

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Austin Bowlin,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

November 15, 2023

Court of Appeals Case No.
23A-CR-726

Appeal from the Elkhart Circuit
Court

The Honorable Michael A.
Christofeno, Judge

Trial Court Cause No.
20C01-2109-MR-7

Memorandum Decision by Judge Crone
Judges Riley and Mathias concur.

Crone, Judge.

Case Summary

- [1] Austin Bowlin killed Jeff Crapo by shooting him twice in the head. Bowlin then drove Crapo's body to Michigan in Crapo's car and set the car on fire with the body inside. The State charged Bowlin with murder and filed sentencing enhancements alleging that he knowingly used a firearm to commit the offense and was a habitual offender. A jury found Bowlin guilty of murder and that he knowingly used a firearm to commit the offense, and Bowlin admitted to being a habitual offender. The trial court sentenced Bowlin to ninety-five years. On appeal, Bowlin argues that the trial court erred in admitting evidence that he burned Crapo's body and that his sentence is inappropriate in light of the nature of the offense and his character. We affirm.

Facts and Procedural History

- [2] In the winter of 2019, Ashley Perkins was addicted to heroin and bounced from hotel to hotel in the Elkhart area. She became acquainted with Bowlin and Crapo, who were using and selling methamphetamine. At that time, Bowlin was on federal supervised release for a felon-in-possession-of-a-firearm conviction. Crapo was on probation for a LaPorte County methamphetamine possession conviction and wore a GPS monitor on his ankle. Crapo was "very nice" to Perkins and gave "the impression that he was making good money" from his legitimate job. Tr. Vol. 2 at 193. He had "decent clothes" and "a really nice car" (a Hyundai Genesis) and bought Perkins drugs. *Id.* at 194.

[3] In late February 2020, Bowlin told Perkins that Crapo “was a snitch.” *Id.* at 201. Perkins told Crapo about Bowlin’s remark, but Crapo did not “seem concerned about it[.]” *Id.* at 201. A few days later, on February 29, Crapo got a hotel room in Elkhart for Perkins so that she “wasn’t in the cold.” *Id.* at 195. Crapo and Bowlin stayed in the room with Perkins, who got high on heroin and slept a lot that night. The next morning, March 1, Perkins was sleeping beside Crapo in the bed. Bowlin awakened her by poking her shoulder. Bowlin, who looked “mean and mad[.]” leaned over Perkins and placed a handgun against the sleeping Crapo’s head. *Id.* at 199. Perkins asked Bowlin what he was doing, and he told her to “[g]et the f*ck up.” *Id.* at 200. Perkins got out of bed, and Bowlin left the room. Eventually, Crapo woke up. Perkins told him that Bowlin had a gun and “said he was gonna kill him[.]” and Crapo responded dismissively. Tr. Vol. 3 at 7. Perkins used drugs and nodded off again. Bowlin smoked methamphetamine and marijuana. Crapo drove home to recharge his GPS monitor. He told his girlfriend that “he had to go pick some people up and take them somewhere and that he’d be right back.” *Id.* at 34.

[4] Crapo picked up Bowlin and Perkins at the hotel in his Genesis. Crapo drove, Bowlin sat beside him, and Perkins sat behind Bowlin on the passenger side. Perkins nodded off and awoke to Crapo asking her what she wanted from a fast food restaurant. She told him what she wanted and nodded off again. While she was sleeping, Crapo and Bowlin switched seats. Perkins was awakened by a gunshot and saw that Crapo “was shot in the head, and he had blood coming out of his mouth.” Tr. Vol. 2 at 205. Bowlin was “jumping in [his] seat,”

brandishing a gun, “saying, ‘You didn’t think I’d f*ckin’ do it, did you? You didn’t think I’d f*ckin’ do it, did you?’” *Id.* at 205. Bowlin shot Crapo in the head again, and Perkins could see that he was dead.

