

# MEMORANDUM DECISION

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# IN THE COURT OF APPEALS OF INDIANA

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Reanna Stearns,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

November 30, 2023

Court of Appeals Case No.  
23A-CR-1221

Appeal from the  
Marion Superior Court

The Honorable  
Cynthia Oetjen, Judge

The Honorable  
Anne Flannelly, Magistrate

Trial Court Cause No.  
49D30-2108-F5-26770

**Memorandum Decision by Judge Vaidik**  
Judges Bradford and Brown concur.

**Vaidik, Judge.**

## Case Summary

- [1] Reanna Stearns appeals her four-year prison sentence for Level 5 felony operating a motor vehicle after forfeiture of license for life and Class A misdemeanor false-identity statement, arguing it is inappropriate in light of the nature of the offenses and her character. We affirm.

## Facts and Procedural History

- [2] In August 2021, Stearns, whose driver's license had been forfeited for life, drove her car into a yard. When the car didn't move for more than thirty minutes, a concerned neighbor called 911. A police officer arrived and asked Stearns her name. Stearns initially gave a wrong name but eventually gave her real name. Stearns was then arrested.
- [3] The State charged Stearns with Level 5 felony operating a motor vehicle after forfeiture of license for life, Class A misdemeanor false-identity statement, and being a habitual offender. In March 2023, Stearns and the State entered into a plea agreement under which Stearns would plead guilty to both counts and the State would dismiss the habitual-offender enhancement. Sentencing was left to the discretion of the trial court.
- [4] At the sentencing hearing, evidence was presented that Stearns, then age thirty-four, had a lengthy juvenile and adult record. She has juvenile adjudications for

“burglary, theft, possession of marijuana, truancy, escape, [and] possession of marijuana.” Tr. Vol. II p. 112. She has adult convictions for Class B misdemeanor battery (two), Class C misdemeanor operating a motor vehicle with a BAC of .10 or more, Class A misdemeanor driving while suspended, Class C misdemeanor illegal consumption of an alcoholic beverage (two), Class A misdemeanor possession of marijuana, Class D felony operating a vehicle while intoxicated, Class D felony operating a vehicle as a habitual traffic violator (three), Class C felony forgery, Class D felony possession of a controlled substance, Level 6 felony possession of methamphetamine, Level 6 felony maintaining a common nuisance, and Level 6 felony unlawful possession of a syringe (two). *Id.* at 112-13. Evidence was also presented that Stearns has served several stints in jail and prison and has violated the conditions of her probation and community corrections many times.

[5] Defense counsel asked the trial court to sentence Stearns to one year “completely suspended but for the time that she has served with no probation.” *Id.* at 110. The State asked the court to sentence Stearns to five years, with “two years executed on home detention” and “three years [on] probation.” *Id.* at 111. The trial court found one mitigator: Stearns accepted responsibility by pleading guilty. The court found several aggravators: (1) Stearns has an “extensive” juvenile and adult record; (2) she was on pretrial release in another case when she committed these offenses; (3) she has had “multiple” probation and community-corrections violations, making her a “poor candidate” for either; and (4) she had conduct reports while she was in prison. *Id.* at 112-13. Finding

the aggravators to outweigh the mitigator, the court sentenced Stearns to concurrent terms of four years for the Level 5 felony and one year for the Class A misdemeanor, to be served in the Indiana Department of Correction.

[6] Stearns now appeals her sentence.

## Discussion and Decision

[7] Stearns contends her sentence of four years to be served in prison is inappropriate and asks us to revise it to three years, with two years on community corrections and one year on probation. Indiana Appellate Rule 7(B) provides that an appellate 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.” The court’s role under Rule 7(B) is to “leaven the outliers,” and “we reserve our 7(B) authority for exceptional cases.” *Faith v. State*, 131 N.E.3d 158, 160 (Ind. 2019). “Whether a sentence is inappropriate ultimately turns on the culpability of the defendant, the severity of the crime, the damage done to others, and a myriad of other factors that come to light in a given case.” *Thompson v. State*, 5 N.E.3d 383, 391 (Ind. Ct. App. 2014) (citing *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008)). Because we generally defer to the judgment of trial courts in sentencing matters, defendants must persuade us that their sentences are inappropriate. *Schaaf v. State*, 54 N.E.3d 1041, 1044-45 (Ind. Ct. App. 2016).

[8] The sentencing range for a Level 5 felony is one to six years, with an advisory sentence of three years. Ind. Code § 35-50-2-6(b). A person convicted of a Class A misdemeanor can be sentenced to up to one year. I.C. § 35-50-3-2. Here, the trial court sentenced Stearns to an above-advisory sentence of four years for the Level 5 felony and one year for the Class A misdemeanor, to be served concurrently.

[9] We agree with Stearns that there is nothing egregious about these particular offenses. But Stearns’s character supports the trial court’s sentence of four years in prison. Stearns has a long list of convictions (many of them driving related) and has been in and out of jail and prison since becoming an adult. She has had multiple chances on probation and community corrections and has violated both many times. She was even on pretrial release for another case when she committed these offenses. As the trial court found, Stearns is a “poor candidate” for community corrections and probation given her history. Stearns has not persuaded us that her four-year prison sentence is inappropriate.

[10] Affirmed.

Bradford, J., and Brown, J., concur.