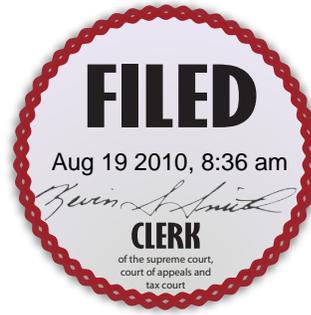


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

TARON RAPHAEL MOMON,)

Appellant-Defendant,)

vs.)

STATE OF INDIANA,)

Appellee-Plaintiff.)

No. 82A01-0912-CR-598

APPEAL FROM THE VANDERBURGH CIRCUIT COURT
The Honorable Carl A. Heldt, Judge
The Honorable Kelli E. Fink, Magistrate
Cause No. 82C01-0904-FB-409

August 19, 2010

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Taron Raphael Momon (“Momon”) pleaded guilty to Class B felony burglary and Class D felony theft. The trial court sentenced Momon to an aggregate term of ten years with two years suspended to probation. Momon appeals and argues that his ten-year sentence is inappropriate in light of the nature of the offense and the character of the offender.

We affirm.

Facts and Procedural History

On May 11, 2007, Momon broke and entered the dwelling of Amanda Longway with the intent to commit theft therein by reaching through an open window. Momon then knowingly exerted unauthorized control over the victim’s Xbox 360 game system with the intent to deprive her of it.

On February 18, 2009, the State alleged that Momon, at the age of sixteen, had committed acts that would be crimes if committed by an adult. On April 17, 2009, Momon was waived to adult court. On April 21, 2009, the State charged Momon with Class B felony burglary and Class D felony theft. On October 19, 2009, the day of his jury trial, Momon agreed to plead guilty as charged without a sentence recommendation but with the State’s agreement that any sentence Momon received in a separate robbery case would run concurrently to the sentence given in the instant case. The trial court accepted the guilty plea and dismissed the jury panel.

On November 12, 2009, the trial court held a sentencing hearing at which Momon sought to withdraw his guilty plea. The trial court rejected this request and proceeded with sentencing. After determining that the aggravators and mitigators balanced, the trial

court sentenced Momon to ten years with two years suspended to probation on the Class B felony burglary conviction and eighteen months for the Class D felony theft conviction, to be served concurrently. Momon now appeals.

Discussion and Decision

Momon argues that his ten-year aggregate sentence is inappropriate under Indiana Appellate Rule 7(B), which provides: “The 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.” In Anglemyer v. State, 868 N.E.2d 482, 494 (Ind. 2007), our supreme court explained:

It is on this basis alone that a criminal defendant may now challenge his or her sentence where the trial court has entered a sentencing statement that includes a reasonably detailed recitation of its reasons for imposing a particular sentence that is supported by the record, and the reasons are not improper as a matter of law, but has imposed a sentence with which the defendant takes issue.

“[A] defendant must persuade the appellate court that his or her sentence has met the inappropriateness standard of review.” Id.

Initially, we note that Momon has waived his right to appellate review of the appropriateness of sentencing. Although a pre-sentence investigation report is ordered to be prepared and the report was actually prepared and used by the trial court in making its sentencing determination, Momon did not include a copy of the report in the record he transmitted for appeal. Tr. p. 21, Sentencing Tr. p. 21. Momon has the responsibility to present a sufficient record that supports his claim so that we may conduct an intelligent review of the issues. Titone v. State, 882 N.E.2d 219, 221 (Ind. Ct. App. 2008). The pre-

sentence investigation report in an appeal in which he alleges that his sentence is inappropriate is certainly an invaluable part of the record for the review of the nature of the offenses committed and the character of the offender. Because Momon has failed to provide the pertinent portions of the record for review of this issue, he has waived this claim on appeal. Id.

Waiver notwithstanding, Momon's ten-year sentence is appropriate in light of the nature of the offenses and the character of the offender. As to the nature of the offense, Momon would have us minimize the facts surrounding crimes by characterizing them as a grabbing, almost a casual borrowing, of an expensive gaming system through a window the victim should not have left open and unattended. While we find it difficult to review the nature of the offenses because the specific facts of the case are not related during any of the hearings, we note Momon's admissions to the elements of the crimes on the record and his trial counsel's statements during sentencing. Sentencing Tr. p. 22. We are also unimpressed by Momon's attempt to minimize the nature of his conduct and his inferential attempt to shift blame to the victim.

Momon's character also supports his ten-year sentence. Although we do not have the pre-sentence investigation report, the State reviewed Momon's criminal history during the sentencing hearing. Momon has an extensive criminal history despite his young age. Momon committed the instant offenses in 2007 at the age of sixteen and had not yet turned nineteen at the time of sentencing. He has amassed a number of charges for actions that would have been crimes if committed by an adult, including theft, residential entry, escape, receiving stolen property, and criminal mischief. Apparently some of these

charges did not end in an adjudication as a delinquent but that is unclear from the record. However, in a 2008 case, Momon was charged with armed robbery and assisting a criminal and pleaded guilty to the charge of assisting a criminal. Also in 2008, Momon was convicted as an adult of Class D felony criminal recklessness. Momon's character clearly supports the ten-year sentence.

The nature of the offense and the character of the offender support Momon's ten-year sentence.

Affirmed.

RILEY, J., and BRADFORD, J., concur.