[5] Bowlin stopped the car and forced Perkins to help him drag Crapo’s body into the back seat. He later cut the GPS monitor off Crapo’s ankle and threw it out the car window. Bowlin told Perkins that he was going to his friend Michael Williams’s house in Elkhart. Perkins used heroin, nodded off, and woke up in Williams’s driveway. Ultimately, they left Williams’s house, and Bowlin “said that he needed money.” *Id.* at 217. Perkins told him that her sister was a drug dealer in Detroit and that “[i]f she don’t give me money, I’ll take it.” *Id.*

[6] Perkins directed Bowlin to the house where her sister was staying with Janine O’Conner. When they arrived, on the evening of March 2, Perkins ran inside the house and told O’Conner, “There’s a dead body in the back seat. Please hide me. He’s gonna kill me.” *Id.* at 224. O’Conner saw that Perkins had dried “blood on her clothes and on her body.” Tr. Vol. 3 at 55. Bowlin did not try to enter the house and eventually drove away. He later left Perkins a “[v]ery intimidating, very threatening” voicemail. Tr. Vol. 2 at 227.

[7] On the night of March 3, Williams called Nichole Paulson, who had been at his home when Bowlin and Perkins arrived two days earlier. Williams told Paulson that he needed her to give a ride to Bowlin, who Williams said was stranded at a Meijer store in Jackson, Michigan. Paulson agreed to do so. It turned out that Bowlin was not stranded, and he still had the Genesis with Crapo’s corpse in

the back seat. Bowlin told Paulson to follow him in her vehicle down “a back road[,]” which she did. Tr. Vol. 3 at 93. After “five, ten minutes[,]” *id.*, Bowlin pulled off the road, doused Crapo’s car and body with camp fuel that he had purchased at Meijer, and set the car on fire. Bowlin got into Paulson’s vehicle and directed her onto Interstate 94 toward Elkhart. Bowlin told Paulson that he had “a dead body in the back seat” and that he shot and killed Crapo “because he thought he was a snitch.” *Id.* at 95, 97. Bowlin told Paulson that she “could be next.” *Id.* at 115. Paulson interpreted that to mean that she “should probably get him back to Elkhart[,]” which she did. *Id.*

[8] Early on the morning of March 4, Michigan State Police received a report of a burning vehicle, inside of which they found Crapo’s charred remains. The police determined that the vehicle was registered to Crapo, who was identified via dental records. His girlfriend had reported him missing and cancelled his bank and credit cards. Police obtained security camera footage of Bowlin and Crapo’s Genesis at two gas stations in Michigan at which Bowlin attempted to use Crapo’s cards. Footage was also obtained of Bowlin, the Genesis, and Paulson’s vehicle at the Meijer in Jackson. Geolocation data from Crapo’s car and GPS monitor and Crapo’s and Bowlin’s cell phones was used to track their whereabouts before and after Crapo’s death. It was determined that Crapo was killed in Elkhart County and that his GPS monitor was jettisoned in Michigan.

[9] On March 11, Bowlin was apprehended by federal marshals in Elkhart. Just before he was arrested, he “wiped” his cell phone. Tr. Vol. 4 at 133. When Bowlin was interviewed by Michigan State Police Detective Sergeant Jay

Barkley, he claimed that he only wanted to “rob Jeffery Crapo of his federal tax return” by taking Crapo’s bank “card out of the [car’s] center console” when he “wasn’t looking and try[ing] to withdraw money with the card.” *Id.* at 121, 135. Bowlin also told the detective that Perkins shot Crapo and burned his body.

[10] In Michigan, Bowlin was charged with and pled guilty to one count of arson and one count of disinterment and mutilation of a dead body, both felonies, and he admitted to being a habitual criminal offender. In Indiana, Bowlin was charged with murder. The State filed sentencing enhancements alleging that he knowingly used a firearm in the commission of the offense and was a habitual offender. At his February 2023 jury trial, Bowlin claimed that Perkins killed Crapo, but he admitted to burning Crapo’s body. The jury found Bowlin guilty of murder and that he knowingly used a firearm in the commission of the offense, and Bowlin admitted to being a habitual offender.

[11] At sentencing, Bowlin “apologize[d] to [Crapo’s] family for what [he] did in Michigan.” Tr. Vol. 5 at 72. The trial court found numerous aggravating circumstances, including Bowlin’s criminal history, his multiple probation violations and failures to appear, his illegal use of drugs, his failure to take advantage of alternative sanctions or programming, that he was on supervised release when he murdered Crapo, the manner in which the murder was committed, and the desecration of Crapo’s body after his “cold-blooded execution[.]” *Id.* at 76. The court found as mitigating circumstances Bowlin’s apology to Crapo’s family, his acceptance of responsibility for the habitual offender enhancement, and his “addictions issues[.]” *Id.* at 73. The court found

that “the aggravating circumstances, taken individually or as a whole, outweigh any mitigating factors,” *id.* at 76, and imposed an aggregate sentence of ninety-five years, to be served consecutive to his Michigan sentence. Bowlin now appeals his conviction and sentence.

