MEMORANDUM DECISION

IN THE

Court of Appeals of Indiana

John Matthew Doty,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 13, 2025

Court of Appeals Case No.
24A-CR-56

Appeal from the LaPorte Circuit Court

The Honorable Thomas Alevizos, Judge

Trial Court Cause No.
46C01-2202-F3-153

Memorandum Decision by Judge Pyle
Judges Weissmann and Felix concur.

Pyle, Judge.

Statement of the Case

[1] John Matthew Doty ("Doty") appeals, following a guilty plea, his aggregate sentence for four counts of Level 5 felony child seduction.[1] Doty argues that: (1) the trial court abused its discretion when sentencing him; and (2) his aggregate sentence is inappropriate. Concluding that: (1) the trial court did not abuse its discretion when sentencing Doty; and (2) Doty's sentence is not inappropriate, we affirm the sentence imposed by the trial court.

[2] We affirm.

Issues

1. Whether the trial court abused its discretion when sentencing Doty.
2. Whether Doty's sentence is inappropriate.

Facts[2]

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[1] IND. CODE § 35-42-4-7.

[2] We set forth the facts of Doty's offenses from the factual basis set out in Doty's guilty plea hearing and from the testimony and exhibits introduced during Doty's sentencing hearing. Because the factual basis contains a bare-bones recitation of the nature of the offenses, the State relies on the probable cause affidavit that was attached to Doty's presentence investigation report ("PSI") to provide further details surrounding the offenses at issue in this appeal. We note that the PSI incorporates the probable cause affidavit by specifically directing the reader to the probable cause affidavit for the information regarding the "[c]ircumstances [a]ttending [the] [c]ommission of [the] [o]ffense[s.]" (App. Vol. 2 at 67). Doty did not challenge the probable cause affidavit or its contents during his sentencing hearing. However, in Doty's reply brief, he asserts that the trial court did not specifically address the contents of the probable cause affidavit during sentencing and asserts that it is improper for the State to use those facts on appeal. We note that our review of an inappropriate sentencing

[3] In December 2021 and January 2022, then thirty-five-year-old Doty was a high school biology teacher, and then sixteen-year-old L.H. was a student in Doty's class. On December 21, 2021, Doty picked up L.H. at her home and then drove her to a rural location in LaPorte County and parked his car. Doty told L.H., "that's where I'm going to throw your body after I murder you." (Tr. Vol. 2 at 90). While in the car with L.H., Doty then "digitally penetrat[ed] [L.H.'s] female sex organ[.]" (Tr. Vol. 2 at 47).

[4] The following day, Doty picked up L.H. at her home and then drove her to his own home. At that time, Doty's pregnant wife was not at home. Doty took L.H. to the "soon-to-be nursery" where he "digitally penetrated [L.H.'s] vagina" and "also penetrated her sex organ with [his] penis[.]" (Tr. Vol. 2 at 48, 82). Doty then gave L.H. a "box of multiple condoms." (Tr. Vol. 2 at 82).

[5] On January 4, 2022, Doty picked up L.H. at her home and then drove her to a location ten minutes away from her home and parked his car. While in the car, Doty pulled out a vibrator and "penetrated [L.H.'s] vagina" with the vibrator, and he also "digitally penetrated her[.]" (Tr. Vol. 2 at 49). When L.H. got home, she told her grandmother what Doty had done. That same day, L.H. had a sexual assault examination at the hospital.

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argument includes, by definition, a review of the nature and circumstances of the offenses committed. *See* Ind. Appellate Rule 7(B) (providing that our Court may revise a sentence if it is inappropriate in light of the nature of the offense and the character of the offender). Even without the specific contents contained in the probable cause affidavit, we affirm the sentence imposed by the trial court.

[6] In February 2022, the State charged Doty with two counts of Level 3 felony rape, one count of Level 3 felony attempted rape, and six counts of Level 5 felony child seduction. Doty was then released on a cash bond.

[7] In September 2023, Doty entered into a guilty plea agreement, in which he agreed to plead guilty to four counts of Level 5 felony child seduction[3] in exchange for the dismissal of the remaining five offenses. The plea agreement left sentencing open to the trial court's discretion.

