

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Benjamin Loheide
Law Office of Benjamin Loheide
Columbus, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

J.T. Whitehead
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Christina S. Greathouse,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

March 14, 2022

Court of Appeals Case No.
21A-CR-2229

Appeal from the Bartholomew
Circuit Court

The Honorable Kelly S. Benjamin,
Judge

Trial Court Cause No.
03C01-2011-F2-5521

Najam, Judge.

Statement of the Case

[1] Christina Greathouse appeals her sentence following her conviction for dealing in methamphetamine, as a Level 2 felony, pursuant to a guilty plea.

Greathouse presents a single issue for our review, namely, whether her sentence is inappropriate in light of the nature of the offense and her character. We affirm.

Facts and Procedural History

[2] In May 2018, in Cause No. 03C01-1805-F6-3012 (“Cause No. F6-3012”), the State charged Greathouse with possession of methamphetamine, as a Level 6 felony; possession of marijuana, as a Class B misdemeanor; and possession of paraphernalia, as a Class C misdemeanor. On June 15, 2020, Greathouse pleaded guilty to possession of methamphetamine, as a Level 6 felony, and on September 3, the trial court sentenced her to 547 days of probation.

[3] While on probation, on November 12, during a traffic stop, a drug-sniffing dog alerted to drugs in a vehicle being driven by Greathouse. Both Greathouse and her passenger denied having any drugs in the vehicle. Officers searching the vehicle found Greathouse’s purse, and inside the purse they found marijuana, a white pill in a plastic baggie, and a digital scale with residue that field tested positive for methamphetamine. When an officer asked Greathouse whether she had any contraband on her person, she stated that she did not. But during a search incident to her arrest, officers found a total of thirty grams of

methamphetamine “hidden on [her] person[.]” Appellant’s App. Vol. 2 at 15. The pill found in her purse was later identified as hydrocodone.

[4] The State charged Greathouse with dealing in methamphetamine, as a Level 2 felony; possession of methamphetamine, as a Level 4 felony; possession of a narcotic drug, as a Level 6 felony; and possession of marijuana, as a Class B misdemeanor. In July 2021, Greathouse pleaded guilty to dealing in methamphetamine, as a Level 2 felony, and, in her plea agreement, she admitted to violating the terms of her probation in Cause No. F6-3012. In exchange for her plea, the State dismissed the remaining charges. The plea agreement left sentencing open to the trial court’s discretion.

[5] At sentencing, the trial court identified seven aggravators and one mitigator and sentenced Greathouse to seventeen and one-half years on purposeful incarceration in the Department of Correction. In addition, the court ordered that, if Greathouse completed a substance abuse program, after five years, she can petition the court to modify her sentence. This appeal ensued.

Discussion and Decision

[6] Greathouse contends that her sentence is inappropriate in light of the nature of the offense and her character. Indiana Appellate Rule 7(B) provides that “[t]he 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.” This court has held that “[t]he advisory sentence is the starting point the legislature has

selected as an appropriate sentence for the crime committed.” *Sanders v. State*, 71 N.E.3d 839, 844 (Ind. Ct. App. 2017). And our Supreme Court has explained that:

The principal role of appellate review should be to attempt to leaven the outliers . . . but not achieve a perceived “correct” result in each case. *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). Defendant has the burden to persuade us that the sentence imposed by the trial court is inappropriate. *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind.), as amended (July 10, 2007), decision clarified on reh’g, 875 N.E.2d 218 (Ind. 2007).

Shoun v. State, 67 N.E.3d 635, 642 (Ind. 2017) (omission in original).

