

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Chasen R. Lovell,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

January 29, 2024

Court of Appeals Case No.
23A-CR-1184

Appeal from the Tippecanoe
Superior Court

The Honorable Daniel J. Moore,
Judge

Trial Court Cause No.
79D07-2211-F6-001214

Memorandum Decision by Judge Felix
Judges Bailey and May concur.

Felix, Judge.

Statement of the Case

[1] Chasen R. Lovell was convicted of failure of a sex offender to possess identification with a prior conviction, a Level 6 felony, and sentenced to 545 days in the Indiana Department of Correction (“DOC”). Lovell presents one issue on appeal: whether the trial court issued an inappropriate sentence.

[2] We affirm.

Facts and Procedural History

[3] On November 8, 2022, law enforcement responded to a complaint that a sex offender was living in a house with a nine-year-old child. The officers’ investigation revealed that Lovell was not living in the house but that he was a registered sex offender based on two 2014 convictions for child molesting.

Lovell told law enforcement that he was living in Kokomo, Indiana, but his Indiana identification card showed a Lafayette, Indiana address. Officers then arrested Lovell for violating the sex offender registry.

[4] Lovell was convicted of failure of a sex offender to possess identification with a prior conviction based on a 2019 conviction for failing to possess identification and sentenced to 545 days in DOC. Lovell now appeals.

Discussion and Decision

[5] Lovell asks us to revise his sentence under Indiana Appellate Rule 7(B). Indiana Appellate Rule 7(B) enables us to “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.” “[T]he principal role of our review is to leaven outliers rather than achieving a perceived correct sentence.” *Hall v. State*, 177 N.E.3d 1183, 1197 (Ind. 2021) (quoting *State v. Stidham*, 157 N.E.3d 1185, 1195 (Ind. 2020)). The defendant has the burden to persuade us that the sentence is inappropriate. *Id.* (citing *McCallister v. State*, 91 N.E.3d 554, 566 (Ind. 2018)). The trial court’s sentence will prevail unless it is “overcome by compelling evidence portraying in a positive light the nature of the offense . . . and the defendant's character.” *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[6] “Our analysis of the ‘nature of the offense’ portion of the appropriateness review begins with the advisory sentence.” *Reis v. State* 88 N.E.3d 1099, 1104 (Ind. Ct. App. 2017) (citing *Clara v. State*, 899 N.E.2d 733, 736 (Ind. Ct. App. 2009)). Lovell was convicted of a Level 6 felony, which has a maximum sentence of two and a half years and an advisory sentence of one year, Ind. Code § 35-50-2-7(b), and the trial court sentenced Lovell to approximately one and a half years. Lovell argues this aggravated sentence was not warranted because the offense did not involve substance abuse or violence. Since Lovell is a sex offender with a previous conviction for failing to possess identification, violence was not a required element of the present offense, and the relevant statute does not mention substance abuse at all. *See* I.C. § 11-8-8-15(c). We are unpersuaded by Lovell’s argument that the nature of the offense deems his sentence inappropriate.

[7] Additionally, Lovell’s character does not warrant a sentence reduction. Lovell argues that we should revise his sentence because he has accepted responsibility and shown remorse for his actions. His criminal history outweighs any remorse or responsibility for the present offense. Lovell has an extensive criminal history as both a juvenile and an adult. As an adult, Lovell has two convictions for child molesting, two convictions for public intoxication, two convictions for theft, one conviction for auto theft, three convictions for drug-related offenses, one conviction for attempt to commit armed robbery, one conviction for failure to register as a sex offender, and a prior conviction for failure of a sex offender to possess identification. He has multiple violations of probation and has a history of failing to appear.

[8] Lovell also asks us to consider the fact that he updated his identification card the day he was released on bond in this case. However, this argument merely shows how simple it would have been for Lovell to update this information and avoid the violation. There is no evidence that Lovell has “substantial virtuous traits or persistent examples of good character,” *Stephenson*, 29 N.E.3d at 122, and we conclude that Lovell’s sentence is not inappropriate in light of the nature of his offense and his character.

[9] Affirmed.

Bailey, J., and May, J., concur.