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IN THE
COURT OF APPEALS OF INDIANA

TONI R. BLEDSOE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 20A04-0703-CR-191
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable George Biddlecome, Judge
Cause No. 20D03-0403-FC-70

September 5, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Toni R. Bledsoe appeals the eight-year sentence imposed by the trial court following her convictions for Possession of Cocaine,[1] a class C felony, and Possession of Paraphernalia,[2] a class B misdemeanor. In particular, Bledsoe argues that the sentence is inappropriate in light of the nature of the offenses and her character. Finding no error, we affirm the judgment of the trial court.

FACTS

On March 23, 2004, Bledsoe and Katherine Davis had been staying in a hotel room in Elkhart for three days. They had spent their time, among other things, getting high on cocaine and dividing the cocaine into bags. Shortly after 10:00 p.m., a police officer knocked on the door of the hotel room and, when Davis answered the door, the officer observed drug paraphernalia including lighters, pipes, a spoon, a modified crack pipe, and bags containing what appeared to be cocaine. After Davis gave the officer permission to search the room, the police discovered 2.7 grams of cocaine in the top dresser drawer and a crack cocaine rock on the bed. Laboratory testing later revealed the total weight of the cocaine found in the room to be 3.198 grams.

On March 26, 2004, the State charged Bledsoe with class C felony possession of cocaine and class B misdemeanor possession of paraphernalia.[3] Bledsoe's jury trial commenced on January 10, 2005, and on that day, she appeared at trial. Beginning on January 11, however, Bledsoe failed to appear and failed to notify the trial court of her

[1] Ind. Code § 35-48-4-6.

[2] I.C. § 35-48-4-8.3(c).

whereabouts. The judge issued a warrant for her arrest and proceeded with the trial in her absence. At the conclusion of the trial on January 12, 2005, the jury found her guilty as charged.

Bledsoe was finally apprehended in Michigan in August 2006, nineteen months after the trial judge issued the warrant for her arrest. On December 7, 2006, the trial court conducted a sentencing hearing at which Bledsoe acknowledged that she "could have been here" for her trial. Sent. Tr. p. 51. She also acknowledged that for nineteen months, she had made no effort to contact her attorney or the trial court and testified that she would not have returned to Indiana if she had not been arrested. Id. at 43, 51-52. The trial court sentenced Bledsoe to eight years imprisonment for possession of cocaine and to sixty days imprisonment for possession of paraphernalia, to be served concurrently. Bledsoe now appeals.

DISCUSSION AND DECISION

Bledsoe argues that the sentence imposed by the trial court is inappropriate in light of the nature of the offenses and her character. Ind. Appellate Rule 7(B). 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).

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[3] On June 18, 2004, the State added a count alleging that Bledsoe was a habitual offender. It dismissed this count on January 12, 2005.

Turning first to the nature of Bledsoe's offenses, we observe that Bledsoe stayed in a hotel room littered with cocaine paraphernalia and smoked crack cocaine for nearly three days. The nature of these offenses does not lead us to conclude that the sentence is inappropriate.

As to Bledsoe's character, the trial court found as an aggravator that she failed to attend her trial. Our Supreme Court has held that failing to appear at trial is a valid aggravating factor. Thorpe v. State, 524 N.E.2d 795, 795 (Ind. 1988). Moreover, Bledsoe did not merely fail to attend her trial—she fled the jurisdiction and evaded law enforcement for nineteen months. See Murphy v. State, 555 N.E.2d 127, 132 (Ind. 1990) (holding that there is a difference between waiving one's right to be present at trial and "actually hiding and refusing to submit to the jurisdiction of the court"). Additionally, Bledsoe has acknowledged that she is a "moderate to heavy" user of cocaine and that the only time she had not used cocaine in the past thirteen years was when she was incarcerated. Green App. p. 40. At the time of sentencing herein, Bledsoe had amassed three felony convictions—obtaining a legend drug by subterfuge, receiving stolen property, and escape—and four misdemeanor convictions—prostitution, check deception, and two for criminal conversion. She has violated probation at least three times. Given the nature of the offenses and Bledsoe's character, we find that the sentence imposed by the trial court was not inappropriate.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.