[8] During the guilty plea hearing, Doty admitted that he had committed the four acts of child seduction set forth above. The trial court took Doty's plea under advisement and ordered Doty to undergo a psychosexual evaluation and to report to the probation department for the completion of a presentence investigation report ("PSI").

[9] When the probation department interviewed Doty for the PSI, Doty initially stated that he accepted responsibility for his offenses against L.H. However, he then stated that L.H. had initiated the events between them and that she had "claimed rape" only because she had gotten "caught in a lie" and was "afraid of her grandma[.]" (App. Vol. 2 at 71).[4]

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[3] Doty pled guilty to the child seduction charges in Counts 3, 5, 6, and 9.

[4] The probable cause affidavit attached to the PSI also discussed some background on how Doty had formed a relationship with L.H. For example, it reveals that Doty's friendship with L.H. began when he helped her with depression and anxiety issues, that they communicated via school email and social media messaging, and that Doty gave L.H. rides home from school. Additionally, the probable cause affidavit provides

[10] Additionally, when Doty underwent the psychosexual evaluation, he took "minimal accountability" and told the evaluator that L.H. had been the one who had "initiated sexual things[.]" (App. Vol. 2 at 95). The evaluator noted that, when Doty discussed his current offenses, he had made it appear that he was the victim. When the evaluator asked Doty what he thought of people having sex with teens, Doty responded that it depended on the age of the teen and whether the teen was sexually mature. Doty also told the evaluator that he believed that he should get probation and that L.H. should also get the same punishment. Doty also denied that he had ever participated in exhibitionism or had sent any obscene material via phone or an online format. Additionally, Doty told the evaluator that he had used a vibrator only on his wife.

[11] During Doty's December 2023 sentencing hearing, L.H. and L.H.'s grandmother read the victim impact statements that they had submitted to the probation department, and they described the impact that Doty's offenses had had on L.H.[5] Specifically, L.H.'s grandmother told the trial court that, as a result of Doty's offenses against L.H., L.H. was "depressed, quiet, a shell of herself" and that L.H. "s[aw] no joy in anything." (Tr. Vol. 2 at 102-03). L.H.'s grandmother stated that L.H. had been in therapy during the two years since Doty had committed the offenses against L.H. and that L.H. had had

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additional information regarding the circumstances surrounding Doty's child seduction offenses that he committed on the three days at issue.

[5] The victim impact statement form that the probation department sent to L.H. incorrectly stated that Doty had pleaded guilty to rape. During the sentencing hearing, L.H. confirmed that, when she wrote her victim impact statement, she knew that Doty had not pleaded guilty to rape.

"very little improvement." (Tr. Vol. 2 at 103). Additionally, L.H.'s grandmother told the trial court that Doty had taken L.H.'s "youth" and "her soul" and had stolen L.H.'s high school experience—including participating in homecoming, prom, and sports and having friendships—because L.H. had attended online school since the offenses had happened. (Tr. Vol. 2 at 103). L.H.'s grandmother stated that Doty had "committed the ultimate betrayal of . . . trust" because he had acted as "a predator" instead of being a teacher. (Tr. Vol. 2 at 103).

[12] Additionally, L.H. told the trial court that during the "[w]inter break of 2021 [her] life [had] changed forever." (Tr. Vol. 2 at 104). L.H. explained how Doty's offenses, which had occurred two years prior, had affected her psychologically and physically. (Tr. Vol. 2 at 105). L.H. stated that "[e]motionally, [she] ha[d] been deeply affected" and that she had "a significant amount of emotional distress . . . on a daily basis." (Tr. Vol. 2 at 105). L.H. explained that she had been attending weekly therapy sessions since January 2022 and that she felt that she could no longer trust others. Additionally, L.H. told the trial court that Doty had "take[n] away [her] innocence" and her "high school experience." (Tr. Vol. 2 at 104). L.H. explained that she had been unable to return to school, had "isolated [her]self for a considerable amount of time," and had "avoided leaving [her] room." (Tr. Vol. 2 at 105). L.H. also told the trial court that she "struggle[d] with self-harm and suicidal thoughts as a result of the situation" and that going out in public caused her "intense paranoia." (Tr. Vol. 2 at 106). L.H. also explained how she had been

physically affected by Doty's actions. Specifically, she told the trial court that she had "endured severe physical trauma to [her] genital area that cannot be resolved" and that it was an "ongoing condition" that she would be required to "manage for the rest of [her] life." (Tr. Vol. 2 at 105).