Discussion and Decision

Section 1 – Any error in the admission of evidence that Bowlin burned Crapo’s body was harmless.

[12] Detective Sergeant Barkley testified that authorities recovered Crapo’s burned vehicle and body from the side of the road in a “sparsely populated” area. Tr. Vol. 2 at 115. When the State asked Barkley if he “recall[ed] the cause of the fire[,]” *id.* at 128, defense counsel objected that “Bowlin has specifically pled to this arson in Michigan already” and thus “it would be a prior bad act” that would be inadmissible under Indiana Evidence Rule 404(b). *Id.* at 131. The trial court overruled the objection and allowed the detective to testify that “the fire was set intentionally.” *Id.* at 146. Defense counsel raised the same objection during Paulson’s testimony. That objection was also overruled, and Paulson testified that she could see that Crapo’s car “was on fire.” Tr. Vol. 3 at 96.

[13] On appeal, Bowlin contends that the trial court’s rulings were erroneous. It is well settled, however, that “erroneous admission of evidence is not reversible error when evidence of the same probative value was admitted without objection.” *Grace v. State*, 731 N.E.2d 442, 444-45 (Ind. 2000) (concluding that testimony to which appellant objected was “at worst merely cumulative” of

another witness's testimony that was subsequently admitted without objection). Here, Bowlin himself testified that he burned Crapo's body, so any error in the admission of Barkley's and Paulson's testimony can only be considered harmless.¹ Accordingly, we affirm Bowlin's murder conviction.

Section 2 – Bowlin has failed to establish that his sentence is inappropriate in light of the nature of the offense and his character.

[14] Bowlin also requests a reduction of his sentence pursuant to Indiana Appellate Rule 7(B), which states, “The 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.” Bowlin has the burden of establishing that his sentence is inappropriate. *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007), *clarified on reh’g*, 875 N.E.2d 218. Appellate Rule 7(B) requires us to consider both the nature of the offense and the character of the offender, but the appellant is not required to prove that each of those prongs independently renders his sentence inappropriate. *Connor v. State*, 58 N.E.3d 215, 218 (Ind. Ct. App. 2016); *see also Moon v. State*, 110 N.E.3d 1156, 1163-64 (Ind. Ct. App. 2018) (Crone, J., concurring in part and concurring in result in part) (quotation marks omitted)

¹ The State asserts that the testimony at issue was admissible as evidence of an uncharged criminal act that was “[i]ntrinsic” to the charged offense of murder. Appellee’s Br. at 14. This is not a proper basis for admissibility, *see Baumholser v. State*, 186 N.E.3d 684, 693 n.5 (Ind. Ct. App. 2022) (citing *Snow v. State*, 77 N.E.3d 173, 176 (Ind. 2017)), *trans. denied*, and the trial court said as much below. Tr. Vol. 2 at 240.

(disagreeing with majority’s statement that Rule 7(B) “plainly requires the appellant to demonstrate that his sentence is inappropriate in light of both the nature of the offenses and his character.”). Rather, the two prongs are separate inquiries that we ultimately balance to determine whether a sentence is inappropriate. *Connor*, 58 N.E.3d at 218.

[15] When reviewing a sentence, our principal role is to leaven the outliers rather than necessarily achieve what is perceived as the correct result in each case. *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). “We do not look to determine if the sentence was appropriate; instead we look to make sure the sentence was not inappropriate.” *Conley v. State*, 972 N.E.2d 864, 876 (Ind. 2012). “[S]entencing is principally a discretionary function in which the trial court’s judgment should receive considerable deference.” *Cardwell*, 895 N.E.2d at 1222. “Such deference should prevail unless overcome by compelling evidence portraying in a positive light the nature of the offense (such as accompanied by restraint, regard, and lack of brutality) and the defendant’s character (such as substantial virtuous traits or persistent examples of good character).” *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015). As we assess the nature of the offense and character of the offender, “we may look to any factors appearing in the record.” *Boling v. State*, 982 N.E.2d 1055, 1060 (Ind. Ct. App. 2013). Ultimately, whether a sentence should be deemed inappropriate “turns on our sense of the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case.” *Cardwell*, 895 N.E.2d at 1224.

