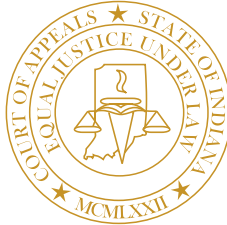


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

Curtis A. Adams,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

May 12, 2025

Court of Appeals Case No.
24A-CR-1593

Appeal from the LaPorte Circuit Court
The Honorable Thomas J. Alevizos, Judge
Trial Court Cause No.
46C01-2302-F1-279

Memorandum Decision by Judge Tavitas
Chief Judge Altice and Judge Brown concur.

Tavitas, Judge.

Case Summary

- [1] Following a jury trial, Curtis Adams was convicted of two counts of child molesting, Level 1 felonies, and two counts of child seduction, Level 3 felonies. Adams appeals, and we affirm.

Issues

- [2] Adams presents three issues, which we restate as:
- I. Whether the trial court abused its discretion by denying Adams' request for a different public defender.
 - II. Whether the trial court abused its discretion by briefly removing Adams from the courtroom during trial.
 - III. Whether the State presented insufficient evidence to support Adams' convictions because it did not prove Adams' age.

Facts

- [3] In 2022 and 2023, Adams lived with his son and his daughter, J.A, who was born in August 2009. During this time, Adams repeatedly compelled J.A. to submit to sexual intercourse and to perform fellatio on Adams. Adams' molestation of J.A. was finally disclosed on February 19, 2023. On that day, J.A. wished to go to a birthday party for one of her cousins. Adams informed J.A. that, before she could go to the party, she would have to "give [him]

something in return[.]” Tr. Vol. III p. 102. Adams then forced J.A. to submit to sexual intercourse. When J.A. resisted, Adams pulled her hair and told her to “stop and just let it happen.” *Id.* at 108. After the sexual intercourse was finished, Adams allowed J.A. to go to the birthday party with her aunt. At the birthday party, J.A. disclosed Adams’ sexual abuse to one of her cousins. The cousin then told J.A. that she should tell the cousin’s mother and step-father. After J.A. disclosed the sexual abuse to the cousin’s mother and step-father, they called J.A.’s mother and informed her of the abuse.

- [4] The next day, J.A. went to the hospital, where she was examined by a sexual assault nurse. The nurse found injuries that were consistent with sexual abuse—a healed transection of the hymen and petechiae on the posterior fourchette.¹ The nurse took swabs from J.A.’s anal area, external genitalia, internal genitalia, and cervix. J.A. also participated in a forensic interview, during which she recounted the abuse and described a certain deformity on Adams’ penis. The police obtained a search warrant for Adams’ home, a warrant to photograph Adams’ penis, and a warrant to obtain buccal DNA swabs from Adams. The DNA obtained from the swabs indicated with an incredible degree of certainty that Adams’ DNA was on J.A.’s external genitalia, anal area, and cervix.²

¹ The “posterior fourchette” is “the area beneath the hymen[.]” *Kien v. State*, 782 N.E.2d 398, 403-04 (Ind. Ct. App. 2003), *trans. denied*.

² Testing of the swabs of J.A.’s external genitalia and anal area indicated that it was “at least one trillion times more likely” that the DNA originated from J.A. and Adams as opposed to J.A. and an unknown,

- [5] On February 22, 2023, the State charged Adams with two counts of child molesting, Level 1 felonies, and two counts of child seduction, Level 3 felonies. From the time he was arrested, Adams proved to be a difficult person. He refused to be transported to the courthouse for his initial hearing, which had to be held remotely via Zoom. At the hearing, the trial court appointed a public defender to represent Adams.
- [6] At a bail review hearing held on March 31, 2023, the trial court explained to Adams that a no-contact order was in place preventing him from contacting J.A. When the trial court asked if Adams understood the order, Adams stated, “This is a false allegation. I don’t.” Tr. Vol. II p. 18. The trial court explained that Adams was not permitted to have any contact with the victim, to which Adams replied that he was, in fact, the victim. Adams’ attorney explained that he would visit Adams in jail to discuss the case.
- [7] The trial court held an omnibus hearing on May 19, 2023, at which Adams appeared via Zoom. Adams’ attorney stated that he had received a plea offer from the State and would discuss the offer with Adams. The trial court stated that, unless Adams accepted the plea offer, the case would proceed to a jury trial. Adams then stated that there were “issues” remaining to be heard. *Id.* at 22. When asked what these issues were, Adams stated, “Your Honor, I stated before I suffered from a head injury and staring at a TV screen is a bad idea. I

