

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

Terryon Golliday,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

March 1, 2024

Court of Appeals Case No.
23A-CR-2075

Appeal from the Vigo Superior Court
The Honorable Michael J. Lewis, Judge

Trial Court Cause No.
84D06-2005-F2-1830

Memorandum Decision by Chief Judge Altice
Judges Bradford and Felix concur.

Altice, Chief Judge.

Case Summary

[1] Following a jury trial, Terryon Golliday was convicted of Level 3 felony criminal confinement, for which the trial court sentenced him to nine years executed. On appeal, Golliday argues that his sentence is inappropriate.

[2] We affirm.

Facts & Procedural History

[3] Golliday and Margaret Hill were in a long-term relationship for eight years. During the summer of 2018, Hill accepted a job in Terre Haute. She and Golliday lived in a couple of different locations around Terre Haute until November 2019, when Hill purchased a home. Golliday eventually moved into the home with Hill. Over the next several months, Golliday became increasingly paranoid and suspicious of everyone. Hill testified that this caused their relationship to become “rather strained” and that she had started feeling “uncomfortable” around Golliday because he had become “controlling,” “a little verbally abusive,” and he would get “very angry.” *Transcript* at 100. Hill was “living in fear” and constantly “walking around on eggshells” when she was around Golliday. *Id.* at 104.

[4] By January 2020, Golliday was residing primarily in Hill’s detached garage because he was “very concerned” that someone might steal or vandalize his car. *Id.* at 99. On May 23, 2020, Hill “finally got to the end of [her] rope” and

ended the relationship. *Id.* at 104. She asked Golliday to gather his belongings and leave her property. That night, Hill and Golliday exchanged several contentious text messages. The following morning, Hill discovered that Golliday had not collected his personal things, so she gathered them up and placed them in boxes on the back porch. She then locked the door and further secured it with a chair so Golliday, who had a key, could not enter. Hill sent Golliday several text messages reiterating that their relationship was over and that she wanted him to leave her property. She also told him to not come inside the house, that his belongings were on the back porch, and that he could use her vehicle if needed.

[5] Minutes later, Hill heard Golliday trying to break in the back door. She ran to her bedroom and called 911. Golliday managed to pry the back door open while Hill was speaking with the 911 operator. Golliday was armed with one handgun and had a second handgun holstered on his hip. He grabbed the phone from Hill's hand and turned it off. Hill testified that Golliday was "very, very angry" and repeatedly told her that "this [wa]s all [her] fault." *Id.* at 113. Hill tried to get to the front door, but Golliday grabbed her and prevented her from leaving.

[6] Police were dispatched by the 911 operator. They arrived at Hill's home, approached the front door, and announced their presence. They could hear Hill screaming from inside. The officers then forced entry into Hill's home. Hill was able to get away to a side room, but Golliday followed her. At this point, Golliday had a drawn firearm and with his free hand forced Hill up a set of

stairs to an attic area, telling her “this is going to be hard.” *Id.* at 116. Golliday pointed his gun toward the officers who had entered the home as he continued to push Hill up the stairs. Once in the attic, Golliday threatened Hill, telling her that if she tried to escape and went down the first step, she would not “get[] down the second.” *Id.* at 117. Golliday refused repeated requests from the officers to release Hill.

[7] A SWAT team arrived on the scene and negotiated with Golliday for Hill’s release. The incident turned into a nearly five-hour standoff. During the negotiations, Golliday was “very controlling” and demanded to be called “Sir.” *Id.* at 154. He repeatedly referenced his military experience and told the officers he knew their tactics and what they were going to do next. Golliday eventually agreed to release Hill if the police would provide him with a document stating that he would be released on bail immediately after being arrested and that he would be permitted to remain on bail during the pendency of the criminal case. The police supplied the requested document, and Golliday permitted Hill to leave the attic. He then surrendered to the police.

