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IN THE
COURT OF APPEALS OF INDIANA

VERA D. ALSADI,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 34A02-1004-CR-561
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE HOWARD SUPERIOR COURT
The Honorable Stephen M. Jessup, Judge
Cause No. 34D02-0810-FC-00222

November 30, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Vera D. Alsadi ("Alsadi") appeals her three-year sentence for Theft, as a Class D felony,[1] presenting the sole issue of whether the sentence is inappropriate. We revise the sentence to two years and remand.

Facts and Procedural History

Alsadi possessed personal checks belonging to two other individuals, which she used to purchase pizza and other food items worth approximately $180.00. Alsadi was charged with four counts of Forgery and one count of Theft. Ultimately, she pled guilty to one count of Theft, the four counts of Forgery were dismissed, and she was sentenced to three years imprisonment. This appeal ensued.

Discussion and Decision

Under Indiana Appellate Rule 7(B), this "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." Ind. Appellate Rule 7(B). In performing our review, we assess "the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case." Cardwell v. State, 895 N.E.2d 1219, 1224 (Ind. 2008). A defendant "'must persuade the appellate court that his or her sentence has met th[e] inappropriateness standard of review.'" Anglemyer v. State, 868 N.E.2d 482, 494 (Ind. 2007) (quoting Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006)).

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[1] Ind. Code § 35-43-4-2(a).

As to the nature of the offense, the advisory sentence "is the starting point the Legislature has selected as an appropriate sentence for the crime committed." Childress, 848 N.E.2d at 1081. Here, the record discloses that Alsadi's offense of Theft involved a relatively small pecuniary loss. However, there were multiple victims.

As to the character of the offender, Alsadi's decision to plead guilty has some impact upon our analysis. A decision to plead guilty has relatively minimal impact where the defendant has "received a significant benefit from the plea, and therefore it does not reflect as favorably upon [her] character as it might otherwise." Fields v. State, 852 N.E.2d 1030, 1034 (Ind. Ct. App. 2006), trans. denied. Here, however, the dismissed counts involved the same transactions as Count V, to which Alsadi pled guilty, and thus she did not receive a significant benefit from the dismissal. Her decision to plead guilty in an open plea reflects favorably upon her character.

However, we also observe that Alsadi has failed to benefit from prior rehabilitative efforts. She was convicted of Possession of Cocaine, as a Class B felony, in 1999 and was convicted of Maintaining a Common Nuisance, as a Class D felony, in 2007. She had smoked marijuana as recently as one week before the presentence investigation report was compiled.

In sum, this is Alsadi's third felony conviction, although the first of the convictions is relatively remote. The instant offense involved multiple victims. However, Alsadi pled guilty in an open plea and the amount of pecuniary loss was small. In light of Alsadi's

character and the nature of her offense, we revise Alsadi's sentence to two years. We remand to the trial court for issuance of a revised sentencing order consistent with this opinion.

Revised and remanded.

RILEY, J., concurs.

KIRSCH, J., dissents without opinion.