unrelated person. Tr. Vol. IV p. 118. And testing of the swab from J.A.’s cervix indicated that it was “10 billion times more likely” that the DNA originated from J.A. and Adams as opposed to J.A. and an unknown, unrelated person. *Id.* at 119.

request to be physically present at any and all hearings pertaining to any matter between me and my--[.]” *Id.* At that point, the trial court stated, “If we have any hearings of substance you’ll be brought over here [i.e., the courtroom]. For your attorney to say ‘no issues’ you don’t need to be brought over.” *Id.* at 22-23. After the hearing concluded, Adams stated, “This lawyer is fired.” *Id.* at 23. It is unclear whether the trial court heard this, but it did not respond to Adams’ statement. At a pretrial conference held on January 12, 2024, however, Adams made no statements or complaints about his attorney.

- [8] A final pretrial conference was held on February 7, 2024, at which Adams appeared in person with his counsel. At this hearing, the trial court addressed the State’s motion in limine, which requested a bench conference before the introduction of any evidence suggesting that J.A.’s mother had substance abuse issues and was pressuring J.A. to fabricate the allegations against Adams. The trial court stated that the defense had the right to pursue this theory. At that point, Adams interrupted the court and stated, “[Th]e main purpose was to gain access to . . . funding and checks from the government and tax forms.” *Id.* at 40-41. The trial court stated that it was granting the motion in limine “because it’s going to be depend[en]t on the wording of the question and what [the defense] is going to say.” *Id.* at 41. Adams again interrupted and said, “How does that stay out? It’s proving that they’re lying about the subject because that’s in their statement.” *Id.* The trial court tried to explain to Adams that nothing had yet been proven and that the role of determining guilt was for the jury. The following exchange then took place:

[Adams]: But they're lying.

* * * * *

The mother was allowing it to go on in her home during visitation. They are lying about that matter, and that's proof that they're lying about everything.

[Defense counsel]: Curtis, I told you what the law is.

[Adams]: Yeah, and you're just railroading me. I want a new lawyer.

[Court]: So, Mr. Adams --

[Adams]: I want a new lawyer. I want a new lawyer.

[Court]: --what he's trying to tell you is those people [the jury] get to decide who's lying and not lying. And those people have to decide beyond a reasonable doubt against you and -
-

[Adams]: I'm innocent.

[Court]: --you don't even have to prove -- and that's the wonderful thing about this --

[Adams]: There [sic] trying to kill me. This is my life.

[Court]: The wonderful thing --

[Adams]: This is my life. They are trying to kill me.

[Court]: Mr. Adams.

[Adams]: The State of Indiana.

[Court]: Mr. Adams. The wonderful thing about this process is you don't have to prove that. They have to prove that. They have to prove beyond a reasonable doubt that you are guilty. All right.

[Adams]: All they have to do --

[Court]: And the people that are going to decide it are the people that we put in that box and survive any challenges that you and your attorney and the State's attorney put --

[Adams]: In the State of Indiana all they have to do is make up the charge and you find me guilty just because you don't like me.

[Court]: Apparently -- are you not able to understand how this works? Do we have to do mental health evaluations here?

[Adams]: I'm not stupid.

[Court]: The situation is nobody is deciding -- I'm not deciding anything. The people in that box starting Monday will decide. And they will decide -- and they will be told that you are presumed to be innocent and the State ha[s] to prove everything, not just like this, beyond a reasonable doubt before they can ever find you guilty. And those people will decide it. As of now, you are presumed to be innocent.

