MEMORANDUM DECISION

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Court of Appeals
and Tax Court

IN THE
Court of Appeals of Indiana

Daniel Joseph Martin, Sr.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 27, 2024

Court of Appeals Case No.
23A-CR-2115

Appeal from the Tippecanoe Superior Court

The Honorable Randy J. Williams, Judge

Trial Court Cause No.
79D01-2107-F5-130

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

Bradford, Judge.

Case Summary

[1] After Daniel Martin pled guilty to Level 5 felony intimidation with a deadly weapon and Level 6 felony auto theft and admitted to being a habitual offender, the trial court sentenced him to an aggregate sentence of eight years of incarceration. Martin contends that the trial court abused its discretion in sentencing him and that his sentence is inappropriately harsh. We affirm.

Facts and Procedural History

[2] On April 18, 2021, Lindsey Holderfield drove to a friend's house. While Holderfield's friend was not there, Martin, Holderfield's ex-boyfriend, was. Holderfield tried to leave when she saw Martin, but her car would not start. Holderfield asked a neighbor to help her start her car, but Martin started yelling at the neighbor, so the neighbor left. Martin took a knife from his pocket and stabbed the front, driver's-side tire of Holderfield's vehicle multiple times while she was sitting in the driver's seat. Still holding the knife, Martin entered the vehicle and got on top of Holderfield. Once he was on top of Holderfield, Martin aggressively pushed her into the passenger seat. Holderfield was able to escape and exit her vehicle while Martin was still in the driver's seat. Martin drove away in Holderfield's vehicle. Responding officers noticed a cut on Holderfield's wrist along with a scratch on her neck.

[3] The State charged Martin with Level 5 felony intimidation, Level 6 felony auto theft, Class A misdemeanor domestic battery, Class B misdemeanor criminal

mischief, and two counts of Class A misdemeanor invasion of privacy. The State also alleged that Martin was a habitual offender. On August 30, 2022, Martin agreed to plead guilty to intimidation and auto theft and admit that he was a habitual offender in exchange for dismissal of the remaining counts and an agreement that the sentences imposed should be run concurrently.

[4] On June 12, 2023, the trial court found Martin's guilty plea, acceptance of responsibility, completion of programs, and mental-health issues to be mitigating circumstances. The trial court found Martin's criminal history, substance-abuse history, lack of respect to a judicial officer, violation of a no-contact order, and previous failed attempts at rehabilitation to be aggravating circumstances. The trial court sentenced Martin to eight years of incarceration with seven years to be executed in the Department of Correction ("DOC") and one year to be executed in Tippecanoe County Community Corrections.

Discussion and Decision

I. Abuse of Discretion

[5] Martin contends that the trial court abused its discretion in declining to find his difficult upbringing and the hardship his incarceration would cause his children to be mitigating circumstances. When imposing a sentence following criminal convictions, "the trial court must enter a statement including reasonably detailed reasons or circumstances for imposing a particular sentence." *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *modified on other grounds on reh'g*, 875 N.E.2d 218 (Ind. 2008). We review the sentence for an abuse of discretion. *Id*. An abuse of discretion occurs if "the decision is clearly against

the logic and effect of the facts and circumstances." *Id*. A trial court abuses its discretion if it (1) fails "to enter a sentencing statement at all[,]" (2) enters "a sentencing statement that explains reasons for imposing a sentence–including a finding of aggravating and mitigating factors if any–but the record does not support the reasons," (3) enters a sentencing statement that "omits reasons that are clearly supported by the record and advanced for consideration," or (4) considers reasons that "are improper as a matter of law." *Id*. at 490–91. The relative weight or value assigned to reasons properly found, or to those which should have been found, is not subject to review for abuse of discretion. *Id*.

[6] Martin has not established that the trial court failed to consider any significant mitigating circumstances. Martin's claim that the trial court did not consider his family history fails because "evidence of a difficult childhood warrants little, if any, mitigating weight." *Coleman v. State*, 741 N.E.2d 697, 700 (Ind. 2000). Moreover, Martin denied experiencing any problems during childhood relating to his family when speaking with the Probation Department and did not present any evidence at the sentencing hearing to support his claim of a troubled childhood. The trial court did not abuse its discretion in this regard.