[13] L.H. also addressed Doty and told him the following:

> I unfortunately trusted you with my life, and you took advantage of that. I opened up to you about things I promised myself I wouldn't tell anyone, and you knew that. You created a safe space for me, you made me feel special, but in the end it was all fake. You didn't care about me or my interests or my problems. You just wanted to hurt me. With this selfish act, you ruined me within one year. I lost my peers, my family's trust, myself, and everything I worked so hard on crumbled in front of my eyes. . . . You hurt me, not only mentally, but physically. I had bruises, marks, and trauma to my private areas that I still cannot come to terms with. I stayed in my room for a year. I was so paranoid and afraid of what you would have done if you [had] seen me. I've been in therapy since I first came out about what happened, trying to und[o] all the damage you created, but some things I'll just have to live with.

(Tr. Vol. 2 at 104-05).

[14] The State also introduced L.H.'s sexual assault examination report into evidence. In that report, which was written on the day that Doty had penetrated L.H.'s vagina with a vibrator and his finger while in his car, the nurse noted that L.H.'s external genitalia were red and swollen and that L.H. had lacerations to her hymen. Additionally, the report noted that L.H. was unable to tolerate some parts of the examination due to pain. During L.H.'s

examination, L.H. told the nurse that Doty had told her, "[Y]ou're my ride or die, unless this gets out, then I'm throwing you under the bus and it will be your fault." (Tr. Vol. 2 at 88).

[15] Additionally, the State presented witnesses, including a nineteen-year-old female who was a former student of Doty's ("the former student"). The former student testified that she had been in Doty's biology class when he had taught at his previous high school. The former student explained that, when she had been lonely, Doty had started a friendship with her outside of the classroom, had frequently texted her during after-school hours, had followed her on social media, and had visited her at her work. Furthermore, the former student testified that, when she looked back at how Doty had acted "beyond" the scope of the normal teacher/student relationship, she felt that his actions "fit[] the characteristics of grooming[.]" (Tr. Vol. 2 at 66). Doty's counsel then cross-examined the former student about grooming.

[16] The State also presented testimony from a sergeant from the LaPorte County Sheriff's Department ("the sergeant"), who had been the lead investigator in Doty's case. The sergeant pointed out that Doty had denied, during his psychosexual evaluation, that he had ever engaged in exhibitionism or had sent obscene messages but that the sergeant's investigation had shown otherwise. Specifically, the sergeant testified that, during the investigation of Doty's offenses, L.H. had told him that she and Doty had exchanged semi-nude and nude photographs and videos, including a video of Doty masturbating. The sergeant explained that he had verified the existence of the photographs when

he had searched Doty's and L.H.'s phones and that, during a therapy session after Doty's arrest, Doty had admitted to sending the video. The sergeant also explained that his search of Doty's phone revealed two voice messages "describing very sexual things" that he had sent in August 2021 to a female. (Tr. Vol. 2 at 86).

[17] In addition, the sergeant testified that, after Doty had been charged in this case, three female former students of Doty's had contacted the sergeant with information about Doty's prior interactions with them. For example, Doty had visited the students at their workplace, had communicated with them via text, email, or social media, had taken some students to his house and drank alcohol with them, had "asked some inappropriate questions, such as, hey, who's lost their virginity[,]" and had touched a student on her buttocks and on her bare back. (Tr. Vol. 2 at 75). The sergeant also testified that one of the students had contacted him after Doty had been charged in L.H.'s case because the student's reflection of Doty's past behavior had made her realize that Doty's behavior was "consistent with grooming behavior." (Tr. Vol. 2 at 77).

