

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Chasity Winters,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

April 19, 2023

Court of Appeals Case No.
22A-CR-3065

Appeal from the Ripley Superior
Court

The Honorable Jeffrey L. Sharp,
Judge

Trial Court Cause No.
69D01-2201-F6-4

Memorandum Decision by Judge Weissmann
Judges Bailey and Brown concur.

Weissmann, Judge.

- [1] Chasity Winters pleaded guilty to Level 6 felony resisting law enforcement and received a 1½ year executed sentence. On appeal, Winters argues that this sentence is inappropriate in light of the nature of the offense and her character. We disagree and affirm.

Facts

- [2] While patrolling in the early evening, Indiana State Police Trooper Jordan Craig observed Winters’s car pull into the driveway of a vacant house. Trooper Craig knew that Winters was associated with Dusty Collins, a suspect in a separate felony case, and that Collins had previously used Winters’s car to flee from police. Trooper Craig therefore decided to investigate and pulled into the driveway behind Winters.
- [3] Collins was indeed in Winters’s car and, upon seeing Trooper Craig, Collins jumped out of the car and instructed Winters to get away while tossing her a black backpack. Winters then drove off while Collins fled on foot into the nearby woods. Trooper Craig chased and apprehended Collins. Other officers pursued Winters, who discarded the black backpack in a trashcan. Police recovered the backpack and found that it contained drug paraphernalia, a digital scale, and small ziplock bags as well as less than a gram of methamphetamine. Winters was eventually arrested and admitted to assisting Collins in his escape, trying to dispose of the backpack, and fleeing from Trooper Craig.

[4] The State charged Winters with several offenses, including attempted obstruction of justice, assisting a criminal, possession of methamphetamine, maintaining a common nuisance, resisting law enforcement, all Level 6 felonies, and possession of drug paraphernalia, a Class C misdemeanor. Pursuant to a plea agreement with the State, Winters pleaded guilty to Level 6 felony resisting law enforcement in exchange for a two-year sentencing cap and the State’s dismissal of the other charges.

[5] At her sentencing hearing, the trial court found that the aggravating factors outweighed the mitigating. Winters’s lengthy criminal history, including multiple similar misdemeanor and felony convictions over two decades, and that she had only been released from her most recent conviction for manufacturing methamphetamine four months earlier, weighed strongly as an aggravating factor. In contrast, the trial court found Winters’s past trauma and that her plea agreement was a genuine acceptance of responsibility for her actions were mitigating factors. Ultimately, the trial court sentenced Winters to a 1½ year executed sentence.

Discussion and Decision

[6] Winter appeals her sentence under Indiana Appellate Rule 7(B). We may revise a sentence “if after due consideration of the trial court’s consideration the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” Ind. App. R. 7(B). These are “separate inquiries that we ultimately balance to determine whether a sentence is inappropriate.”

Turkette v. State, 151 N.E.3d 782, 786 (Ind. Ct. App. 2020). We give the trial

court's imposed sentence "substantial deference" because the "principal role of [our] review is to attempt to leaven the outliers, and not to achieve a perceived correct sentence." *Perry v. State*, 78 N.E.3d 1, 13 (Ind. Ct. App. 2017) (internal quotations and citations omitted).

[7] "The advisory sentence is the starting point to determine the appropriateness of a sentence." *Baumholser v. State*, 62 N.E.3d 411, 418 (Ind. Ct. App. 2016).

Winters's crime, resisting law enforcement as a Level 6 felony, carries an advisory sentence of 1 year and a maximum sentence of 2½ years. Ind. Code § 35-50-2-7(b) (Level 6 felony advisory sentence); Ind. Code § 35-44.1-3-1 (resisting law enforcement). Thus, Winters's 1½-year sentence is aggravated but less than the maximum. Ind. Code § 35-50-2-7(b).

[8] The nature of Winters's offense does not compel us to revise her sentence.

Although no harm directly flowed from Winters's conduct, she attempted to hide a wanted felon, dispose of evidence of drug trafficking, and fled from the police leading to a long search. We find nothing inappropriate in Winters's sentence after considering the nature of her offense.

[9] Winters's character also does not compel a revised sentence. She possesses a lengthy criminal history spanning two decades. "The significance of a criminal history in assessing a defendant's character and an appropriate sentence varies based on the gravity, nature, and number of prior offenses in relation to the current offense." *Rutherford v. State*, 866 N.E.2d 867, 874 (Ind. Ct. App. 2007).

Winters's prior convictions, including manufacturing methamphetamines,

possession of methamphetamines, and even past convictions for resisting arrest and obstruction of justice all weigh against her character. And, like the trial court found, though Winters's recent five-year stretch of sobriety is commendable, we cannot ignore that she was under State supervision during this time. Winters's lengthy criminal history along with the fact that she was still on probation for her last offense support the imposed sentence.

[10] Finding the sentence was not inappropriate, we affirm the trial court's judgment.

Bailey, J., and Brown, J., concur.