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FILED
Oct 23 2009, 10:07 am
CLERK
of the supreme court, court of appeals and tax court

# IN THE
# COURT OF APPEALS OF INDIANA

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| CARRIE C. STICHTER, | ) | |
| | ) | |
| Appellant-Defendant, | ) | |
| | ) | |
| vs. | ) | No. 28A05-0906-CR-358 |
| | ) | |
| STATE OF INDIANA, | ) | |
| | ) | |
| Appellee-Plaintiff. | ) | |

APPEAL FROM THE GREENE CIRCUIT COURT
The Honorable Erik C. Allen, Judge
Cause No. 28C01-0803-FD-41

**October 23, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**CRONE, Judge**

Carrie C. Stichter challenges her sentence for class D felony theft. The sole issue is whether the trial court's order that she serve her two-year sentence consecutively to her ten-year sentence in an unrelated case is inappropriate in light of the nature of the offense and her character. We affirm.

On March 7, 2008, Stichter visited the Greene County home of her friend Debbie Allor. While there, she stole a credit card belonging to Allor's husband. She left Allor's home and immediately used the credit card to purchase gasoline and food in another county.

On March 24, 2008, the State charged Stichter with class D felony theft. On April 20, 2009, Stichter entered a plea agreement, which called for a two-year sentence. The plea agreement left to the trial court's discretion the issue of whether her sentence would run consecutive to or concurrent with a ten-year sentence she was serving for unrelated Monroe County convictions.[1] On May 13, 2009, the trial court held a hearing, at which it accepted Stichter's plea, entered judgment of conviction, heard testimony pertaining to sentencing, and ordered that her two-year sentence run consecutive to the Monroe County sentence. This appeal ensued.

Stichter challenges the appropriateness of her consecutive sentence. On appeal, we "may revise a sentence authorized by statute if, after due consideration of the trial court's

[1] On December 15, 2008, Stichter pled guilty in Monroe County via plea agreement to class C felony forgery, class D felony theft, and a habitual offender enhancement. The trial court sentenced her to an aggregate term of ten years, with six executed and four suspended to probation.

decision, [this] 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). A defendant bears the burden of persuading the reviewing court that her sentence meets the inappropriateness standard. *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218; *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006).

Here, Stichter negotiated a plea agreement by which she consented both to a fixed two-year term and to leaving to the trial court's discretion the decision of whether to impose a sentence consecutive to the Monroe County sentence. Thus, her inappropriateness challenge is limited to the trial court's decision to impose consecutive rather than concurrent sentences. *See* Ind. Code § 35-50-1-2(c) (stating that, except when consecutive terms are mandatory, the court shall determine whether terms shall be served concurrently or consecutively, and consecutive terms may be imposed even when sentences are not imposed at the same time).

A single aggravating circumstance may justify the imposition of consecutive sentences. *Gilliam v. State*, 901 N.E.2d 72, 74 (Ind. Ct. App. 2009). The presence of multiple victims is one such aggravating circumstance. *Id*. "Consecutive sentences reflect the significance of multiple victims." *Pittman v. State*, 885 N.E.2d 1246, 1259 (Ind. 2008); *see also Frentz v. State*, 875 N.E.2d 453, 472 (Ind. Ct. App. 2007), *trans. denied* (2008) (stating that consecutive sentencing in cases involving individual offenses against multiple victims prevents a defendant from receiving a free pass as to one or more of those victims). Here, Stichter committed forgery and theft against her Monroe County victims. She also

committed the instant offense against the Allors. Thus, the imposition of consecutive sentences vindicates the separate harm done to the Allors.[2]

In conjunction with her Monroe County sentence, Stichter is participating in a nine-month rehabilitation program. She argues that her consecutive sentence will undermine the effectiveness of the program by forcing her to return to the general prison population upon its completion. However, due to the length of her Monroe County sentence, even a concurrent sentence here would result in her return to the general prison population for several years. Thus, her argument is unavailing.

In addressing the nature of her offense, Stichter cites the relatively small sum of fifty-five dollars that she charged to the Allors' credit card. However, the record indicates that she made unsuccessful attempts to use the card at other venues that day. Thus, the small sum actually charged against the credit card account was not for lack of effort on Stichter's part.

Finally, Stichter's lengthy criminal history is a reflection of her poor character. Her record spans nine years and six counties, and she has accumulated seven felony convictions and seven misdemeanor convictions. Many of her offenses are theft-related. Moreover, at the time of her sentencing, she had six felony theft charges pending in Vigo County. To the extent she argues that the trial court demonstrated an improper personal bias toward perpetrators of theft, we find it appropriate that the trial court would address the seriousness

[2] As support for her inappropriateness argument, Stichter points to the trial court's statement regarding concurrent versus consecutive sentencing, that there is "justification either way, either way we go here." Tr. at 36. However, "the question under Indiana Appellate Rule 7(B) is not whether another sentence is *more* appropriate; rather, the question is whether the sentence imposed is *inappropriate*." *King v. State*, 894 N.E.2d 265, 268 (Ind. Ct. App. 2008) (emphases added). Thus, the mere fact that a second option may also be appropriate does not render the decision inappropriate.

of theft, given her own demonstrated pattern of unwillingness to keep her hands off other people's property. In sum, Stichter has failed to carry her burden of establishing the inappropriateness of her consecutive sentence. Accordingly, we affirm.

Affirmed.

MAY, J., and BROWN, J., concur.