[18] When Doty made his allocution statement, he told the trial court, "Your Honor, it's the most embarrassing moment of my life standing here, but I'm here to claim responsibility for all of the hurt I have caused on people." (Tr. Vol. 2 at 107). Doty then went on to discuss the "shame" he felt about what his actions had done to his "now ex-wife[,]" and he discussed his concern that his toddler son would "lose respect" for him in the future. (Tr. Vol. 2 at 107, 108). Doty then stated that he was "so remorseful to all of [his] friends that [he had]

let down" because his friends had been "bombarded with questions" when "the charges came out[.]" (Tr. Vol. 2 at 108). Thereafter, Doty talked about the academic impact he had made on a former student who was "now a pediatric genetic counselor" and stated that his impact on students was "tainted now[.]" (Tr. Vol. 2 at 108). Doty eventually mentioned L.H. and stated that he had "failed [her] as a teacher[.]" (Tr. Vol. 2 at 108). Doty told the trial court that L.H. had "c[o]me to [him] needing someone to talk to, needing help, and [that he had] tried everything [he] could, and then she [had] wanted a friend[.]" (Tr. Vol. 2 at 108). Doty then stated that "[p]eople have different ways of perceiving things, and we can't -- that's not what's important." (Tr. Vol. 2 at 108). He then added that he "should have set the boundaries, and [he] was too weak and concerned about how that would [have] affect[ed] [him], selfishly." (Tr. Vol. 2 at 108-09).

[19] When arguing about sentencing, Doty's counsel highlighted that Doty did not have a criminal history. Additionally, Doty's counsel addressed the "significance of the injury or harm" to L.H. and clarified that Doty was "not saying the injury or harm [wa]s not significant" and did "not at all question this victim, [L.H.'s] honesty and reality." (Tr. Vol. 2 at 119). Doty's counsel argued that this case did not involve grooming and that the trial court should impose a sentence of seven years or less because Doty's lack of criminal history was a significant mitigator.

[20] Prior to imposing Doty's sentence, the trial court found Doty's lack of criminal history and his guilty plea to be mitigating circumstances. The trial court noted

that Doty's lack of criminal history was a "substantial mitigator" and that his guilty plea was a "minimal mitigator in that it came in response to a substantial cutback in the level of crime" and the dismissal of three Level 3 felony charges and two Level 5 felony charges. (App. Vol. 2 at 123).

[21] When discussing aggravating circumstances, the trial court noted that it was "informed" by the victim impact statements and that this case involved an "injury [that] [wa]s greater than necessary to prove the offense in terms of both the physical and psychological impairment the victim ha[d] gone through." (Tr. Vol. 2 at 124). The trial court also found Doty's lack of remorse to be an aggravating circumstance and addressed that aggravator as follows:

> I'm used to people coming in here on eleventh-hour remorse. That's kind of funny because [Doty's] statement of remorse really wasn't remorseful, was it? I think the clearer statement [wa]s that people have different ways of perceiving things. And I know it was used as a backhanded way to get at [L.H.]. Oh, I failed her because I didn't -- I wasn't the adult. But people look at it like somehow, once again, you're going back to the victim impact statement that somehow this is her fault.
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> Here's what I read: I read that you don't even think you've really done anything wrong because you think maybe people that do this kind of crime should get a little bit [of] counseling, and then you specifically said that the victim should be the criminal here. But let's talk about your statement. The other statement you said -- it's all about you. You led off with your embarrassment, your shame, your loss, your wife's loss, my loss of my son's respect. I'm remorseful to my friends you said, and right after that it's back to you again. You're remorseful that all these good things you've done for students, once again patting yourself on the back, might be mitigated in their eyes by you[] having committed

> this crime. You have shown no remorse. You've shown the opposite of remorse.

(Tr. Vol. 2 at 124-25). Before imposing Doty's sentence, the trial court also commented that it believed that this case had involved grooming, but it did not find it to be an aggravating circumstance.[6]

[22] The trial court imposed a sentence of three and one-half (3½) years executed for each of Doty's four Level 5 felony child seduction convictions. The trial court ordered three of the sentences to be served consecutively, resulting in an aggregate sentence of ten and one-half (10½) years executed in the Indiana Department of Correction.[7]

[23] Doty now appeals.

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[6] The trial court's sentencing order listed the following as aggravating circumstances:

> 1. The Court, having been informed by the victim impact statements, finds said statements to be essential to that of the victim.
>
> 2. The injuries to the victim are greater than necessary to prove the offenses in both physical and psychological impairment as to what the victim has gone through.
>
> 3. [Doty] has a lack of remorse.