[Adams]: I have proof of lies against me in my phone.

Tr. Vol. II pp. 42-44. The parties then discussed jury instructions.

[9] After discussing the instructions, the trial court asked if the parties had anything else, and Adams stated that he did. Adams then argued with the trial court regarding the import of the court's rulings. The trial court explained that, contrary to Adams' statements, no evidence had been presented. Adams then claimed that he had "facts" on his "phone records" and on Facebook Messenger. *Id.* at 47. The trial court again explained that no evidence had been presented, and that once the jury was selected, they would decide the facts. When Adams continued to argue, the trial court ordered him to be removed from the courtroom. As Adams was being escorted out of the courtroom, the following exchange took place:

[Adams]: He's fired.

[Defense counsel]: Your Honor, my client just requested to proceed pro se.

[Court]: Absolutely not.

[Deputy]: Let's go.

[Adams]: I did not request to proceed pro se.

[Deputy]: Let's go.

[Court]: Absolutely not at this point. It's too late.

[Adams]: I'm not allowed to be heard.

[Deputy]: Let's go. The judge just said you're done.

[Adams]: He is fired. The continuance of this Court should be stated in front of -- and I need a new lawyer appointed, and that's a violation of my rights if you don't do something.

[Court]: All right. We're done.

Id. at 48.

[10] A jury trial commenced on February 12, 2024. The first day of trial proceeded without any notable interruptions from Adams. At the conclusion of the second day of trial, however, Adams stated, "I don't feel like I'm being properly represented." Tr. Vol. IV p. 65. The trial court told Adams that he could make a record on the matter the following day but that the trial would continue. The following morning, the trial court offered Adams an opportunity to state his complaints. Adams stated:

I really don't know what to say. . . . This court proceeding has been biased from the very beginning. . . . I have recordings of people, specific people stating that this was a set up from the very beginning, and it's been thrown out. Evidence that this was not something that I actually did.

Id. at 73.

[11] The trial court explained that Adams had not yet presented his case-in-chief. Adams again misunderstood the nature of the trial court's ruling on the motion

in limine, and Adams' counsel told the court that he had tried to explain to Adams that the trial court's ruling on the motion in limine was not a final ruling. The trial court then asked Adams if he had any issues with his attorney's representation and stated that he could make any objections when the court resumed after recess. When the trial resumed, however, Adams made no objections.

[12] The trial resumed, and the State sought to admit video depicting the police interview of Adams. Adams claimed that the video had been altered and that exculpatory evidence was on his phones.³ The trial court noted that it had given Adams the chance to make any complaints about his attorney before trial, but Adams had said nothing. The trial court also denied Adams' assertion that the trial court had interrupted Adams when he attempted to complain about his attorney. Adams claimed that he had only spoken with his attorney three times and that his attorney refused to answer his phone calls and letters.

[13] Detective James Ferguson was questioned under oath and denied having seen or taken phones during the execution of the search warrant. The trial court took a recess to allow Adams to review the redacted interview video. Detective Ferguson then testified that, while in jail, Adams had called J.A.'s mother. The State asked Detective Ferguson, "did you ever glean any kind of information

³ Adams stated that he did not know where his phones were because Detective Ferguson "made me leave them on the floor in my apartment when he arrested me, even after I asked him to get my phones, please, they had evidence on them." Tr. Vol. IV p. 83. Immediately after this claim, however, Detective Ferguson testified that he did not see any phones in Adams' house. Detective Ferguson also explained that if he had encountered any phones, he would have taken them, but he did not possess such phones. *Id.* at 84.

about a phone call or any evidence from phone calls that may have existed or from his phone?” *Id.* at 94. Adams interjected, and his attorney told him to stop. Detective Ferguson testified that he was unaware of any relevant information on Adams’ phones and that Adams had only requested to look up his father’s phone number on his phone. Adams again interrupted, stating, “I wanted my phone. . . . I needed to get my phone.” *Id.* When the trial court informed Adams that he would have the opportunity to testify,⁴ Adams retorted, “No, I won’t. . . . Hung jury.” *Id.* at 95. Adams continued to make audible remarks during Detective Ferguson’s testimony.