[8] On May 28, 2020, the State charged Golliday with burglary as a Level 2 felony, criminal confinement as a Level 3 felony, domestic battery as a Level 5 felony, intimidation as a Level 5 felony, and interference with the reporting of a crime as a Class A misdemeanor.¹ A jury trial was held on June 26 and 27, 2023, at

¹ The first four charged offenses were elevated based on Golliday’s possession of two firearms during the incident.

the conclusion of which, the jury found him guilty of criminal confinement and acquitted him of the remaining charges. On August 21, 2023, the trial court sentenced Golliday to nine years executed. He now appeals, challenging the sentence imposed.

Discussion & Decision

[9] Golliday argues that his nine-year sentence is inappropriate. He acknowledges that he confined Hill for several hours and that the offense was elevated to a Level 3 felony by the fact that he had two firearms on his person, but he claims that he never pointed a firearm at Hill and that he did not draw or otherwise use a firearm in the commission of the crime. He also points out that he has just one prior misdemeanor conviction and no other criminal history, that he is a veteran of the Air Force and Marines, and that he is at a low risk of reoffending. He also maintains that his conduct during the incident in question “appeared out of character for him.” *Appellant’s Brief* at 8. In light of all of this, Golliday argues that his nine-year advisory sentence is inappropriate. *See* Ind. Code § 35-50-2-5(b). He maintains that he would respond affirmatively to probation or short-term imprisonment.

[10] We may revise a sentence authorized by statute if, after due consideration of the trial court’s decision, we find the sentence inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B). Indiana’s flexible sentencing scheme allows trial courts to tailor an appropriate sentence to the circumstances presented and the trial court’s judgment “should receive considerable deference.” *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind.

2008). The question is not whether another sentence is more appropriate, but rather whether the sentence imposed is inappropriate. *King v. State*, 894 N.E.2d 265, 268 (Ind. Ct. App. 2008).

[11] Whether a sentence is inappropriate 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. *Id.* The defendant has the burden of persuading us that the sentence is inappropriate. *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006). More particularly, the defendant must show that his sentence is inappropriate with “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).

[12] Golliday was sentenced to the advisory term of nine years. “Since the advisory sentence is the starting point our General Assembly has selected as an appropriate sentence for the crime committed, the defendant bears a particularly heavy burden in persuading us that his sentence is inappropriate when the trial court imposes the advisory sentence.” *Fernbach v. State*, 954 N.E.2d 1080, 1089 (Ind. Ct. App. 2011), *trans. denied*.

[13] When considering the nature of the offense, we look to the details and circumstances of the commission of the offense and the defendant’s participation in it. *Gauvin v. State*, 883 N.E.2d 99, 105 (Ind. 2008). Here, we

first note that, contrary to Golliday's claim, he did have a weapon drawn at various times throughout the encounter. In fact, he pointed the gun in the direction of the officers to stop them from pursuing him. We also note that Golliday overlooks the fact that the confinement turned into a nearly five-hour standoff with police and prolonged the terror experienced by Hill. Since the incident, Hill was forced to resign from her job and move because she remains fearful that Golliday will seek retribution. Golliday has not shown that the imposition of the advisory sentence is inappropriate in light of the nature of the offense.

[14] The character of the offender is found in what is learned of his life and conduct. *Merriweather v. State*, 151 N.E.3d 1281, 1286 (Ind. Ct. App. 2020). With regard to his character, we, like the trial court, recognize that Golliday was honorably discharged from two branches of our military and his criminal history is minor, having accumulated only one prior misdemeanor conviction. Aside from these positive character traits, we note that Golliday has refused to accept responsibility for his actions and in fact, blamed Hill for his crime. He continues to justify his conduct during the incident by asserting that he was trying to protect Hill from the police. This demonstrates a lack of insight and lack of remorse for his criminal actions and the pain and terror he inflicted on the person he was claiming to protect. Golliday has not demonstrated that his character is deserving of a lesser sentence.

[15] Golliday's nine-year advisory sentence is not inappropriate.

[16] Judgment affirmed.

Bradford, J. and Felix, J., concur.

ATTORNEY FOR APPELLANT

Cara Schaefer Wieneke
Brooklyn, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Indiana Attorney General

Megan M Smith
Deputy Attorney General

Nicole D. Wiggins
Deputy Attorney General
Indianapolis, Indiana