[7] Martin also claims that the trial court should have found the hardship that prolonged incarceration would have on his children to be a mitigating factor. Trial courts, however, are not required to find that imprisonment will result in an undue hardship, as many persons convicted of serious crimes have children. *Comer v. State*, 839 N.E.2d 721, 730 (Ind. Ct. App. 2005) (citing *Dowdell v. State*, 720 N.E.2d 1146, 1154 (Ind. 1999)), *trans. denied*. Moreover, there is no

evidence in the record that Martin is supporting his children; two of them are adults and one is currently incarcerated in the DOC Boys' School. Martin also contends that he is worried about his son and is trying to be a good example for him, yet denied knowing if he is ordered to pay child support and provided no evidence that his family or friends would be unable to care for his children during his incarceration. *See Roush v. State*, 875 N.E.2d 801, 811 (Ind. Ct. App. 2007) (concluding that, absent evidence that either family or friends were unable to help care for defendant's children while she was incarcerated, there was no undue hardship on defendant's children). The trial court did not abuse its discretion in failing to find undue hardship on Martin's three children to be a mitigating circumstance.

II. Appropriateness of Sentence

[8] Martin contends that his aggregate, eight-year sentence is inappropriately harsh. We "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." Ind. Appellate Rule 7(B). "Although appellate review of sentences must give due consideration to the trial court's sentence because of the special expertise of the trial bench in making sentencing decisions, Appellate Rule 7(B) is an authorization to revise sentences when certain broad conditions are satisfied." *Shouse v. State*, 849 N.E.2d 650, 660 (Ind. Ct. App. 2006) (citations and quotation marks omitted), *trans. denied*. "[W]hether we regard a sentence as appropriate at the end of the day 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 v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008). In addition to the "due consideration" we are required to give to the trial court's sentencing decision, "we understand and recognize the unique perspective a trial court brings to its sentencing decisions." *Rutherford v. State*, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). Martin's sentence consists of five years for Level 5 felony intimidation with a deadly weapon, enhanced three years by virtue of his status as a habitual offender.

[9] The nature of Martin's offenses was somewhat egregious. In an attempt to prevent Holderfield from fleeing him, he prevented a neighbor from assisting her, stabbed the tire of her car, and forced his way inside, still holding the knife. During her struggle with Martin, Holderfield suffered a cut on her wrist and a scratch on her neck, but, given the fact that Martin was holding a knife, it certainly could have been far worse. Martin has failed to carry his burden to establish that the nature of his offenses warrants a reduced sentence.

[10] As for his character, Martin, who was thirty-nine years old at the time of sentencing, has an extensive history of juvenile adjudications, criminal convictions, failed attempts at rehabilitation, and failed attempts to address his substance-abuse issues. As a juvenile, Martin had adjudications for what would have been Class D felony auto theft, Class B felony child molesting, and Class C felony child molesting, if committed by an adult. As an adult, Martin has had nine prior felony convictions for two counts of theft, two counts of marijuana possession, escape, resisting law enforcement, auto theft, burglary,

and fraud and ten prior misdemeanor convictions for possession of marijuana, consumption of alcohol by a minor, five counts of driving with a suspended license, residential entry, and two counts of resisting law enforcement. Moreover, Martin has a history of failing to appear for court, has had eleven successful petitions filed to revoke his probation, was on probation at the time of the instant offenses, was out on bond in another case at the time of the instant offenses, and had new criminal charges filed against him while he was out on bond in this case.

[11] With respect to his substance-abuse history, Martin reported that he had begun using drugs when he was thirteen years old and had used marijuana, cocaine, crack cocaine, methamphetamine, "[m]ushrooms[,]" heroin, suboxone, opium, morphine, methadone, and prescription pain medication. Appellant's App. Vol. II p. 141. Martin admitted that drugs and alcohol had caused problems in his life and that they had played a part in the instant offenses. Martin has been ordered to complete substance-abuse treatment in 2002, 2004, 2005, 2009, and 2021 and reported participating in relapse-prevention counseling in 2011 and was ordered to complete the CLIFF program in the DOC in 2009. Despite the many opportunities afforded Martin over the years to address his substance abuse, he has not been successful in doing so. Martin's failure to reform himself, despite his extensive contacts with the criminal-justice system and many chances to address his substance abuse, does not speak well of his character. In light of the nature of his offenses and his character, Martin has failed convince us that his aggregate, eight-year sentence is inappropriate.

[12] The judgment of the trial court is affirmed.

Altice, C.J., and Felix, J., concur.

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