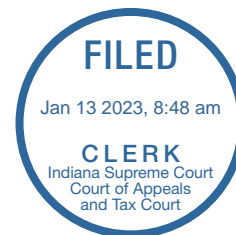


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as binding precedent, but it may be cited for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



ATTORNEY FOR APPELLANT

Alexander W. Robbins
The Law Office of Alex Robbins
Bedford, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General
Nicole D. Wiggins
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Patrick Austin Driscoll,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

January 13, 2023

Court of Appeals Case No.
22A-CR-1878

Appeal from the Morgan Superior
Court

The Honorable Sara A. Dungan,
Judge

Trial Court Cause No.
55D03-1911-F6-2011

Crone, Judge.

- [1] Driscoll was convicted of level 6 felony resisting law enforcement and level 6 felony neglect of a dependent. The trial court sentenced him to consecutive

terms of two and a half years, with one and a half years suspended, for each conviction. In this appeal, Driscoll contends that the resulting five-year aggregate sentence exceeds the consecutive sentencing limitation for convictions arising out of a single episode of criminal conduct in Indiana Code Section 35-50-1-2. We note that the statute's limitations do not apply to "crimes of violence." Ind. Code § 35-50-1-2(c). Resisting law enforcement as a felony is a crime of violence. Ind. Code § 35-50-1-2(a)(19). Because one of Driscoll's convictions is a crime of violence, Section 35-50-1-2 does not apply to Driscoll's consecutive terms. *See Johnson v. State*, 749 N.E.2d 1103, 1110 (Ind. 2001) ("[T]he limitations the statute imposes on consecutive sentencing do not apply between crimes of violence and those that are not crimes of violence."); *Williams v. State*, 42 N.E.3d 107, 110 n.2 (Ind. Ct. App. 2015) (observing that because Williams was convicted of class D felony resisting law enforcement, which is a crime of violence, the consecutive sentencing limitations in Section 35-50-1-2 did not apply), *trans. denied*. We therefore affirm Driscoll's sentence.

[2] Affirmed.

May, J., and Weissmann, J., concur.