

Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

**LANDOLL SORRELL**  
Anderson, Indiana

ATTORNEYS FOR APPELLEE:

**STEVE CARTER**  
Attorney General of Indiana

**GARY DAMON SECREST**  
Deputy Attorney General  
Indianapolis, Indiana

---

**IN THE  
COURT OF APPEALS OF INDIANA**

---

TRAVIS LUNSFORD, )  
 )  
 Appellant-Defendant, )  
 )  
 vs. ) No. 48A02-0603-CR-248  
 )  
 STATE OF INDIANA, )  
 )  
 Appellee-Plaintiff. )

---

APPEAL FROM THE MADISON SUPERIOR COURT  
The Honorable Dennis Carroll, Judge  
Cause No. 48D01-0509-FC-262

---

**February 28, 2007**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**MATHIAS, Judge**

Appellant-defendant Travis Lunsford (“Lunsford”) appeals his sentence, imposed by the Madison Superior Court, following entry of his guilty plea for Class D felony operating a motor vehicle after being adjudged an habitual traffic offender and Class D felony resisting law enforcement. Concluding Lunsford’s sentence was appropriate, we affirm.

### **Facts and Procedural History**

The facts most favorable to the trial court’s sentence reveal that on September 13, 2005, Lunsford, whose driving privileges were suspended for being a habitual traffic violator, drove a car in Madison County, Indiana. While attempting to pass a police officer who had pulled over another driver for speeding, Lunsford passed within one to two feet of the officer’s vehicle. As a result, the officer completed his traffic stop and attempted to pull Lunsford over, but Lunsford did not stop. Lunsford proceeded to lead police on a chase through three counties with speeds exceeding 100 miles per hour. Eventually, Lunsford was stopped after running over a second set of stop sticks.

Lunsford was arrested and charged with Class D felony operating a vehicle after being adjudged a habitual traffic offender (“Count I”), Class D felony resisting law enforcement (“Count II”), and Class C felony attempted escape (“Count III”). On January 23, 2006, Lunsford, by counsel, entered an agreement with the State whereby the State agreed to dismiss the Class C felony charge in exchange for a guilty plea on Counts I and II. The sentence was left to the court’s discretion.

In the pre-sentence investigation (“PSI”) report, the Probation Department recommended a thirty-month sentence with fifteen months executed in the Department of

Correction (“DOC”) and the balance to be served in the Continuum of Sanctions Program offered by the Madison County Community Justice Center. On February 21, 2006, Lunsford was sentenced to three years for Count I and three years for Count II, sentences to be run concurrently, and both to be executed at the DOC. This appeal ensued.

### **Discussion and Decision**

Lunsford argues that his maximum sentence is inappropriate. Specifically, Lunsford contends that while he “does not choose to minimize his culpability, the crime to which he pled, nor his criminal history, justify an aggravated sentence as imposed by the trial court[,]” and therefore urges this court to revise his sentence to conform to the advisory sentence for Class D felonies. Br. of Appellant at 4.

Under Article VII, Section 6 of the Indiana Constitution, this court has the constitutional authority to review and revise sentences. Smith v. State, 839 N.E.2d 780, 797 (Ind. Ct. App. 2005). However, we will not do so unless the sentence “is inappropriate in light of the nature of the offense and the character of the offender.” Martin v. State, 784 N.E.2d 997, 1013 (Ind. Ct. App. 2003); Ind. Appellate Rule 7(B) (2007). Thus, our review under Appellate Rule 7(B) is very deferential to the trial court. Id. Accordingly, while we must give due consideration to the trial court’s sentence because of the special expertise of the trial bench in making sentencing decisions, Indiana Appellate Rule 7(B) is an authorization to revise sentences when certain broad conditions are satisfied. Smith, 839 N.E.2d at 797 (internal citations and quotations omitted).

The presumptive sentence for the class of crimes to which the offense belongs is meant to be the starting point for the court’s consideration of what sentence is appropriate

for the crime committed. Id. Here, Lunsford was convicted of two Class D felonies. “A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years . . . .” Ind. Code § 35-50-2-7 (2004 & Supp. 2006). Hence, a three-year executed sentence is the maximum lawful sentence allowed for each of Lunsford’s convictions. Although maximum lawful sentences have “historically invoked appellate review and, upon occasion, revision[,]” Martin, 784 N.E.2d at 1013, considering the nature of the offense and the character of the offender, this is not a case that calls for revision.

Reviewing first the nature of the offense, we note that Lunsford led the police on a high speed chase through three counties with speeds exceeding 100 miles per hour and did not stop until after running over two sets of police speed sticks and crashing into a ditch. Tr. p. 9. Moreover, at the time of the present offenses, Lunsford had a suspended license and was on work release from the DOC stemming from two prior convictions for Class D felony operating while intoxicated and Class B misdemeanor false informing. While we agree with Lunsford that to enhance a sentence based on the particular individualized circumstances of the offense there generally should be some indication that the manner in which the crime was committed was particularly egregious, see Smith, 839 N.E.2d at 787, we find that this burden has been met.

As to the character of the offender, Lunsford’s criminal history alone supports his three-year sentence. Including the current offenses, Lunsford has a lengthy history consisting of fifteen convictions for false informing and various alcohol and automobile related offenses. Appellant’s App. pp. 15-16. Additionally, during sentencing, the trial

court made the following observations regarding Lunsford in weighing the aggravating and mitigating circumstances:

There's a serious criminal history there. Five DUI's, I already mentioned that. And, in addition to this resisting conviction, there's another resisting conviction in your history, so a pattern of behavior [exists.] False informing[,] . . . but these crimes, in particular, the False Informing and the Resisting[,] show a particular disdain or contempt for the legal process and law enforcement professionals and the work that they do. And of course, resisting under facts such as this put people at risk. People can actually get hurt under these circumstances. And then the violations of probation as well. I absolutely believe [Lunsford] is remorseful. He's plead [sic] guilty. He's accepted responsibility. That does not mean that he doesn't have a long list of aggravators.

Tr. pp. 16-17.

Based on the foregoing, we cannot say that the trial court's imposition of the maximum sentence here calls for revision. Since the time of his first conviction in 1989, Lunsford has displayed a wanton disregard for the law and for the safety of the citizens who live in his community. Consequently, we conclude that the trial court properly sentenced Lunsford.

Affirmed.

NAJAM, J., and MAY, J., concur.