

Jon D. Holman appeals from the trial court's sentencing order after Holman pleaded guilty to one count of Arson¹ as a class B felony, two counts of Burglary² as a class C felony, one count of Unlawful Possession of a Syringe³ as a class D felony, Possession of Paraphernalia⁴ as a class A infraction, and one count of Theft⁵ as a class D felony. Holman presents the following issue for our review: Is Holman's aggregate twenty-year sentence inappropriate in light of the nature of the offenses and the character of the offender?

We affirm.

On October 2, 2008, Holman broke into Hoppes Refrigeration business in Anderson, Indiana. Holman and Tom Bell removed a safe containing \$1100 from the business. On December 14, 2008, Holman and Anthony Keppler broke into Hoppes Refrigeration business and used a blow torch to try to open a safe. While using the blow torch, they started a fire, which burned the building to the ground. Police officers searched Holman's house and found a crack pipe and a syringe, which Holman indicated was for injecting morphine. The officers also discovered clothing that had a strong odor of smoke. A dog trained and used in arson investigations alerted to the presence of an accelerant on Holman's clothing.

The State charged Holman with the foregoing offenses under two separate cause numbers. On November 23, 2009, Holman pleaded guilty as charged under both cause

¹ Ind. Code Ann. § 35-43-1-1 (West, Westlaw current through 2011 Pub. Laws & effective through 2/24/2011).

² I.C. § 35-43-2-1 (West, Westlaw current through 2011 Pub. Laws & effective through 2/24/2011).

³ Ind. Code Ann. § 16-42-19-18 & 27 (West, Westlaw current through 2011 Pub. Laws & effective through 2/24/2011).

⁴ Ind. Code Ann. § 35-48-4-8.3(a)(1) (West, Westlaw current through 2011 Pub. Laws & effective through 2/24/2011).

numbers pursuant to a plea agreement that included a provision that the sentences for all counts would be served concurrently. On December 14, 2009, the trial court sentenced Holman to a term of twenty years for the class B felony arson conviction with the sentences for the remaining counts to be served concurrently with the twenty-year sentence. Holman now appeals, claiming that his sentence is inappropriate in light of the nature of the offenses and the character of the offender.

We have the constitutional authority to revise a sentence if, after careful consideration of the trial court's decision, we conclude the sentence is inappropriate in light of the nature of the offense and character of the offender. *See* Ind. Appellate Rule 7(B); *Anglemyer v. State*, 868 N.E.2d 482 (Ind. 2007) *clarified on reh'g*, 875 N.E.2d 218. Even if a trial court follows the appropriate procedure in arriving at its sentence, we maintain the constitutional power to revise a sentence we find inappropriate. *Hope v. State*, 834 N.E.2d 713 (Ind. Ct. App. 2005). Although we are not required under App. R. 7(B) to be "extremely" deferential to a trial court's sentencing decision, we recognize the unique perspective a trial court brings to such determinations. *Rutherford v. State*, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). On appeal, the appellant bears the burden of persuading us that his sentence is inappropriate. *Rutherford v. State*, 866 N.E.2d 867. A sentence revision under Ind. Appellate R. 7(B) requires the appellant to demonstrate that his sentence is inappropriate in light of both the nature of his offenses and his character. *Williams v. State*, 891 N.E.2d 621 (Ind. Ct. App. 2008).

Our review under App. R. 7(B) focuses on the aggregate sentence rather than the length of the sentence on any particular count. *Cardwell v. State*, 895 N.E.2d 1219 (Ind.

⁵ I.C. § 35-43-4-2 (West, Westlaw current through 2011 Pub. Laws & effective through 2/2/4/2011).

2008). Whether a sentence is inappropriate turns on the culpability of the defendant, the severity of the crime, the damage done to others, and countless other factors unique to each case. *Id.*

Holman's offenses include five felonies, the most serious of which is class B felony arson. Holman committed the arson on a building that housed the business where he was employed. That business was financially crippled by the arson. Further, there were five apartments in that building, which were all leased. The tenants, who were not in the building at the time of the fire, were all displaced by the fire. There was a substantial likelihood injuries could have resulted from Holman's actions.

As for Holman's character, the felonies to which he pleaded guilty are not Holman's first contacts with the criminal justice system. Holman has convictions for check deception, operating a motor vehicle while intoxicated, failure to stop after an accident, public intoxication, and driving while suspended, among others. Holman's crimes were committed against his employers who previously had given him food and clothing, and had bailed him out of jail. After the arson, instead of admitting responsibility for the fire, Holman stood with his employers near the burned building and promised to help them rebuild the business.

In sum, Holman has failed to establish that his aggregate sentence is inappropriate in light of his character and the nature of the offenses.

Judgment affirmed.

BAILEY, J., and BROWN, J., concur.