(App. Vol. 2 at 110).

[7] The trial court ordered the sentences for Doty's two offenses that he committed on December 22, 2021, which are set forth in Counts 5 and 6, to be served concurrently.

Decision

[24] Doty argues that: (1) the trial court abused its discretion when sentencing him; and (2) his aggregate sentence is inappropriate. We will review each argument in turn.

1. Abuse of Discretion in Sentencing

[25] We first address Doty's argument that the trial court abused its discretion when sentencing him. Specifically, Doty contends that the trial court abused its discretion when finding aggravating circumstances.

[26] Sentencing decisions rest within the sound discretion of the trial court. *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g,* 875 N.E.2d 218 (Ind. 2007). So long as the sentence is within the statutory range, it is subject to review only for an abuse of discretion. *Id.* An abuse of discretion will be found where the decision is clearly against the logic and effect of the facts and circumstances before the court or the reasonable, probable, and actual deductions to be drawn therefrom. *Id.* A trial court may abuse its discretion in several ways, including: (1) failing to enter a sentencing statement at all; (2) entering a sentencing statement that includes aggravating and mitigating factors that are unsupported by the record; (3) entering a sentencing statement that omits reasons that are clearly supported by the record; or (4) entering a sentencing statement that includes reasons that are improper as a matter of law. *Id.* at 490-91.

[27] Doty argues that the trial court abused its discretion by finding the following aggravating circumstances: (1) Doty's lack of remorse; (2) the physical and psychological injuries to L.H. were greater than necessary to prove the offenses; and (3) the victim impact statements.[8]

[28] We first address Doty's argument that the trial court abused its discretion by finding lack of remorse to be an aggravating circumstance. Specifically, he contends that trial court's consideration of lack of remorse as an aggravating circumstance was improper because the trial court appears to have misunderstood Doty's allocution on remorse as a denial of committing rape. We disagree.

[29] "[I]t is well-settled that '[l]ack of remorse is a valid aggravating factor.'" *Kedrowitz v. State*, 199 N.E.3d 386, 405-06 (Ind. Ct. App. 2022) (quoting *Barnes v. State*, 634 N.E.2d 46, 49 (Ind. 1994)), *reh'g denied*, *trans. denied*. *See also Georgopulos v. State*, 735 N.E.2d 1138, 1145 (Ind. 2000) (explaining that a trial court may consider a defendant's lack of remorse as an aggravating circumstance). Here, Doty pled guilty to four counts of Level 5 felony child seduction, and he did not make any reference to rape in his sentencing allocution. As explained by the trial court, Doty's sentencing allocution was focused on Doty, his ex-wife, his son, and his friends, and he made a minimal

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[8] Doty also argues that the trial court abused its discretion by finding Doty's act of grooming to be an aggravating factor. The trial court expressed its belief that Doty had engaged in grooming with L.H. and apparently with the former students, but the trial court did not find such grooming to be an aggravating circumstance.

reference to L.H. When Doty eventually mentioned L.H., he suggested—as he had in his PSI and psychosexual evaluation—that L.H. was somehow to blame for Doty's offenses. The trial court was not persuaded that Doty's statement was not remorseful and found his lack of remorse to be an aggravating circumstance. We conclude that the trial court did not abuse its discretion by considering lack of remorse as an aggravating circumstance.

[30] We next address Doty's argument that the trial court improperly found the injuries to L.H. and the victim impact statements to be aggravating factors. Doty contends that the trial court did not provide a sufficiently detailed explanation for using these factors as aggravators. The State asserts that the trial court's inclusion of a reference to the victim impact statements as a separate aggravating factor was "admittedly unartfully drafted" because it was "simply cumulative" to the aggravating factor regarding L.H.'s injuries. (State's Br. 16). We agree that the trial court's recitation to these two aggravating factors intended to be as a related factor, and we will review the aggravating factor relating to L.H.'s injuries.

