COURT OF APPEALS OF INDIANA

PAGERICK MOODY,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 82A05-0902-CR-104
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE VANDERBURGH SUPERIOR COURT
The Honorable Mary Margaret Lloyd, Judge
Cause No. 82D02-0805-FD-427

September 24, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Pagerick Moody ("Moody") pleaded guilty in Vanderburgh Superior Court to Class A misdemeanor possession of marijuana. The trial court sentenced Moody to a term of twelve months executed. Moody appeals and argues that his sentence is inappropriate in light of the character of the offender and the nature of the offense.

We affirm.

Facts and Procedural History

On May 7, 2008, Moody was arrested following a traffic stop where marijuana was found in the car he was driving after he had left a house he knew to be a site of drug activity. On May 9, 2008, the State charged Moody with Class D felony maintaining a common nuisance and Class A misdemeanor possession of marijuana. On December 18, 2008, Moody pleaded guilty to Class A misdemeanor possession of marijuana with sentencing left open to the court. On January 22, 2009, the trial court sentenced Moody to twelve months executed with any sentence to be served consecutive to any parole revocation.[1] Moody appeals.

Discussion and Decision

Moody argues that his sentence is inappropriate. A defendant may challenge his sentence under Indiana Appellate Rule 7(B) which provides: "The Court may revise a sentence authorized by statute if, after due 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." The Anglemyer Court explained:

[1] At the time of the offense, Moody was on parole for Class B felony dealing in cocaine. He had been sentenced to eight years for that offense. This may explain why the issue of his sentence is not moot despite the distinct possibility that the twelve-month sentence has been served by the time of the issuance of this opinion.

> It is on this basis alone that a criminal defendant may now challenge his or her sentence where the trial court has entered a sentencing statement that includes a reasonably detailed recitation of its reasons for imposing a particular sentence that is supported by the record, and the reasons are not improper as a matter of law, but has imposed a sentence with which the defendant takes issue.

Anglemyer v. State, 868 N.E.2d 482, 494 (Ind. 2007). "[A] defendant must persuade the appellate court that his or her sentence has met the inappropriateness standard of review." Id.

While Moody's offense is not particularly egregious, his character fully supports the trial court's sentence. Beginning in 1996, Moody amassed an extensive criminal history. The trial court recited Moody's criminal history as follows:

> As a juvenile in cause number 82D01-9601-JD-444 was filed, he was placed on House Arrest in that case. In 82D01-9609-JD-862, Theft, a D Felony, he received a sentence eighteen months Probation. That was revoked, he was placed on House Arrest. 82D01-9711-JD-1086, on Possession of Stolen Property, a D Felony, he was made a Ward of the Indiana Department of Corrections and placed at Indiana Boys School. He was discharged in 2000. As an adult, cause number 82D02-0409-CM-6521, he has a conviction for check deception. I[n] 82D02-0501-FA-14, he was convicted of Dealing in Cocaine in 2005. He received an eight year sentence at the Department of Correction[] executed. A Petition to Modify was granted about six months after his sentence. And, the balance of his sentence was to be served on Work Release. He was placed in Vanderburgh County Corrections in February of 07, a Petition to Revoke was filed by April of 07. It was granted in May, had eight years executed. He was just released to Parole December 19, 2007, and less than six months later, he's arrested for Possession of Marijuana, which is the conviction to date.

Tr. pp. 67-68

While Moody argues for a sentence executed on house arrest or served in part on probation, Moody has repeatedly violated probation, house arrest, work release, and

parole. Moody has not shown that he can be trusted to abide by the requirements of community corrections or probation.

Under the facts and circumstances of this case, we cannot say that Moody's one-year executed sentence is inappropriate in light of the nature of the offense and the character of the offender.

Affirmed.

DARDEN, J., and ROBB, J., concur.