

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Allison D. Langston,

Appellant-Defendant,

v.

State of Indiana,

Appellee-Plaintiff.

April 12, 2021

Court of Appeals Case No.
20A-CR-1781

Appeal from the Tippecanoe
Superior Court

The Honorable Steven P. Meyer,
Judge

Trial Court Cause No.
79D02-1904-F4-13

Bradford, Chief Judge.

Case Summary

- [1] On May 30, 2018, Allison Langston agreed to participate in the sale of methamphetamine. In addition to weighing the drugs and making the drugs available to the purchaser, Langston allowed for the transaction to occur at her apartment. She was subsequently charged with and pled guilty to Level 5 felony conspiracy to commit dealing in methamphetamine. After accepting Langston's guilty plea, the trial court sentenced her to a four-year term, of which 424 days were to be executed in the Department of Correction, 547 days were to be executed in Community Corrections, and the remaining 489 days were suspended to probation. On appeal, Langston contends that her four-year sentence is inappropriate. Concluding otherwise, we affirm.

Facts and Procedural History

- [2] On May 30, 2018, Langston allowed Michael Hahn to come to her apartment and agreed to assist him in the act of dealing in methamphetamine. In furtherance of her agreement with Hahn, Langston weighed out the methamphetamine and made it available to the purchaser. All of Langston's actions relating to the transaction occurred in Langston's apartment.
- [3] On April 4, 2019, the State charged Langston with Level 4 felony conspiracy to commit dealing in methamphetamine, Level 4 felony dealing in methamphetamine, and Level 6 felony possession of methamphetamine. On June 23, 2020, the State added an additional count of Level 5 felony conspiracy

to commit dealing in methamphetamine. Langston agreed to plead guilty to the added Level 5 felony count. In exchange, the State agreed to dismiss the remaining counts. In pleading guilty, Langston stated that she understood that by completing the above-described acts in furtherance of her agreement with Hahn, she had committed Level 5 felony conspiracy to commit dealing in methamphetamine. On August 27, 2020, the trial court accepted Langston's guilty plea and sentenced her to a four-year term.

Discussion and Decision

[4] 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 his sentence is inappropriate. *Sanchez v. State*, 891 N.E.2d 174, 176 (Ind. Ct. App. 2008).

[5] Langston contends that her four-year sentence is inappropriate. Indiana Code section 35-50-2-6(b) provides that “[a] person who commits a Level 5 felony shall be imprisoned for a fixed term of between one (1) and six (6) years, with

the advisory sentence being three (3) years.” Thus, in sentencing Langston to a four-year term, the trial court imposed a slightly aggravated sentence.

[6] In challenging the appropriateness of her sentence, Langston argues that her

offense is less egregious than the “typical” offense of conspiracy to commit dealing in methamphetamine. No injuries or property damage resulted from the offense. Langston was not the primary “drug dealer” in the scenario—rather, Langston allowed another dealer to come to her house and merely assisted in weighing methamphetamine supplied by someone else.

Appellant’s Br. p. 8. While there might not have been any injuries or property damage sustained as a result of the transaction, we cannot agree with Langston that the nature of her offense was “less egregious” than a typical conspiracy to deal in methamphetamine. Langston agreed to commit the offense of dealing in methamphetamine with Hahn and at least one other individual. In furtherance of the agreement, Langston performed certain acts, including weighing out the methamphetamine and delivering or making it available to the purchaser. Langston also allowed for her apartment to be the location where the transaction took place.

[7] In arguing that her four-year sentence was inappropriate in light of her character, Langston points to her guilty plea as evidence that she accepted responsibility for her actions. While the trial court acknowledged Langston’s acceptance of responsibility and remorse, it noted that she benefited by having three additional criminal charges dismissed. The trial court also noted that while Langston did plead guilty, the court could not tell whether Langston

“truly underst[ood] the seriousness or the consequences of her actions,” noting that “[t]here’s always just this little excuse here. This little justification there.” Tr. Vol. II p. 52. Given the substantial benefit received by pleading guilty coupled with the justifications and excuses provided by Langston, we find Langston’s decision to plead guilty to be more of a pragmatic decision than a true acceptance of guilt.

[8] Langston also argues that her relatively minor criminal history reflects positively on her character. While it is true that her criminal history does not include any prior felony convictions, it does include juvenile adjudications and at least one misdemeanor conviction. She also had unrelated pending criminal cases as of the date of sentencing. Importantly, Langston failed to take advantage of leniency offered in the instant case as she was twice released from pre-trial incarceration but had her bond revoked both times for violating the terms of her release. *See Sainvil v. State*, 51 N.E.3d 337, 344 (Ind. Ct. App. 2016) (providing that although the defendant requested leniency at sentencing, the defendant’s sentence was not inappropriate where the defendant had previously been granted leniency but such leniency did not reform his behavior). In addition, according to the Indiana Risk Assessment System, Langston was a “moderate” risk to reoffend. Appellant’s App. Vol. II p. 160.

[9] Langston also claims that the trial court should have given more consideration to the fact that she suffered from untreated anxiety. The trial court considered Langston’s mental-health issues, noting that she had chosen to self-medicate rather than seeking treatment for her condition. Langston also asserted that she

“has maintained gainful employment her entire adult life” and has engaged in community service and volunteerism. Appellant’s Br. p. 11. The trial court addressed Langston’s employment and history of community service, stating as follows:

Ms. Langston, you come here with a good history in terms of work and community service and you appear that you want to do the right thing in many respects. Then there’s this other side of you that is very disappointing. There is the drug use ... there’s this drug dealing whether you want to admit it or not, as your attorney has said, it is drug dealing in the State of Indiana.

Tr. Vol. II p. 57.

[10] The trial court considered the evidence relied on by Langston as showing her to be of a positive character but found that a slightly aggravated four-year sentence was nonetheless warranted. The record supports the trial court’s determination in this regard. Again, Langston had failed to benefit from prior offers of leniency. Langston had also failed to seek treatment for both her substance-abuse issues and her anxiety issues, instead choosing to self-medicate with illegal drugs, including methamphetamine. In addition, her parental rights to her children were involuntarily terminated, at least in part, as a result of her drug use. Relevant to the instant case, she agreed to participate in the sale of methamphetamine and allowed the transaction to take place at her apartment. Given these factors, Langston has failed to convince us that her four-year sentence is inappropriate. *See Sanchez*, 891 N.E.2d at 176 (“The defendant bears the burden of persuading us that his sentence is inappropriate.”).

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

Vaidik, J., and Brown, J., concur.