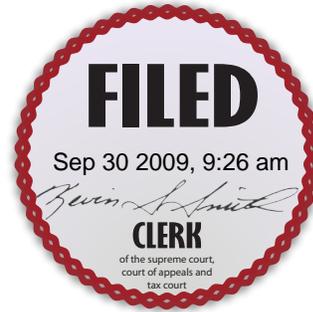


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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OLEKSANDER PUSHKAROVYCH, )

Appellant-Defendant, )

vs. )

STATE OF INDIANA, )

Appellee-Plaintiff. )

No. 45A03-0903-CR-126

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APPEAL FROM THE LAKE SUPERIOR COURT  
The Honorable Thomas P. Stefaniak, Jr., Judge  
Cause No. 45G04-0809-FA-35

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**September 30, 2009**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**MATHIAS, Judge**

Oleksander Pushkarovych (“Pushkarovych”) pleaded guilty in Lake Superior Court to Class A felony robbery and sentenced to a term of thirty years. Pushkarovych appeals and argues that the sentence is inappropriate in light of the nature of the offense and the character of the offender.

We affirm.

### **Facts and Procedural History**

On May 20, 2008, the victim was putting some belongings in the trunk of her car at the motel she was staying in and noticed Pushkarovych watching her. She walked back to her room and saw Pushkarovych following her. After entering her room, she contacted the front desk and asked if the man was still near her room. No employee came.

After waiting for a time, the victim felt it was safe to leave. After making sure that no one was outside, she left her room. As she left, Pushkarovych came around the corner and began to strike her with a metal pipe. Pushkarovych took her purse and threatened to kill her. He then left with her purse.

The victim sustained both physical and psychological injuries. In addition to seventeen staples in her head and six stitches in her left hand, her right hand was cut so badly that she couldn’t write for almost a month. Because of the attack, the victim became afraid to go outside and was afraid in her own home.

On September 8, 2008, the State charged Pushkarovych with Class A felony robbery, Class A felony burglary, Class B felony robbery, Class B felony confinement, and Class C felony intimidation. On January 20, 2008, Pushkarovych pleaded guilty to

Class A felony robbery. In exchange, the State dismissed the remaining charges and agreed to a sentence cap of thirty years. The trial court sentenced Pushkarovych to thirty years. Pushkarovych appeals.

### **Discussion and Decision**

Pushkarovych argues that his sentence is inappropriate 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.”

In Anglemyer v. State, our supreme court explained:

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.

The nature of the offense is egregious. Pushkarovych stalked the victim. He followed her to her room and waited for her to leave. Pushkarovych then savagely beat her with a metal pipe and threatened to kill her. Finally, Pushkarovych took her purse. As a result of the attack, the victim suffered both physical and psychological injuries.

Pushkarovych’s character also supports his thirty-year sentence. At the time of the offense, Pushkarovych was twenty years old and had already encountered the justice system several times. In 2005, at the age of seventeen, he had been found to have

committed an act that would have been battery if committed by an adult. In 2006, he pleaded guilty to Class C felony burglary and was sentenced to five and one-half years with four years served in community corrections. In 2008, he was discharged unsatisfactorily from probation. At the time of the pre-sentence investigation report, he had two active warrants and pending federal charges. He subsequently pleaded guilty to the federal charge of felon in possession of a firearm in the U.S. District Court for the Northern District of Indiana.

Pushkarovych's requests for more lenient treatment because of the guilty plea and his drug issues are merely a request to reweigh the mitigators and aggravators which we will not do. Id. at 491 ("Because the trial court no longer has any obligation to 'weigh' aggravating and mitigating factors against each other when imposing a sentence, unlike the pre-Blakely statutory regime, a trial court cannot now be said to have abused its discretion in failing to 'properly weigh' such factors.")

Under the facts and circumstances before us, we cannot say that Pushkarovych's thirty-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.