[31] INDIANA CODE § 35-38-1-7.1(a)(1) provides that a trial court may consider as an aggravator whether "[t]he harm, injury, loss, or damage suffered by the victim of an offense was . . . significant[] and . . . greater than the elements necessary to prove the commission of the offense." *See also McCoy v. State*, 856 N.E.2d 1259, 1263 (Ind. Ct. App. 2006). Here, Doty pleaded guilty to four counts of Level 5 felony child seduction pursuant to the relevant charging informations that alleged that Doty, while being L.H.'s "child care worker[,]"

had engaged in one instance of sexual intercourse and three instances or other sexual conduct (penetration of the sex organ by an object) with L.H. (App. Vol. 2 at 20-22).[9]

[32] In finding that the harm or injury caused to L.H. was greater than that necessary to prove the commission of the offense was an aggravating factor, the trial court referenced the victim impact statements that L.H. and L.H.'s grandmother had submitted to the trial court and had read to the trial court during the sentencing hearing. As set out in the facts above, L.H. and L.H.'s grandmother described the significant and lasting psychological and physical effects that Doty's offenses had had on L.H. While the trial court's sentencing statement did not explicitly repeat the harm and injury done to L.H. that was outlined in L.H. and L.H.'s grandmother's statements, it is clear from the record that the trial court's finding was based on these statements. We conclude that the trial court properly found the fact that L.H. suffered significant harm that was greater than the elements necessary to prove the commission of the offense to be an aggravating factor. Accordingly, we conclude that the trial court did not abuse its discretion when sentencing Doty.[10]

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[9] A "child care worker" is defined as "a person who . . . is employed by a . . . school corporation . . . [or] charter school . . . attended by a child who is the victim of a crime under this chapter[.]" I.C. § 35-42-4-7(d)(2).

[10] Doty also asserts that the trial court abused its discretion by ordering him to serve some of his sentences consecutively. Specifically, Doty contends that the imposition of consecutive sentences was improper

2. Inappropriate Sentence

[33] Doty argues that his aggregate sentence is inappropriate. We may revise a sentence if it is inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B). The defendant has the burden of persuading us that his sentence is inappropriate. *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006). The principal role of a Rule 7(B) review "should be to attempt to leaven the outliers, and identify some guiding principles for trial courts and those charged with improvement of the sentencing statutes, but not to achieve a perceived 'correct' result in each case." *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). "Appellate Rule 7(B) analysis is not to determine whether another sentence is more appropriate but rather whether the sentence imposed is inappropriate." *Conley v. State*, 972 N.E.2d 864, 876 (Ind. 2012) (internal quotation marks and citation omitted), *reh'g denied*.

[34] When determining whether a sentence is inappropriate, we acknowledge that the advisory sentence "is the starting point the Legislature has selected as an appropriate sentence for the crime committed." *Childress*, 848 N.E.2d at 1081. Doty pleaded guilty and was convicted of four counts of Level 5 felony child

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because the trial court did not find any valid aggravating circumstances. Because we have concluded that the trial court did not abuse its discretion in its determination of aggravating circumstances, we reject Doty's contention that the trial court erroneously imposed consecutive sentences for Doty's offenses of engaging in sexual conduct with his student, L.H., on three separate days. *See, e.g.*, *Powell v. State*, 895 N.E.2d 1259, 1263 (Ind. Ct. App. 2008) (affirming the imposition of consecutive sentences for multiple acts of child molesting with the same victim and explaining that "[t]he basis for the gross impact that consecutive sentences may have is the moral principle that each separate and distinct criminal act deserves a separately experienced punishment"), *trans denied*.

seduction. A person who commits a Level 5 felony "shall be imprisoned for a fixed term of between one (1) year and six (6) years, with the advisory sentence being three (3) years." I.C. § 35-50-2-6(b). Here, the trial court imposed sentences that were just slightly above the advisory sentence. Specifically, the trial court imposed a sentence of three and one-half (3½) years executed for each of Doty's four Level 5 felony child seduction convictions. The trial court ordered three of the sentences to be served consecutively, resulting in an aggregate executed sentence of ten and one-half (10½) years, which is substantially less than the potential maximum sentence under the statute.

