

## 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.



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## IN THE COURT OF APPEALS OF INDIANA

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Cameron A. Causey,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

August 17, 2022

Court of Appeals Case No.  
22A-CR-449

Appeal from the Allen Superior  
Court

The Honorable Frances C. Gull,  
Judge

Trial Court Cause No.  
02D05-2109-F6-1196

**May, Judge.**

[1] Cameron A. Causey appeals the one-and-one-half-year sentence he received for his conviction of Level 6 felony possession of methamphetamine.<sup>1</sup> Causey argues his sentence is inappropriate given the nature of his offense and his character. We affirm.

## Facts and Procedural History

[2] On September 7, 2021, Causey was on probation under a separate cause number for a prior conviction of possession of methamphetamine. Police had a warrant to arrest Causey for a probation violation and found Causey at home. When officers placed Causey under arrest, they found a plastic bag of methamphetamine in the left breast pocket of Causey's t-shirt. For the methamphetamine in his shirt pocket, the State charged Causey with Level 6 felony possession of methamphetamine on September 10, 2021.

[3] On November 1, 2021, Causey pled guilty and agreed to enter the Allen County Drug Court Program. The trial court took his plea under advisement and placed him in the Drug Court Program. Pursuant to the Drug Court Program agreement, Causey was to submit to random drug screens, successfully complete a residential recovery program, and not possess or use illegal drugs. On November 19, 2021, Causey tested positive for methamphetamine and was discharged from Choices Recovery Residence. On December 27, 2021, Causey

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<sup>1</sup> Ind. Code § 35-48-4-6.1.

failed to appear for a random drug screen, and on December 28, 2021, he was discharged from Inspiration House. On January 4, 2022, the Drug Court case manager filed a petition to terminate Causey's participation in the Drug Court Program. That same day, Causey admitted he violated the terms of the Drug Court Program, and the court terminated his participation in the Program and set a sentencing hearing for February 4, 2022.

[4] At the sentencing hearing, the trial court found mitigators in Causey's guilty plea, his acceptance of responsibility, and his expressions of remorse. The court found aggravators in Causey's criminal record, failed attempts at rehabilitation, and being on probation when he committed this possession offense. The court imposed an executed sentence of one-and-one-half years.

## Discussion and Decision

[5] Our standard for reviewing claims of inappropriate sentence is well-settled:

Indiana Appellate Rule 7(B) gives us the authority to revise a sentence if it is inappropriate in light of the nature of the offense and the character of the offender. Our review is deferential to the trial court's decision, and our goal is to determine whether the appellant's sentence is inappropriate, not whether some other sentence would be more appropriate. We consider not only the aggravators and mitigators found by the trial court, but also any other factors appearing in the record. The appellant bears the burden of demonstrating his sentence [is] inappropriate.

*George v. State*, 141 N.E.3d 68, 73-74 (Ind. Ct. App. 2020) (internal citations omitted), *trans. denied*. We consider both the total number of years of a

sentence and the way the sentence is to be served in assessing its appropriateness. *Davidson v. State*, 926 N.E.2d 1023, 1025 (Ind. 2010).

[6] “When considering the nature of the offense, we first look to the advisory sentence for the crime.” *McHenry v. State*, 152 N.E.3d 41, 46 (Ind. Ct. App. 2020). When a sentence deviates from the advisory sentence, “we consider whether there is anything more or less egregious about the offense as committed by the defendant that distinguishes it from the typical offense accounted for by our legislature when it set the advisory sentence.” *Madden v. State*, 162 N.E.3d 549, 564 (Ind. Ct. App. 2021). Indiana Code section 35-50-2-7(b) provides that a Level 6 felony is punishable by imprisonment “for a fixed term of between six (6) months and two and one-half (2 ½) years, with the advisory sentence being one (1) year.”

[7] Herein, the trial court ordered Causey to serve one-and-one-half years, which is six months longer than the advisory sentence. Causey asserts he should receive “a sentence closer to the advisory sentence” because he “fully cooperated with [the officers arresting him] and pleaded guilty . . . without the benefit of a plea bargain in the underlying case.” (Br. of Appellant at 12.) While Causey may have pled guilty without the benefit of a plea agreement, he received the benefit of participating in the Drug Court Program rather than being sentenced immediately, and his guilt was never in doubt. Officers found methamphetamine in his pocket while the officers were arresting him on an active warrant for violating the terms of his probation for another

methamphetamine-related crime. Causey has not demonstrated his one-and-one-half year sentence is inappropriate for his offense.

[8] “When considering the character of the offender, one relevant fact is the defendant’s criminal history. The significance of criminal history varies based on the gravity, nature, and number of prior offenses in relation to the current offense.” *Maffett v. State*, 113 N.E.3d 278, 286 (Ind. Ct. App. 2018) (internal citation omitted). As noted, when Causey was found to be in possession of methamphetamine, police were arresting him for violating his probation by testing positive for methamphetamine. Causey’s criminal history also includes convictions of Class A misdemeanor domestic battery and Class A misdemeanor criminal trespass. His record also indicates at least four prior violations of probation. We cannot say a slightly elevated sentence is inappropriate in these circumstances.

[9] Finally, Causey suggests we revise his sentence to “include more probationary supervision and less executed sentence to reflect an appropriate balance for someone who is sincerely trying to overcome a very difficult addiction.” (Br. of Appellant at 13.) While we do not doubt methamphetamine addiction is difficult to overcome and while we hope Causey is sincerely trying to overcome his addiction, neither his offense nor his character suggest a fully executed sentence is inappropriate at this juncture. Before sentencing Causey to this executed time, the trial court placed him in the Drug Court Program so that Causey could get help with his addiction. However, rather than take advantage of that opportunity, Causey used methamphetamine within eighteen days of

beginning the Drug Court Program and was removed from two residential treatment programs. We cannot say the trial court's decision to order Causey to serve one-and-one-half years executed was inappropriate. *See Mitchell v. State*, 184 N.E.3d 705, 709 (Ind. Ct. App. 2022) (one-and-one-half year sentence not inappropriate when defendant has misdemeanor criminal history and prior rehabilitation efforts through court had failed).

## Conclusion

[10] Causey has not demonstrated his executed one-and-one-half year sentence is inappropriate based on his offense and character, and we therefore affirm the trial court's judgment.

[11] Affirmed.

Riley, J., and Tavitas, J., concur.