[16] Regarding the nature of the offense, “the advisory sentence is the starting point the Legislature selected as appropriate for the crime committed.” *Fuller v. State*, 9 N.E.3d 653, 657 (Ind. 2014). The advisory sentence for murder is fifty-five years, with a minimum of forty-five years and a maximum of sixty-five years. Ind. Code § 35-50-2-3(a). The enhancement range for knowingly using a firearm in the commission of an offense is between five years and twenty years. Ind. Code § 35-50-2-11(g). The enhancement range for being a habitual offender convicted of murder is between eight years and twenty years, and that term is nonsuspendible. Ind. Code § 35-50-2-8(i). Bowlin received consecutive executed terms of sixty-five years for murder, twenty years for the firearm enhancement, and only ten years for the habitual offender enhancement.²

[17] “When reviewing the nature of the offense, we look to the details and circumstances of the offense and the defendant’s participation therein.” *Angulo v. State*, 191 N.E.3d 958, 973 (Ind. Ct. App. 2022), *trans. denied*. Bowlin shot Crapo in the head at point-blank range because he thought that Crapo was a “snitch.” Tr. Vol. 2 at 201. After pulling the trigger, Bowlin taunted Crapo and shot him again. We agree with the trial court’s characterization of the killing as a “cold-blooded execution.” Tr. Vol. 5 at 76. Afterward, Bowlin drove Crapo’s car around northern Indiana and Michigan for three days with Crapo’s corpse in the back seat, tossed Crapo’s GPS monitor out the window to avoid

² The trial court stated that it was “taking into account that [Bowlin] admitted the Habitual Criminal Offender Enhancement without a jury trial.” Tr. Vol. 5 at 77.

detection, attempted to use Crapo's bank and credit cards, threatened Perkins and Paulson, set Crapo's car and body on fire in a secluded area, lied to police, and blamed everything on Perkins. Nothing about the brutal and senseless nature of Crapo's murder warrants a reduction of Bowlin's sentence.³

[18] The same may be said for Bowlin's character. An offender's character is shown by his "life and conduct." *Adams v. State*, 120 N.E.3d 1058, 1065 (Ind. Ct. App. 2019) (citation omitted). We assess a defendant's character by engaging in a broad consideration of his qualities. *Madden v. State*, 162 N.E.3d 549, 564 (Ind. Ct. App. 2021). "A defendant's criminal history is one relevant factor in analyzing character, the significance of which varies based on the 'gravity, nature, and number of prior offenses in relation to the current offense.'" *Smoots v. State*, 172 N.E.3d 1279, 1290 (Ind. Ct. App. 2021) (quoting *Rutherford v. State*, 866 N.E.2d 867, 874 (Ind. Ct. App. 2007)). "Even a minor criminal history reflects poorly on a defendant's character for the purposes of sentencing." *Id.*

[19] Bowlin, who was born in 1984, has been convicted of multiple misdemeanors and felonies, including disorderly conduct, illegal consumption of an alcoholic beverage, attempted theft, conspiracy to commit robbery, criminal mischief (twice), resisting law enforcement, criminal recklessness, driving while suspended, and felon in possession of a firearm, for which he was on supervised release when he murdered Crapo with a firearm. Bowlin was also convicted of

³ The cases that Bowlin relies on are unpersuasive because they do not involve a habitual offender enhancement.

the two felonies in Michigan. He has violated probation ten times, which indicates that prior attempts at leniency were unsuccessful, and failed to appear for court dates five times, which demonstrates contempt for the judicial system. Bowlin has longstanding addiction issues but has failed to take advantage of rehabilitation opportunities, and he told the probation officer who prepared the presentence investigation report that “getting into drug treatment is not at all important.” Appellant’s App. Vol. 2 at 197. Bowlin pled guilty to burning Crapo’s car and body, apologized to Crapo’s family for doing so, and admitted to being a habitual offender, but his limited acceptance of responsibility is vastly overshadowed by the utter lack of restraint and brutality detailed above. Bowlin has failed to establish that his less-than-maximum sentence is inappropriate, so we affirm it.

[20] Affirmed.

Riley, J., and Mathias, J., concur.