

Joseph Roach appeals his sixty-five year sentence for murder¹ and claims his sentence is inappropriate in light of his mental illness.

We affirm.

FACTS AND PROCEDURAL HISTORY

Roach was convicted of murder. During the sentencing hearing and in its abstract of judgment, the trial court found Roach's criminal history and the nature of the offense as aggravating factors and his mental health as a mitigating factor. The trial court found the aggravators outweighed the mitigator and gave Roach the maximum sixty-five year sentence for murder.

DISCUSSION AND DECISION

A sentencing decision is within the sound discretion of the trial court. *Edwards v. State*, 842 N.E.2d 849, 854 (Ind. Ct. App. 2006), *trans. denied* (citing *Jones v. State*, 790 N.E.2d 536, 539 (Ind. Ct. App. 2003)). If the sentence imposed is lawful, this court will not reverse unless the sentence is inappropriate based on the character of the offender and the nature of the offense. *Boner v. State*, 796 N.E.2d 1249, 1254 (Ind. Ct. App. 2003); Ind. Appellate Rule 7(B).

Recently, our Supreme Court detailed how appellate courts should review sentencing:

1. The trial court must enter a statement including reasonably detailed reasons or circumstances for imposing a particular sentence.
2. The reasons given, and the omission of reasons arguably supported by the record, are reviewable on appeal for abuse of discretion.

¹ See IC 35-50-2-3.

3. The relative weight or value assignable to reasons properly found or those which should have been found is not subject to review for abuse.
4. Appellate review of the merits of a sentence may be sought on the grounds outlined in Appellate Rule 7(B).

Anglemyer v. State, 868 N.E.2d 482 (Ind. 2007). We, thus, review accordingly.

Roach contends that the trial court failed to give appropriate weight to his mental illness. As set out by our Supreme Court in *Anglemyer*, the relative weight assigned by the trial court is not subject to appellate review. We note that the trial court acknowledged Roach's mental health, but found it to be of minimal weight and outweighed by his criminal history and the nature of the offense. The trial court was not required to apply as much mitigating weight as Roach desired. *See Ousley v. State*, 807 N.E.2d 758, 761 (Ind. Ct. App. 2004) (mental illness is mitigating factor to be used in certain circumstances like a pervasive showing of mental illness throughout trial or when jury finds defendant to be mentally ill).

Roach's criminal history included convictions in Indiana and Arizona for operating a vehicle while intoxicated, battery, criminal trespass, failure to comply with a court order, disorderly conduct (two times), possession of marijuana (three times), dangerous drug possession, aggravated driving under the influence, dangerous drug violation, possession of methamphetamine, battery against a household member, and possession of cocaine (two times). The trial court also considered the nature of the offense: Roach savagely and brutally beat the victim with a metal handrail, left him for dead so Roach and his girlfriend could use the victim's money to buy and smoke crack

cocaine, returned to the victim, found him still breathing, took a hammer to pummel the victim's head and crush his skull, put his body in a cabinet, and three days later put the body in a trash can. *See Anglemeyer*, 868 NE.2d 482 (“Concerning the seriousness of the offense, this aggravator, which implicitly includes the nature and circumstances of the crime as well as the manner in which the crime is committed, has long been held a valid aggravating factor.”). Accordingly, Roach’s sixty-five-year sentence for murder is not inappropriate.

Affirmed.

DARDEN, J., and MATHIAS, J., concur.