

MEMORANDUM DECISION

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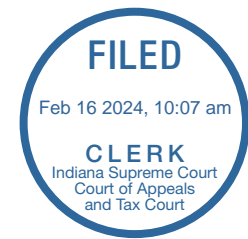


IN THE
Court of Appeals of Indiana

Christian O. Maradiaga,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



February 16, 2024

Court of Appeals Case No.
23A-CR-2368

Appeal from the Elkhart Circuit Court

The Honorable Michael A. Christofeno, Judge

Trial Court Cause No.
20C01-2106-MR-3

Memorandum Decision by Judge Vaidik
Judges May and Kenworthy concur.

Vaidik, Judge.

Case Summary

- [1] Christian O. Maradiaga appeals his sixty-seven-year sentence for murder, Level 6 felony neglect of a dependent, and Class A misdemeanor interference with the reporting of a crime, arguing it is inappropriate. We disagree and affirm.

Facts and Procedural History

- [2] In our previous decision in this case, we stated the facts as follows:

R.P.D., born in 2016, was the biological son of Karen Duran. In 2019, Duran and Maradiaga began dating. The next year, the couple had a child, N.L.M., and moved with both children into an apartment in Elkhart.

On June 9, 2021, Duran, who worked the night shift, went to work around 6 p.m., leaving four-year-old R.P.D. and six-month-old N.L.M. with Maradiaga. Beginning at 11:32 p.m., Josue Sosa, Maradiaga's best friend, received several unanswered video calls from Maradiaga. Bothered by the noise, Sosa's wife Mallory woke him, and Sosa answered at 11:45 p.m. Maradiaga was "screaming" and saying he "f*cked up" and "needed help." Tr. Vol. III p. 140. Over video, Maradiaga showed Sosa and Mallory R.P.D., who was unconscious on the floor, and stated he had "hit [R.P.D.] in the head" and "thrown him around." *Id.* at 141, 144. Sosa repeatedly told Maradiaga to call Duran or the police, but Maradiaga refused. Maradiaga also told Sosa he had used both methamphetamine and ecstasy that night.

During this conversation, Mallory attempted to contact Duran at work. Duran received Mallory’s message “around [midnight]” and immediately headed home. *Id.* at 11. Sosa and Mallory also headed toward the apartment. Ten minutes later, Duran arrived at the apartment and found R.P.D. in N.L.M.’s crib. He was “unresponsive” with his hands “balled” and “locked” into fists and appeared to be having a seizure. *Id.* at 11, 14. Duran tried to call 911, but Maradiaga took the phone from her. The two fought over the phone and Maradiaga grabbed at Duran’s arms, leaving large scratch marks down each arm. During this time, Sosa arrived, and Maradiaga stopped fighting. Sosa, Mallory, and Duran took R.P.D. to Elkhart General Hospital.

When R.P.D. arrived at the hospital, he was struggling to breathe on his own and doctors quickly intubated him. He had low-level reflexes and was showing signs of seizure activity. He also had “widespread” bruising on his fingers, hands, wrists, forearms, elbows, upper arms, ankles, legs, thighs, buttocks, back, neck, jaw, forehead, chin, ear, and head. *Id.* at 87. Imaging revealed he suffered subdural and subarachnoid hemorrhages. Doctors determined it was “highly likely” his brain bleeds caused the “seizure activity” and that the brain bleeds were caused by significant trauma. *Id.* at 103. On June 11, doctors determined R.P.D. was “brain dead.” *Id.* at 28. He was disconnected from life support and died that day.

Maradiaga v. State, No. 22A-CR-2889 (Ind. Ct. App. June 20, 2023) (mem.).

- [3] The State charged Maradiaga with murder, Level 1 felony neglect of a dependent resulting in death (for failing to render or seek medical aid), and Class A misdemeanor interference with the reporting of a crime. A jury found Maradiaga guilty as charged. The trial court sentenced him to sixty-five years for murder and thirty-five years for the Level 1 felony, to be served

consecutively, and one year for the Class A misdemeanor, to be served concurrently, for a total sentence of one hundred years.

