

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

James Parrish Haddox,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*

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May 8, 2024

Court of Appeals Case No.  
23A-CR-2498

Appeal from the Huntington Circuit Court

The Honorable Davin G. Smith, Judge

Trial Court Cause No.  
35C01-2302-F5-35

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**Memorandum Decision by Judge Weissmann**  
Judges Mathias and Tavitias concur.

## **Weissmann, Judge.**

- [1] Fresh out of prison, James Haddox stole a semi-trailer truck, crashed it into a police vehicle, and then led police on an off-road chase that ended with Haddox driving through a fence, abandoning the truck, and fleeing on foot. Haddox was convicted of multiple crimes and sentenced to a total of 9½ years in the Indiana Department of Correction (DOC). Haddox now appeals that sentence, arguing that the trial court’s sentencing statement was inadequate and that his sentence is inappropriate in light of the nature of his offenses and his character. We affirm.

## **Facts**

- [2] After serving 7½ years in prison for burglary and auto theft, Haddox was released on probation in late January 2023. Ten days later, he stole a semi-trailer truck from a Chesterton, Indiana parking lot. The truck was reported stolen the next day, and police soon found Haddox in its driver’s seat at a truck stop in Warren, Indiana. When a police officer approached the semi and ordered Haddox to exit the cab, Haddox put the truck into gear, crashed into the officer’s police vehicle, and drove off.
- [3] Other police officers pursued Haddox, who ran through at least one stop sign and eventually took the chase off road. After driving through a field and crashing through a fence, disabling the semi-trailer truck, Haddox exited the cab and fled into some woods on foot. Despite the officers’ commands for Haddox

to stop, he continued fleeing until police threatened to send a K-9 after him. At that point, Haddox laid down until police took him into custody.

[4] The State charged Haddox with five crimes: (1) Level 5 felony auto theft; (2) Level 6 felony criminal recklessness; (3) Level 6 felony resisting law enforcement; (4) Class A misdemeanor resisting law enforcement; and (5) Class B misdemeanor leaving the scene of an accident. A jury found Haddox guilty of all but the Class B misdemeanor. After entering judgments of conviction on the Level 5 felony, both Level 6 felonies, and the Class A misdemeanor, the trial court sentenced Haddox to a total of 9½ years in the DOC.

[5] Notably, Haddox received the maximum sentence for each of his felony convictions, and all but his criminal recklessness conviction were ordered to be served consecutively. In issuing Haddox’s sentences, the trial court stated: “I did not find any mitigators in this case. The aggravators, I will note the criminal history along with the probation violations.” Tr. Vol. II, p. 201. The court also issued a sentencing order in which it similarly stated: “The Court finds no mitigating circumstances and determines the Defendant’s criminal history and history of probation violations are aggravators.” App. Vol. II, p. 130.

## **Discussion and Decision**

[6] Haddox appeals his 9½-year sentence, arguing that the trial court’s sentencing statement was inadequate and that his sentence is inappropriate in light of the nature of the offenses and his character.

## I. Sentencing Statement

- [7] Sentencing decisions rest within the sound discretion of the trial court but can be reviewed on appeal for an abuse of that discretion. *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218. “An abuse of discretion occurs if the decision is ‘clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom.’” *Id.* (quoting *K.S. v. State*, 849 N.E.2d 538, 544 (Ind. 2006)).
- [8] Haddox claims the trial court abused its discretion by failing to adequately explain its reasons for imposing maximum sentences for his felony convictions and for ordering all but one of his sentences to be served consecutively. “When a trial court imposes a felony sentence, it is required to issue a sentencing statement ‘that includes a reasonably detailed recitation of the trial court’s reasons for the sentence imposed.’” *Mata v. State*, 205 N.E.3d 223 (Ind. Ct. App. 2023) (quoting *Anglemyer*, 868 N.E.2d 484-85). Likewise, “before a trial court can impose a consecutive sentence, it must articulate, explain, and evaluate the aggravating circumstances that support the sentence.” *Monroe v. State*, 886 N.E.2d 578, 580 (Ind. 2008).
- [9] Here, the trial court expressly found Haddox’s criminal history to be an aggravating circumstance while also finding no mitigating circumstances.

Though this brief sentencing statement lacked reasonable specificity,<sup>1</sup> we need not remand the case for a more detailed statement because the court’s rationale for imposing maximum and consecutive sentences is apparent on the face of the record. *See Lewis v. State*, 31 N.E.3d 539, 543 (Ind. Ct. App. 2015) (citing *Anglemyer*, 868 N.E.2d at 491 (“[W]e need not remand for resentencing if we can say with confidence that the trial court would have imposed the same sentence had it properly considered reasons that enjoy support in the record.”)).

