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# IN THE
# COURT OF APPEALS OF INDIANA

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|---|---|---|
| STEVEN D. HADLEY, | ) | |
| | ) | |
| Appellant- Defendant, | ) | |
| | ) | |
| vs. | ) | No. 55A05-1106-CR-299 |
| | ) | |
| STATE OF INDIANA, | ) | |
| | ) | |
| Appellee- Plaintiff, | ) | |

APPEAL FROM THE MORGAN CIRCUIT COURT
The Honorable Matthew Hanson, Judge
Cause No. 55C01-0911-FA-384

**November 2, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**ROBB, Chief Judge**

## Case Summary and Issue

After pleading guilty, Steven Hadley was sentenced to twenty years imprisonment for criminal confinement while armed with a deadly weapon, a Class B felony, and eight years imprisonment for criminal confinement, a Class B felony, to be served consecutively for a total of twenty-eight years imprisonment, ten of which were suspended. Steven was also sentenced to one year for domestic battery, to be served concurrently with his other two sentences. Steven raises one issue on appeal: whether his sentence is inappropriate in light of the nature of his offenses and character. Concluding his sentence is not inappropriate, we affirm.

## Facts and Procedural History

Steven and Betty Hadley were married, but in October 2009 Betty filed for divorce. Betty also obtained a protective order against Steven. On the evening of November 14, 2009, Steven walked into the home of Betty's son, James, where Betty and her eighteen-month-old grandson were staying. Steven pulled out a gun, cocked it, pointed it at Betty, and told her he was going to kill her. A struggle ensued for the gun as Betty tried to take it from Steven, and the gun fired into the floor. The gun eventually fell to the floor and under the couch. Steven threw Betty to the ground and sat on her, punching her in the head repeatedly. He grabbed her by the hair and pulled her into the kitchen, where he then picked her up and threw her across the room. Steven forced Betty outside to his truck, telling her he was going to tie her up and set her on fire. Instead, he retrieved a second gun from his vehicle. Betty then wrestled it away and threw it into the yard.

Steven pulled Betty back inside, where he retrieved the first gun from under the couch. He pointed it at her and told her to take her clothes off. Betty's daughter-in-law called and Betty was able to answer the phone and ask for help. Soon thereafter, the police arrived. Deputy Anderson entered the home, finding Betty wearing only a bra and panties. She had several bruises around her face and forehead, and her legs, arms, face, and back had abrasions. Medical treatment revealed Betty suffered a fractured spine in two places, a broken nose, and a torn meniscus in one knee. Both of her eyes were black, and she was diagnosed with post traumatic stress syndrome.

Steven was charged with eight offenses: attempted murder, a Class A felony; criminal confinement while armed with a deadly weapon, a Class B felony; criminal confinement, a Class B felony; intimidation, a Class C felony; intimidation, a Class D felony; criminal recklessness with a deadly weapon, a Class D felony; domestic battery, a Class D felony; and domestic battery, a Class A misdemeanor. Steven pleaded guilty but mentally ill to criminal confinement while armed with a deadly weapon, criminal confinement, and domestic battery. Prior to sentencing, Steven's mental faculties were assessed, and he was found to have early onset dementia, but was able to assist in his own defense. Pursuant to the plea agreement, the trial court was required to sentence Steven to eight years imprisonment with two years executed and six years of GPS-monitored probation for criminal confinement. The trial court sentenced Steven to twenty years with sixteen years executed and four years suspended for criminal confinement while armed with a deadly weapon, to be served consecutive to his sentence for criminal confinement. It sentenced him to one year for domestic battery, but ordered it served concurrently with the sentences for the other two convictions.

The trial court found as mitigating factors the facts that Steven had no prior criminal record, was over fifty years old, and suffered from a mental illness. As aggravating factors, the trial court found that the violent offense was against a family member, there was a child in the home during the incident, the incident lasted for an extended period, Steven used two weapons during the incident, and Steven violated a protective order. Steven now appeals his sentence.

Discussion and Decision

This court has authority to revise a sentence "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." Ind. Appellate Rule 7(B). In reviewing the appropriateness of a sentence, we assesses the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other facts that may arise in a given case. Cardwell v. State, 895 N.E.2d 1219, 1224 (Ind. 2008). Steven has the burden of persuading this court that his sentence meets the inappropriateness standard of review. Anglemyer v. State, 868 N.E.2d 482, 494 (Ind. 2007), clarified on reh'g, 875 N.E.2d 218 (Ind. 2007).

As to the nature of the offenses, Steven's actions strongly indicate his sentence is appropriate. Steven wreaked havoc on his wife, leaving her with multiple injuries and post traumatic stress disorder. He threatened to kill her by shooting her in the head and later by setting her on fire. He punched her several times, dragged her around by her hair, threw her across the kitchen, and pointed a gun at her more than once. He brought two guns to the incident, one of which went off during a struggle for its possession. All

of this occurred in the same home as a sleeping eighteen-month-old child, and in violation of a protective order against Steven.

Although Steven had no prior criminal record and was over the age of fifty, his character is not untainted. Betty obtained a protective order against Steven prior to this incident, and Steven clearly violated the protective order by the actions he took on that evening. This blatant disregard for the rule of law supports his sentence. As to Steven's mental illness, the trial court did recognize this as a mitigating factor, but found that it was outweighed by the nature of his offenses and his violation of a protective order. We agree. Although troubled with dementia, Steven has not sufficiently shown that his acts lacked culpability. In fact, his actions appear quite deliberate, as he went out of his way to go to where Betty was staying, brought two guns and gasoline with a rope to ignite it, and continued the event for an extended period. The severity of his crimes and the damage done to Betty are obvious when examining the list of injuries she sustained from the events of the evening. Therefore, in light of the nature of his offenses and his character, we conclude that Steven's sentence is not inappropriate.

## Conclusion

Despite his lack of criminal record and dementia, the offenses were severe and left Betty with serious injuries. The incident occurred in violation of a protective order and in the presence of an eighteen-month-old child. We conclude Steven's sentence was not inappropriate in light of the nature of his offenses and character and affirm the trial court's sentence.

Affirmed.

BARNES, J., and BRADFORD, J., concur.