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IN THE
COURT OF APPEALS OF INDIANA

JASON ROAR,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0906-CR-514
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Sheila Carlisle, Judge
The Honorable Stanley Kroh, Commissioner
Cause No. 49G03-0808-FC-0186640

December 28, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Jason Roar appeals his sentence for two counts of forgery as Class C felonies. We affirm.

Issue

Roar raises one issue, which we restate as whether his six-year sentence is inappropriate in light of the nature of the offense and the character of the offender.

Facts

On June 27, 2008, Roar went to the Post Pub in Indianapolis, where he cashed an IPALCO payroll check made out to him in the amount of $1,145.92. Roar showed his Indiana identification card to Mandi Henson, an employee at the Post Pub. A week later, Henson learned that the check had been returned by the bank. On July 5, 2008, Roar returned to the Post Pub and asked Henson to cash a Fed Ex payroll check made out to him in the amount of $1,359.23. Henson again asked for his identification and went to the back of Post Pub, where she called the police. When she returned to the front, Roar was gone. Both payroll checks were forgeries.

The State charged Roar with two counts of forgery as Class C felonies, theft as a Class D felony, and attempted theft as a Class D felony. After a bench trial, Roar was found guilty as charged. Due to double jeopardy concerns, the trial court entered judgment only on the two counts of forgery as Class C felonies. The trial court found Roar's remorse and hardship to his dependents as mitigating factors. The trial court found Roar's criminal history as an aggravating factor. The trial court sentenced Roar to

concurrent sentences of six years with four years in the Department of Correction and two years in work release.

Analysis

The issue is whether Roar's six-year sentence is inappropriate in light of the nature of the offense and the character of the offender. According to Roar, we should reduce his sentence because the offense did not involve violence, he does not have a history of violence, he was remorseful, and he has employment available.

Indiana Appellate Rule 7(B) provides that we "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender." When considering whether a sentence is inappropriate, we need not be "extremely" deferential to a trial court's sentencing decision. Rutherford v. State, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). Still, we must give due consideration to that decision. Id. We also understand and recognize the unique perspective a trial court brings to its sentencing decisions. Id. "Additionally, a defendant bears the burden of persuading the appellate court that his or her sentence is inappropriate." Id.

Our review of the nature of the offense reveals that Roar went to the Post Pub to cash a forged payroll check for a significant amount of money. Roar then returned to the Post Pub a week later with another forged payroll check and attempted to cash it.

Our review of the character of the offender reveals that thirty-year-old Roar has a significant criminal history. As a juvenile, Roar had true findings for theft and operating a vehicle never having received a license and five true findings for attempted conversion

as Class A misdemeanors. He spent time at the Villages, Gibault School for Boys, and the Indiana Boys School. As an adult, Roar has been convicted of dealing in a substance represented to be a controlled substance as a Class A misdemeanor, criminal trespass as a Class A misdemeanor, robbery as a Class B felony, resisting law enforcement as a Class A misdemeanor, possession of cocaine as a Class C felony, theft as a Class D felony, possession of cocaine as a Class C felony, and driving while suspended as a class A misdemeanor. Roar has been placed on probation on four occasions, and his probation has been revoked on each occasion.

Given Roar's significant criminal history and the ineffectiveness of prior lenient treatment, we conclude that the trial court's six-year sentence is not inappropriate in light of the nature of the offense and the character of the offender.

Conclusion

Roar's six-year sentence is not inappropriate in light of the nature of the offense and the character of the offender. We affirm.

Affirmed.

MATHIAS, J., and BROWN, J., concur.