



Appellant-defendant Michael P. Wright appeals the three-year sentence imposed by the trial court after Wright pleaded guilty to Resisting Law Enforcement,<sup>1</sup> a class D felony. Wright contends that the sentence is inappropriate in light of the nature of the offense and his character. Finding that the sentence is not inappropriate, we affirm.

### FACTS

On June 7, 2010, police officers responded to a call referencing domestic battery. Upon arriving at the scene and attempting to arrest Wright and place him in handcuffs, Wright immediately began to twist and pull, attempting to escape. The officer successfully placed handcuffs on Wright, but then Wright began kicking his legs and feet, so the officer grabbed Wright by his head and took him to the ground, where Wright continued to fight with all his strength. The officer attempted to subdue Wright by administering several strikes to the head and administering a chemical agent to Wright's eyes. When the officers finally pulled Wright to his feet and began escorting him to the police vehicle, Wright again began flailing around and kicking. Eventually, the officers secured Wright and placed him into the vehicle. Two officers were injured as a result of Wright's actions.

On June 9, 2009, the State charged Wright with class C felony criminal confinement, class A misdemeanor battery, class D felony battery, and class D felony resisting law enforcement. On March 17, 2010, Wright pleaded guilty to class D felony

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<sup>1</sup> Ind. Code § 35-44-3-3.

resisting law enforcement, and the State dismissed the remaining charges. On May 19, 2010, the trial court sentenced Wright to three years imprisonment. Wright now appeals.

### DISCUSSION AND DECISION

Wright's sole argument on appeal is that the sentence imposed by the trial court is inappropriate in light of the nature of the offense and his character.<sup>2</sup> In reviewing a Rule 7(B) appropriateness challenge, we defer to the trial court. Stewart v. State, 866 N.E.2d 858, 866 (Ind. Ct. App. 2007). The burden is on the defendant to persuade us that his sentence is inappropriate. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

Wright pleaded guilty to resisting law enforcement as a class D felony, meaning that he faced a sentence of six months to three years, with an advisory term of eighteen months. Ind. Code § 35-50-2-7. The trial court elected to impose a maximum three-year term.

As for the nature of Wright's offense, he vigorously fought with police officers who were attempting to arrest him. The altercation continued at length, the officers had to employ multiple methods of restraint, and the officers were injured as a result of the incident.

As for Wright's character, we note that he has had significant contacts with the criminal justice system for someone who is only twenty-four years old. Specifically, he

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<sup>2</sup> Wright seems to imply at certain points in his brief that he is also arguing that the trial court abused its discretion in sentencing him. He has waived this issue for failure to make a cogent argument or cite to any authorities. We note, however, that we have woven the issues he may have intended to raise in this manner—mental illness, guilty plea, and criminal history—into our Rule 7(B) analysis.

has amassed convictions for illegal consumption of alcohol, battery, false informing, and two counts of disorderly conduct. He has also been arrested for disorderly conduct, resisting law enforcement, and possession of paraphernalia. Wright was arrested twice while the instant action was pending, and was on probation at the time he was arrested herein.

Although Wright pleaded guilty, he waited for months to do so and received the State's agreement to dismiss three other charges in exchange for his plea. Under these circumstances, the guilty plea does not reflect so positively on his character that we find the sentence inappropriate.

Wright also argues that he has been diagnosed with bipolar disorder, which should have been taken into consideration in sentencing him. While the trial court acknowledged the state of Wright's mental health, it ultimately determined that no mitigating weight should be afforded on this basis. There are multiple factors to be weighed when considering a defendant's mental illness in sentencing. Among these factors is the extent of any nexus between the disorder and the commission of the crime. Weeks v. State, 697 N.E.2d 28, 31 (Ind. 1998). Here, Wright failed to establish such a nexus. In fact, there was no evidence offered at sentencing that Wright's bipolar disorder impaired his ability to control or appreciate the wrongfulness of his conduct. Consequently, we do not find that Wright's mental health necessitates a lesser sentence than that imposed by the trial court.

Wright's relatively short life as an adult has been replete with convictions and arrests. The trial court astutely observed that Wright's criminal activity is "just constant . . . you need to pay the piper this time." Tr. p. 16. Under these circumstances, we do not find the three-year sentence imposed by the trial court to be inappropriate in light of the nature of the offense and Wright's character.

The judgment of the trial court is affirmed.

VAIDIK, J., and BARNES, J., concur.