[7] Indiana’s flexible sentencing scheme allows trial courts to tailor an appropriate sentence to the circumstances presented, and the trial court’s judgment “should receive considerable deference.” *Cardwell*, 895 N.E.2d at 1222. Whether we regard a sentence as inappropriate at the end of the day turns on “our sense of the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other facts that come to light in a given case.” *Id.* at 1224. The question is not whether another sentence is more appropriate, but rather whether the sentence imposed is inappropriate. *King v. State*, 894 N.E.2d 265, 268 (Ind. Ct. App. 2008). Deference to the trial court “prevail[s] unless overcome by compelling evidence portraying in a positive light the nature of the offense (such as accompanied by restraint, regard, and lack of brutality) and the defendant’s character (such as substantial virtuous traits or persistent examples of good character).” *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[8] The sentencing range for a Level 2 felony is between ten and thirty years, with the advisory sentence being seventeen and one-half years. Ind. Code § 35-50-2-4.5 (2021). Here, the court identified as aggravating factors: Greathouse’s criminal history; the fact that she was on probation at the time of the instant offense; her prior unsuccessful opportunities for substance abuse treatment; her contact with people in jail “that she should not have had contact with”; her violation of jail rules; her missed appointments for treatment; and the “impact [of methamphetamine dealing] to the community.” Appellant’s App. Vol. 2 at 36-37. And the trial court identified a single mitigating factor, namely, her guilty plea. Still, the trial court imposed the advisory sentence of seventeen and one-half years.

[9] Greathouse asserts that her sentence is inappropriate in light of the “very much unremarkable” nature of the offense because “no actual dealing of methamphetamine” occurred. Appellant’s Br. at 11. And Greathouse maintains that her sentence is inappropriate in light of her character because her criminal history is “extremely limited” and she describes herself as “not a career criminal or drug dealer, but rather a person whose addiction worsened later in life, causing her life to spiral downward.” *Id.* at 13-14. In support of her good character, Greathouse presented evidence that, while she was in jail in April 2021, she received a certificate as “Salutatorian” in the “BART” drug treatment program. Appellant’s App. Vol. 2 at 32. Greathouse also served as a mentor in the BART program.

[10] However, Greathouse has not met her burden on appeal to demonstrate that her sentence is inappropriate. With respect to the nature of the offense, Greathouse possessed thirty grams of methamphetamine, which is three times the amount required to support a Level 2 felony conviction for dealing in methamphetamine. *See* I.C. § 35-48-4-1.1(e). Moreover, at the time of the offense, Greathouse was on probation for her recent conviction for possession of methamphetamine. We cannot say that her sentence is inappropriate in light of the nature of the offense.

[11] With respect to Greathouse’s character, we acknowledge her participation in the BART program, both as a participant and a mentor. But, as the trial court found, Greathouse had previously had an opportunity to participate in substance abuse treatment, but, just as she was about to start that treatment, she got arrested on the instant charge. Greathouse also “continued to violate jail rules on a continual basis and after having received a jail rule violation.” *Tr.* at 43. Greathouse’s criminal history includes only one prior felony, for possession of methamphetamine, as a Level 6 felony, in 2018. However, again, she was on probation for that offense when she committed the instant dealing offense.

[12] As the State points out, in light of the evidence of Greathouse’s history of addiction to methamphetamine, the trial court ordered her into purposeful incarceration and “recommend[ed] to the Indiana Department of Correction that [she] be placed in a clinically appropriate substance abuse treatment program[.]” *Appellant’s App.* Vol. 2 at 37. And the court ordered that, “[u]pon successful completion of the clinically appropriate substance abuse

treatment program, the Court will consider modification to this sentence after the defendant has served five (5) actual years.” *Id.* Thus, we agree with the State that “that contingency is consistent with Defendant’s own argument and stated aims, both stressing her addiction as they do.” Appellee’s Br. at 10.

[13] Again, the question on appeal is not whether another sentence is more appropriate, but rather whether the sentence imposed is inappropriate. *King*, 894 N.E.2d at 268. Here, the trial court imposed the advisory sentence, but ordered purposeful incarceration and a chance at a modified sentence after only five years of successful treatment. Given that the amount of methamphetamine Greathouse admitted she had intended to deal was three times the amount required to support a Level 2 felony, and given the total of seven aggravating circumstances identified by the trial court, we cannot say that her sentence is inappropriate in light of the nature of the offense and her character. We therefore affirm Greathouse’s sentence.

[14] Affirmed.

Vaidik, J., and Weissmann, J., concur.