MEMORANDUM DECISION

IN THE

Court of Appeals of Indiana

Jeremy Ryan Lock,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 23, 2024

Court of Appeals Case No.
23A-CR-1976

Appeal from the Vermillion Circuit Court

The Honorable Robert M. Hall

Trial Court Cause No.
83C01-2304-F1-2

Memorandum Decision by Judge Vaidik
Judges May and Kenworthy concur.

Vaidik, Judge.

Case Summary

[1] Jeremy Ryan Lock pled guilty to five counts of Level 1 felony child molesting and one count of Level 4 felony incest for molesting his daughter, F.L., monthly for two years starting when she was eleven years old. The trial court sentenced Lock to 200 years. Lock now appeals, arguing his sentence is inappropriate. Given the horrendous nature of the offenses, including the use of sex toys, having sexual intercourse with F.L. while she wore her mother's clothes, and having a threesome with F.L. and her mother, Lock has failed to persuade us that his sentence is inappropriate.

Facts and Procedural History

[2] On April 20, 2023, the Vermillion County Sheriff's Department was dispatched to North Vermillion Junior/Senior High School regarding an internet search that thirteen-year-old F.L. had conducted on her school-issued tablet. The search asked whether it was "illegal for a dad to take nude pictures of their daughter?" Appellant's App. Vol. II p. 33; Tr. Vol. II p. 85. The Indiana State Police and Indiana Department of Child Services were called, and F.L. underwent a forensic interview at a child-advocacy center that same day.

[3] During the interview, F.L. outlined several incidents of molestation and incest that her father, Lock, subjected her to starting in 2021, when she was eleven.[1] According to F.L., Lock told her that it was his job to teach her sex education because he was her father and her mother didn't have time. Appellant's App. Vol. II pp. 36, 38; Tr. Vol. II pp. 85, 97. As part of this "education," Lock had F.L. come to his bedroom and engage in sexual activities to teach her the "proper way." Appellant's App. Vol. II p. 38.

[4] Lock started the "education" by sucking F.L.'s breasts and showing her his penis. Things progressed to using sex toys. One time, Lock told F.L. to come to his bedroom, undress, and sit on the bed while he was naked and touched his penis. Lock had F.L. spread her legs and then used a "vibrator" on her vagina and his penis. *Id.* Lock ejaculated and told F.L. that she could not leave the room until she "squirted." *Id.* On other occasions, Lock had F.L. use various sex toys, such as "a pink toy with a button above the lick thing that had a light and vibrator" and "a purple one that was as big as [Lock] that was a suction cup type but did not really suck." *Id.* Lock offered to let F.L. buy her own sex toy, but she declined. Lock instructed F.L. how to sanitize the toys using a cleaner in a "clear bottle" and made sure she did so after each use. *Id.*

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[1] In his brief, Lock does not address the facts supporting his convictions, but he does cite the probable-cause affidavit. *See* Appellant's Br. pp. 4, 9. In its brief, the State relies heavily on the probable-cause affidavit as well as testimony from the sentencing hearing to set forth the facts. Lock did not file a reply brief raising any issues about the State's use of the probable-cause affidavit. Given Lock's own citations to the probable-cause affidavit and his acquiescence to the State using the probable-cause affidavit to set forth the facts, we accept the facts as stated in the probable-cause affidavit.

[5] Later in 2021, Lock began having sexual intercourse with F.L. in various positions while she wore multi-colored socks, lingerie, and clothing that belonged to her mother, Angela. *Id.* at 36. At first, Lock's penis did not go all the way in F.L.'s vagina. When F.L. cried because it hurt, Lock told her to stop crying and that he would eventually get his penis all the way in and she would "like it." Tr. Vol. II p. 98. To help, Lock would have F.L. get the "slippery stuff"—a clear oil in a clear bottle with a blue lid—which "made it go in a little more." Appellant's App. Vol. II p. 37. F.L. described multiple incidents of sexual intercourse, including Lock lying on his back and standing at the side of the bed. *Id.* at 39; Tr. Vol. II p. 99.

[6] Things continued to progress. In the summer of 2022, Lock, Angela, and F.L. had a "threesome." Appellant's App. Vol. II p. 37. According to Angela, the three of them formed a "triangle" on the bed. *Id.* F.L. used a purple "bunny ears" sex toy on Angela, who got "very excited," while Lock watched and masturbated. *Id.* at 37, 39. Afterward, Angela took F.L. to get ice cream.[2]

[7] The last incident of sexual intercourse occurred in March 2023 when F.L. was doing homework and went to get a snack from the kitchen. Lock told F.L. to come into his bedroom. F.L. said she had homework to do, but Lock told her that this was more important. *Id.* at 39; Tr. Vol. II p. 86. Lock then made F.L.

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[2] The State charged Angela with Level 1 felony child molesting, Level 4 felony incest, and Level 6 felony possession of child pornography. A jury trial is currently set for August 2024. *See* Cause No. 83C01-2304-F1-3.

