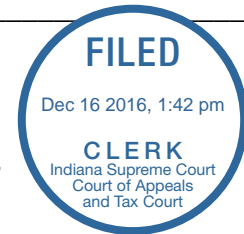


APPELLANT *PRO SE*
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In the
Indiana Supreme Court



No. 09S02-1609-CR-484

KYLE BESS,

Appellant (Defendant below),

v.

STATE OF INDIANA,

Appellee (Plaintiff below).

Appeal from the Cass Superior Court, No. 09D02-1502-F5-14
The Honorable Richard A. Maughmer, Judge

On Petition for Rehearing

December 16, 2016

Per Curiam.

Kyle Bess seeks rehearing from our opinion denying his request for sentencing relief under Indiana Appellate Rule 7(B). *See Bess v. State*, 58 N.E.3d 174 (Ind. 2016). Bess takes issue with our statement that in soliciting his 14-year-old niece, Bess “had her sit on his lap.” *Id.* Bess contends his niece did not, in fact, sit on his lap. He states he asked her to do so, but she declined. Bess contends this inaccuracy originated in the State’s Appellee’s Brief and that this “false

statement impacted the decision made by the Indiana Supreme Court to affirm the trial court.” Pet. for Reh’g at 11.

Bess is correct that the record reflects he solicited his niece to sit on his lap and she declined, not that he “had her sit on his lap.” *See* Tr. 48, 51. This factual difference does not alter our original decision. We grant rehearing to correct the facts as reflected herein. In all other respects the original opinion is affirmed.

All Justices concur.