[4] Maradiaga appealed, challenging the murder and neglect convictions and the sentence. We affirmed the murder conviction but ordered the neglect conviction reduced from a Level 1 felony to a Level 6 felony, finding sufficient evidence that Maradiaga failed to render or seek medical aid but insufficient evidence that this failure resulted in R.P.D.'s death. We remanded for resentencing and therefore did not address Maradiaga's challenge to his sentence.

[5] On remand, the trial court held a sentencing hearing on the reduced neglect count and then entered a detailed sentencing order. The court found numerous aggravating circumstances: (1) Maradiaga's juvenile history (adjudications for domestic battery and criminal trespass and three probation violations); (2) his long history of illegal drug use (methamphetamine, cocaine, oxycodone, Ecstasy, and marijuana); (3) his failure to take advantage of programming and alternative sanctions in the past; (4) the fact that R.P.D. was only four years old; (5) the harm, injury, loss, or damage to R.P.D. was significantly greater than the elements of Level 6 felony neglect of a dependent; (6) Maradiaga used Ecstasy and marijuana the day of the crimes; and (7) he "showed a callous disregard for his actions, even as he testified in Court and feigned tears during cross-examination at trial." Appellant's App. Vol. II pp. 151-52.

[6] The court also found several mitigating circumstances: (1) Maradiaga was only nineteen years old at the time of the crimes; (2) he had no prior criminal

convictions as an adult; (3) he was abused by his father as a child; (4) his mental-health issues; and (5) his substance-abuse issues.

[7] Finding the aggravators to outweigh the mitigators, the court sentenced Maradiaga to sixty-five years for murder and two years for Level 6 felony neglect of a dependent, to be served consecutively, and one year for the Class A misdemeanor, to be served concurrently, for a total sentence of sixty-seven years.

[8] Maradiaga now appeals.¹

Discussion and Decision

[9] Maradiaga asks us to reduce his sentence 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 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, 160 (Ind. 2019). “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

¹ We thank the trial court for its thorough and thoughtful sentencing order, which greatly aided in our review.

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).

[10] The sentencing range for murder is forty-five to sixty-five years, with an advisory sentence of fifty-five years. Ind. Code § 35-50-2-3(a). The sentencing range for a Level 6 felony is six months to two-and-a-half years, with an advisory sentence of one year. I.C. § 35-50-2-7(b). The sentence for a Class A misdemeanor can be up to one year. I.C. § 35-50-3-2. The trial court imposed the maximum sentence of sixty-five years for murder and two years for the Level 6 felony, to be served consecutively, and one year for the Class A misdemeanor, to be served concurrently, for a total sentence of sixty-seven years.

[11] Regarding the nature of his offenses, Maradiaga does not dispute that his beating to death of a four-year-old child was a horrific crime. But he argues that his calls to his friends show that he was concerned for R.P.D. and was seeking aid. That claim isn’t supported by the record. Despite his friends’ advice, Maradiaga refused to call the police or R.P.D.’s mother. Then, when R.P.D.’s mother returned home and tried to call for help, Maradiaga stopped her. This evidence makes clear that the only thing Maradiaga was truly concerned about was getting in trouble for his heinous actions.

[12] As for his character, Maradiaga emphasizes the mitigating circumstances found by the trial court: he was only nineteen years old at the time of his crimes; he had no prior convictions as an adult; he was abused by his father as a child; and he has mental-health and substance-abuse issues. But there are also several facts that reflect poorly on Maradiaga's character, most of which he doesn't address on appeal: his history of juvenile adjudications and probation violations; his failure to take advantage of programming and alternative sanctions in the past; his significant history of illegal drug use; his drug use on the day of the crimes; and his "callous disregard" for his actions, including feigning tears during trial. This lack of remorse is also shown in the transcript of the original sentencing hearing, which indicates that Maradiaga interrupted a witness, accused witnesses of lying, made faces, laughed, smiled, and played with a piece of paper like a basketball. Trial Tr. Vol. IV pp. 110-11, 122-23. That sort of disrespectful behavior speaks volumes about Maradiaga's character.

[13] Maradiaga hasn't carried his burden of showing that his sentence is inappropriate.

[14] Affirmed.

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

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