"do it" again. Appellant's App. Vol. II p. 39. This time, Lock and F.L. faced each other on the bed, and Lock, after putting the "sticky stuff" on his penis, inserted his penis in F.L.'s vagina. *Id.* When F.L. told Lock that it hurt, he "pulled out" and had her get a sex toy instead. *Id.* Lock used the toy on F.L. and himself until he ejaculated and she "squirted," at which point F.L. was allowed to finish her homework. *Id.* Then, a few weeks before the forensic interview, Lock made F.L. pose for a photo shoot while wearing her mother's lingerie and putting a sex toy in her. *Id.*; Tr. Vol. II pp. 85-86. Lock told F.L. that she was "sexy" and other women would find her "sexy" too. Appellant's App. Vol. II p. 39; Tr. Vol. II p. 97.

[8] After the forensic interview, the police obtained a search warrant for the house, and several sex-related items were found in Lock's bedroom, including a "4 in 1 sexual toy cleaning spray," two bottles of lubricant, a purple "bunny ears" sex toy, a purple vibrator, a pink sex toy, multi-colored socks, and assorted lingerie. Appellant's App. Vol. II pp. 35-36. The police also found child pornography that Lock had downloaded from the dark web as well as the photos that he took of F.L. "indexed" in file folders. Tr. Vol. II p. 114.

[9] The State charged Lock with five counts of Level 1 felony child molesting (sexual intercourse or "other sexual conduct"[3]). The counts alleged that the

[3] "Other sexual conduct" means an act involving "(1) a sex organ of one (1) person and the mouth or anus of another person; or (2) the penetration of the sex organ or anus of a person by an object." Ind. Code § 35-31.5-2-221.5.

molestations started in the summer of 2021—when F.L. was eleven and getting ready to start sixth grade—and continued through April 2023. The State also charged Lock with Level 4 felony incest (sexual intercourse or "other sexual conduct" with biological child less than sixteen), Level 6 felony obstruction of justice, and Level 6 felony possession of child pornography.

[10] In July 2023, Lock and the State entered into a plea agreement under which Lock agreed to plead guilty to the five counts of Level 1 felony child molesting and one count of Level 4 felony incest and the State agreed to dismiss the other charges. Sentencing was left to the discretion of the trial court.

[11] Three witnesses testified at the sentencing hearing: the DCS worker and Indiana State Police officer who responded to the call and Lock. The DCS worker testified that this was "the worst and most explicit sexual abuse" she had ever encountered. *Id.* at 85. The officer testified about the investigation and what it had uncovered.

[12] Lock admitted that he "seduced" his daughter. *Id.* at 111. He claimed, however, that seduction is different than force because seduction means the other person chooses to participate. Lock also admitted that the molestations generally occurred "monthly" for two years, although he couldn't get more specific because it wasn't like he had "a calendar with an alarm on it saying do this now." *Id.* at 115, 116. Lock denied that he "penetrated" F.L. and speculated that some charges were made up, testifying: "I could easily see people out there looking at me and saying we need to get him with more charges than what we

currently have and telling her to say things." *Id.* at 115, 119. When the State pointed out that F.L. had said in her Victim Impact Statement that she feared Lock and was "sad," Lock maintained that F.L. had "no reason to fear [him]" and that the F.L. he knew was a "happy girl." *Id.* at 122.

[13] The State agreed with the probation department's recommendation of maximum and consecutive sentences. *Id.* at 134. It largely relied on Lock's abuse of his position of trust and the egregious facts of this case:

> I then go through the probable cause affidavit, which is attached, Your Honor, and it's all horrific but paragraph 23 contains 12 I believe subparts detailing very specifically the many episodes of this sexual abuse that Jeremy Lock has pled guilty to, and I don't want to read it. I know the Court reads all of that and I don't want to read it again. It truly is vile, Your Honor. There is an evil at work here that I don't know that I have seen and I hope I never see again.

Id. at 126 (cleaned up). Defense counsel asked the court to impose concurrent, advisory sentences. The trial court found as aggravators that Lock abused the ultimate position of trust and that the offenses occurred "over such a long period of time." *Id.* at 140.[4] The court identified as a mitigator that Lock didn't "have any prior criminal history to speak of other than the one prior [misdemeanor] [b]attery conviction" from 2007. *Id.* The court sentenced Lock to forty years on each count of Level 1 felony child molesting, to be served

[4] Lock argues the trial court improperly found F.L.'s age as an aggravator. While the trial court discussed F.L.'s age at sentencing, it did so in the context of explaining how long the molestations went on.

consecutively, and twelve years for Level 4 felony incest, to be served concurrently, for a total of 200 years.

[14] Lock now appeals his sentence.

Discussion and Decision

[15] Lock contends his 200-year sentence is inappropriate and asks us to revise it under Indiana Appellate Rule 7(B), which 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 appellate 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, 159-60 (Ind. 2019) (quotation omitted). "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).