[35] We first turn to the nature of Doty's offenses. Doty argues that his sentence is inappropriate in light of the nature of his offenses because he "engaged in a consensual, albeit illegal, affair with a 16-year-old." (Doty's Br. 21). Doty further contends that "[d]espite L.H.'s claims of rape, she eagerly pursued a third sexual encounter with Doty when she was caught by her grandmother." (Doty's Br. 21-22). Doty also argues that "L.H.'s willingness is a hallmark of this offense" and that "but-for Doty's status as L.H.'s teacher, this relationship would not [have] been a crime." (Doty's Br. 22).

[36] We reject Doty's seeming attempt to somehow reframe the nature of the offenses to which he pled guilty. Here, Doty pled guilty to four counts of Level 5 felony child seduction. "The nature of the offense is found in the details and circumstances surrounding the offense and the defendant's participation." *Perry v. State*, 78 N.E.3d 1, 13 (Ind. Ct. App. 2017). Here, thirty-five-year-old Doty befriended his student, sixteen-year-old L.H., and then betrayed his position of

trust with her. On one occasion, Doty drove L.H. to a remote area, told her he was going to dump her body after he murdered her, then digitally penetrated L.H.'s sex organ. The following day, while Doty's pregnant wife was away from their home, Doty drove L.H. to his house, took L.H. to the bedroom that was going to serve as his baby's nursery, penetrated L.H.'s sex organ with his finger and his penis, and then gave her a box of condoms. Then, on a third occasion a short time later, Doty drove L.H. away from her home, parked his car, and then penetrated L.H.'s vagina with a vibrator and his finger. That same day, L.H. had a sexual assault examination, which revealed that L.H.'s external genitalia were red and swollen and that L.H. had lacerations to her hymen. Additionally, the report noted that L.H. was unable to tolerate some parts of the examination due to pain. During L.H.'s examination, L.H. told the nurse that Doty had told her, "[Y]ou're my ride or die, unless this gets out, then I'm throwing you under the bus and it will be your fault." (Tr. Vol. 2 at 88). As a result of Doty's offenses, L.H. suffered considerable emotional and physical effects. We conclude that Doty has failed to meet his burden of showing that his sentence was inappropriate in light of the nature of his offenses.

[37] In reviewing Doty's character, we note that "[a] defendant's life and conduct are illustrative of his or her character." *Morris v. State*, 114 N.E.3d 531, 539 (Ind. Ct. App. 2018), *trans. denied*. Doty points to his lack of criminal history, his status as a teacher, and his remorse as reflecting a positive view of his character. However, the trial court considered these factors when it sentenced

Doty. Moreover, the trial court explained why Doty's assertion of remorse was actually a negative reflection of his character. Doty used his position as a teacher as a means to befriend L.H. and to ultimately perpetrate the offenses against her. During Doty's psychosexual evaluation, he blamed L.H. for the offenses, made himself out to be the victim, and suggested that L.H. should receive some sort of punishment. Furthermore, When the evaluator asked Doty what he thought of people having sex with teens, Doty responded that it depended on the age of the teen and whether the teen was sexually mature. Additionally, during the psychosexual evaluation, Doty denied that he had ever participated in exhibitionism or had sent any obscene material via phone or an online format, but testimony during the sentencing hearing proved otherwise. Specifically, Doty and L.H. had exchanged semi-nude and nude photographs and videos, including a video of Doty masturbating. In addition, the investigating sheriff testified that, after Doty had been charged in this case, three female former students of Doty's had contacted the sergeant with information about Doty's prior inappropriate interactions with them, including sending social media communications to students outside of school hours, visiting students at their workplaces, taking students to his house and drinking alcohol with them, and touching a student on her buttocks. Doty's conduct reflects poorly on his character.

[38] Doty has not persuaded us that his aggregate ten and one-half-year sentence for his four Level 5 felony child seduction convictions is inappropriate. Therefore, we affirm the sentence imposed by the trial court. *See Bess v. State,* 58 N.E.3d

174, 174-75 (Ind. 2016) (affirming a defendant's three-year executed sentence for Level 5 felony child solicitation where the defendant had, on one occasion, asked his fourteen-year-old niece to give him a lap dance, she declined, he kissed her on the cheek and tickled her, and later blamed her for contributing to the crime) (per curiam), *opinion corrected on reh'g*, 65 N.E.3d 593 (Ind. 2016).

[39] Affirmed.

Weissmann, J., and Felix, J., concur.

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