

## MEMORANDUM DECISION

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.



---

### ATTORNEY FOR APPELLANT

Stacy R. Uliana  
Bargersville, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General of Indiana  
  
Sierra A. Murray  
Deputy Attorney General  
Indianapolis, Indiana

---

## IN THE COURT OF APPEALS OF INDIANA

---

Crystal R. McClintic,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

September 27, 2022

Court of Appeals Case No.  
22A-CR-776

Appeal from the Johnson Superior  
Court

The Honorable Peter D. Nugent,  
Judge

Trial Court Cause No.  
41D02-1810-F2-10

**Bradford, Chief Judge.**

## Case Summary

- [1] After pleading guilty to one count of Level 2 felony dealing in methamphetamine and one count of Level 3 felony dealing in methamphetamine, Crystal McClintic was sentenced to an aggregate twenty-five-year sentence, with eighteen years executed in the Department of Correction (“DOC”) and seven years suspended, two of those years to be served on probation. On appeal, McClintic contends that her sentence is inappropriate in light of the nature of her offense and her character. We affirm.

## Facts and Procedural History

- [2] In 2006, McClintic was convicted of Class B felony dealing in cocaine. On February 27, 2018, McClintic “knowingly or intentionally deliver[ed] methamphetamine, pure or adulterated, having a weight of at least one gram but less than five grams” to a confidential informant (“CI”). Tr. Vol. II p. 10. Likewise, on March 6, 2018, McClintic “knowingly or intentionally deliver[ed] methamphetamine, pure or adulterated, and that methamphetamine had a weight of at least five grams but less than ten grams” to the CI. Tr. Vol. II p. 10.
- [3] On October 25, 2018, the State charged McClintic with Level 2 felony dealing in methamphetamine and Level 3 felony dealing in methamphetamine. McClintic pled guilty as charged pursuant to a plea agreement on December 1, 2021, and the trial court accepted her guilty plea. On March 16, 2022, the trial

court sentenced McClintic to twenty-five years, with eighteen years executed in the DOC and seven years suspended, two of those years to be served on probation. The trial court recommended McClintic for the Recovery While Incarcerated program and indicated that upon McClintic's successful completion of the program, the court would consider modifying McClintic's sentence.

## Discussion and Decision

[4] McClintic contends that her twenty-five-year sentence is inappropriate. Indiana Appellate Rule 7(B) provides that “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 analyzing such claims, we “concentrate less on comparing the facts of [the case at issue] to others, whether real or hypothetical, and more on focusing on the nature, extent, and depravity of the offense for which the defendant is being sentenced, and what it reveals about the defendant’s character.” *Paul v. State*, 888 N.E.2d 818, 825 (Ind. Ct. App. 2008) (internal quotation omitted). The defendant bears the burden of persuading us that her sentence is inappropriate. *Sanchez v. State*, 891 N.E.2d 174, 176 (Ind. Ct. App. 2008).

[5] “A person who: (1) knowingly or intentionally: (A) delivers ... methamphetamine, pure or adulterated ... commits dealing in methamphetamine.” Ind. Code § 35-48-4-1.1(a). “The offense is a Level 3

felony if: ... (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.” Ind. Code § 35-48-4-1.1(d). “The offense is a Level 2 felony if: ... (2) the amount of the drug involved is at least five (5) grams but less than ten (10) grams and an enhancing circumstance applies.” Ind. Code § 35-48-4-1.1(e). A prior conviction for “dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum” is a qualifying enhancing circumstance. Ind. Code § 35-48-1-16.5(1).

[6] McClintic pled guilty to one count of Level 2 felony dealing in methamphetamine and one count of Level 3 felony dealing in methamphetamine, admitting that for each she delivered the requisite amount of methamphetamine and that she had a prior conviction for dealing in cocaine. Indiana Code section 35-50-2-4.5 provides that “[a] person who commits a Level 2 felony shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen and one-half (17½) years.” Indiana Code section 35-50-2-5(b) provides that “[a] person who commits a Level 3 felony ... shall be imprisoned for a fixed term of between three (3) and sixteen (16) years, with the advisory sentence being nine (9) years.”

[7] McClintic argues that her twenty-five-year sentence is inappropriate in light of the nature of her offenses and her character. We disagree. The record reveals that McClintic delivered methamphetamine to a CI on two different occasions. On the first occasion, the weight of the drug was between one and five grams.

On the second, the weight of the drug was between five and ten grams.

McClintic admitted that she dealt the methamphetamine in order to support her long-standing drug habit.

[8] McClintic’s extensive criminal history, which includes seven prior felony and four prior misdemeanor convictions, reflects poorly on her character. The most serious of these prior convictions is a conviction for Class A felony dealing in cocaine. Four of McClintic’s other prior felony convictions are for possession of narcotics or methamphetamine and two are for theft. McClintic’s misdemeanor convictions include two convictions for Class A misdemeanor battery resulting in bodily injury, and one conviction each for Class A misdemeanor operating while intoxicated and Class A misdemeanor conversion. McClintic’s criminal history also includes a prior probation revocation and violations of community supervision, and the presentence investigation report lists her as a “high” risk to reoffend. Appellant’s App. Vol. II p. 88.

[9] While McClintic expressed remorse and a desire to maintain sobriety, she admitted that her drug habit is long-standing and that her criminal behavior “skyrocketed” as her drug habit intensified. Appellant’s Br. p. 11. The record reveals that the trial court considered McClintic’s desire to obtain sobriety, recommending her for the Recovery While Intoxicated program and indicating that it will consider a sentence modification if McClintic successfully completes the program. In light of the nature of her offenses and her character, McClintic has failed to establish that her twenty-five-year sentence is inappropriate.

[10] The judgment of the trial court is affirmed.

Crone, J., and Pyle, J., concur.