[16] The version of Indiana Code section 35-50-2-4(c) in effect when Lock committed these offenses provided that a person who committed Level 1 felony child molesting as described in Indiana Code section 35-31.5-2-72(1) (defendant

over twenty-one, victim under twelve) or (2) (serious bodily injury or death) faced a sentencing range of twenty to fifty years, with an advisory sentence of thirty years. For all other Level 1 felony child-molesting convictions, the sentencing range was twenty to forty years, with an advisory sentence of thirty years. As the State points out, two of Lock's five Level 1 felony child-molesting convictions were subject to the higher range because F.L. was under twelve years old at the time. *See* Appellant's App. Vol. II pp. 25-26 (Amended Counts I and II). The sentencing range for a Level 4 felony is two to twelve years, with an advisory sentence of six years. The trial court sentenced Lock to forty years on each count of Level 1 felony child molesting. This was an above-advisory sentence for two of the convictions and the maximum sentence for the other three. The court sentenced Lock to the maximum term of twelve years for Level 4 felony incest. The court ordered the Level 1 felony sentences to be served consecutive to each other and concurrent to the Level 4 felony sentence, for a total of 200 years, which was thirty-two years less than the maximum he faced. Lock asks us to order all his sentences run concurrently, for a total of forty years.

[17] Lock argues the nature of the offenses supports a revision of his sentence. Though admitting that his offenses were "repugnant," Lock fails to acknowledge any of the actual facts. Appellant's Br. p. 9. Instead, he grasps at straws claiming that he wasn't "armed" and didn't use "violence." *Id.* Even so, the nature of the offenses is unspeakable. Lock abused his position of trust as F.L.'s father to sexually molest her, beginning at age eleven, under the guise of

teaching her sex education. Lock then embarked on a series of disturbing grooming behaviors. He started by sucking F.L.'s breasts and showing her his penis, but he soon graduated to using various sex toys on her—sex toys that F.L. described in detail and were found in Lock's bedroom. Lock also had F.L. clean the toys after they used them, and sex-toy cleaning spray was found in Lock's bedroom as well.

[18] Lock then advanced to having sexual intercourse with F.L. in various positions while she wore multi-colored socks, lingerie, and clothing that belonged to her mother. Again, clothing items that matched these descriptions were found in Lock's bedroom. At first, Lock's penis didn't go all the way in F.L.'s vagina. When F.L. cried because it hurt, Lock told her that he would eventually get it all the way in and she would "like it." To help, Lock had F.L. get the "slippery stuff," which she described as being in a clear bottle with a blue lid. Two bottles of lubricant were found in Lock's bedroom.

[19] And just when it didn't seem possible that things could get worse, Lock had F.L. engage in a threesome with him and Angela. F.L. used a purple "bunny ears" sex toy on her mother while Lock masturbated, and a sex toy with this exact description was found in Lock's bedroom. Moreover, involving Angela meant that F.L. could not turn to her own mother for help, as Angela became a part of the molesting too. Lock also had F.L. pose for photo shoots while wearing her mother's lingerie and putting a sex toy in her. The police later found these photos indexed in file folders. Nothing about the nature of these offenses warrants a revision in Lock's sentence.

[20] Lock argues his character also supports revision of his sentence. As part of this argument, Lock notes that the trial court should have found certain mitigators, such as his lack of criminal history, remorse, and guilty plea. But the trial court **did** find Lock's criminal history to be mitigating. Although Lock apologized at sentencing for the pain he caused, the court was not obligated to find his remorse to be genuine given the other comments he made, such as justifying his sexual abuse because F.L. chose to engage in it, speculating that someone encouraged F.L. to make up some allegations, and claiming that F.L. had "no reason to fear [him]" and that the F.L. he knew was a "happy girl." While Lock is entitled to credit for pleading guilty and sparing F.L. the unimaginable pain of having to testify at a trial, this fact coupled with his minor criminal history doesn't warrant a revision to his below-maximum sentence.

[21] Lock cites *Monroe v. State*, 886 N.E.2d 578 (Ind. 2008), for the proposition that we should revise his sentences to run concurrently. In that case, the defendant was convicted of five counts of Class A felony child molesting ("deviate sexual conduct") for molesting his girlfriend's daughter, A.R. The trial court sentenced him to twenty-two years on each count with two years suspended to probation and ordered the sentences to run consecutively, for a total executed term of 100 years. On appeal, the Indiana Supreme Court found that the defendant's sentence was inappropriate. The Court found that although the defendant, who had only misdemeanor convictions, was in a position of trust with A.R. and molested her repeatedly for over two years, the counts were "identical and involved the same child." *Id.* at 580. The court revised the defendant's sentence

to the maximum term of fifty years on each count but ordered the sentences to run concurrently, for a total of fifty years.

[22] While there are no doubt similarities between the cases, there is one glaring difference: there was no discussion of the facts in *Monroe*. Here, although the offense was the same for each incident of molestation—Level 1 felony child molesting—what F.L. endured in these incidents was anything but the same. As just explained above, for two years Lock introduced his daughter to various sexual activities, starting slow but then progressing to sex toys, sexual intercourse, a threesome with her own mother, and a photo shoot involving a sex toy inside F.L. The nature of the offenses here easily separates this case from *Monroe*.[5]

[23] Lock has failed to persuade us that his sentence is inappropriate.

[24] Affirmed.

May, J., and Kenworthy, J., concur.

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[5] Lock also cites *Harris v. State*, 897 N.E.2d 927 (Ind. 2008), but that case is distinguishable for the same reason.

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