[10] According to Haddox’s presentence investigation report, his criminal history consists of 13 prior convictions and 11 prior probation revocations. Organized chronologically by date of judgment, his convictions are:

- 2009 – Class B misdemeanor reckless driving
- 2009 – Class B misdemeanor possession of unlawful knife
- 2010 – Class C felony robbery
- 2011 – Class A misdemeanor driving while suspended
- 2011 – Class A misdemeanor driving while suspended
- 2011 – Class A misdemeanor domestic battery
- 2012 – Class D felony auto theft
- 2013 – Class C felony auto theft
- 2014 – Class D felony auto theft
- 2015 – Class A misdemeanor resisting law enforcement
- 2016 – Class A misdemeanor battery resulting in bodily injury
- 2017 – Level 5 felony burglary

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<sup>1</sup> As a reminder to all trial courts, Indiana Code § 35-38-1-1.3 provides: “After a court has pronounced a sentence for a felony conviction, the court shall issue a statement of the court’s reasons for selecting the sentence that it imposes unless the court imposes the advisory sentence for the felony.”

- 2017 – Level 6 felony auto theft

[11] Given this extensive criminal history and its presence in the record, the trial court did not abuse its discretion by failing to explain why the single aggravating circumstance warranted sentencing Haddox to maximum and consecutive sentences. *See Lewis*, 31 N.E.3d at 543 (“[A] single aggravator may be used both to enhance a sentence and impose consecutive sentences.”).

## II. Appropriateness

[12] Indiana Appellate Rule 7(B) permits an appellate court to revise a sentence if, “after due consideration of the trial court’s decision, the sentence is found to be inappropriate in light of the nature of the offense and the character of the offender.” In reviewing the appropriateness of a sentence, our principal role is to attempt to leaven the outliers, not to achieve a perceived “correct” sentence. *Knapp v. State*, 9 N.E.3d 1274, 1292 (Ind. 2014). Accordingly, we give “substantial deference” to the trial court’s sentencing decision. *Id.* The trial court’s judgment should 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, 112 (Ind. 2015).

[13] In assessing the appropriateness of a sentence, we first look to the statutory range established for that class of offense. *Anglemyer*, 868 N.E.2d at 494. Haddox was convicted of a Level 5 felony, two Level 6 felonies, and a Class A misdemeanor. A Level 5 felony has a sentencing range of 1 to 6 years and an advisory sentence of 3 years. Ind. Code § 35-50-2-6(b). A Level 6 felony has a

sentencing range of 6 months to 2½ years and an advisory sentence of 1½ years. Ind. Code § 35-50-2-7(b). And a person who commits a Class A misdemeanor “shall be imprisoned for a fixed term of not more than one (1) year.” Ind. Code § 35-50-3-2.

[14] Haddox received the maximum sentence on all four of his convictions, and all but his 2½-year sentence for Level 6 felony criminal recklessness were ordered to be served consecutively. Thus, Haddox was sentenced to a total of 9½ years out of a possible 12 years in prison. Haddox has not convinced us that this sentence is inappropriate.

[15] As to the nature of the offenses, Haddox highlights that he did not harm anyone. While true, the dashcam of the police vehicle into which Haddox crashed the semi-trailer truck shows that a police officer narrowly avoided being run over by Haddox as he fled the truck stop. Haddox also claims he did not intentionally crash into the police vehicle. But the recklessness he displayed in doing so continued throughout his entire flight from police in the semi-trailer truck. Haddox ran through at least one stop sign, drove through a field, and crashed through a fence before abandoning the truck and fleeing on foot.

[16] On the issue of character, “[e]ven a minor criminal history” reflects poorly on a defendant. *Moss v. State*, 13 N.E.3d 440, 448 (Ind. Ct. App. 2014). Haddox’s criminal history is far from minor. He was convicted of seven misdemeanors and six felonies—including four prior auto thefts—in the eight years before he was last incarcerated. And upon his release from prison, it took less than ten

days for him to commit his fifth auto theft and fall back into his criminal ways. Though Haddox claims his new offenses were more the result of desperation than criminal tendencies, we are not persuaded.

## **Conclusion**

[17] Finding the trial court's sentencing statement was not an abuse of discretion and that Haddox's 9½-year sentence is not inappropriate in light the nature of his offenses and his character, we affirm.

Mathias, J., and Tavitas, J., concur.

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