[14] During a recess, the trial court told Adams that it would instruct the jury that anything other than the exhibits and testimony was not to be considered as evidence and warned Adams that if he continued to interrupt the proceedings, he would be removed from the courtroom. Adams again claimed that he could not view the proceedings remotely due to a “brain problem.” *Id.* at 98. When the trial court resumed, the court instructed the jury to disregard non-evidentiary matters.

[15] Adams’ counsel cross-examined Detective Ferguson and asked if Adams would have been allowed to use his phone in jail. Adams again interjected, stating,

⁴ Adams claims that the trial court “advised Adams to take the stand if he wanted the jury to consider his evidence [regarding his phones], but Adams retorted that there would be no need to take the stand if the evidence from his cell phones was made available.” Appellant’s Br. p. 7. What the trial court actually said was: “And you have the right to -- you can have the right to testify and say that.” Tr. Vol. IV p. 83. Thus, the trial court did not “advise” Adams to take the stand but merely informed him that he had the right to testify if he so desired.

“This was my phone I called.” *Id.* at 103. The trial court instructed the jury to ignore Adams’ statements, but Adams continued to interrupt and speak over the judge. Finally, the trial court ordered Adams to be removed from the courtroom. Before the next witness testified, Adams told the bailiff that he promised to behave. Adams was then returned to the courtroom before the next witness testified. Adams’ counsel moved for a mistrial based on Adams’ temporary absence from the courtroom, which the trial court denied. The jury found Adams guilty as charged. This belated appeal ensued.⁵

Discussion and Decision

I. The trial court did not abuse its discretion by denying Adams’ request for a new public defender.

[16] Adams first claims that the trial court abused its discretion by denying his requests for a new public defender. The Sixth Amendment to the United States Constitution guarantees the right of a criminal defendant to counsel. *Kelly v. State*, 226 N.E.3d 266, 269 (Ind. Ct. App. 2024) (citing *Bowie v. State*, 203 N.E.3d 535, 543 (Ind. Ct. App. 2023)). Although an indigent defendant has a right to a public defender, he “is not entitled to the public defender of his choice.” *Id.* (quoting *Bowie v. State*, 203 N.E.3d 535, 543 (Ind. Ct. App. 2023), *trans. denied*); see also *Luck v. State*, 466 N.E.2d 450, 451 (Ind. 1984) (“[A]

⁵ The trial court granted Adams’ petition for leave to file a belated notice of appeal on June 4, 2024. Adams then filed his belated notice of appeal on July 3, 2024. This Court dismissed Adams’ appeal with prejudice on October 1, 2024, based on the failure to file the notice of completion of the transcript. On Adams’ motion, we reinstated Adams’ appeal on October 18, 2024.

defendant has an absolute right to be represented by counsel, [but] an indigent defendant does not have an absolute right to counsel of his own choosing.”).

- [17] A defendant’s request for new court-appointed counsel is subject to the discretion of the trial court, and we review the trial court’s ruling only for an abuse of that discretion. *Luck*, 466 N.E.2d at 451; *Kelly*, 226 N.E.3d at 270. “If a defendant refuses to be represented by his court appointed counsel, he must ‘find some method to employ his own counsel or proceed [pro se].’” *Luck*, 466 N.E.2d at 451 (quoting *State v. Irvin*, 291 N.E.2d 70, 74 (Ind. 1973)).
- [18] Adams first argues that he consistently asserted his dissatisfaction with his court-appointed attorney from the very beginning of the proceedings until the jury trial; thus, he claims, his requests for a new public defender were not untimely. As detailed above, however, Adams’ requests may have started early, but they were inconsistent.
- [19] Adams stated that his public defender was “fired” at the end of the May 19, 2023 omnibus hearing, but at the next pretrial conference on January 12, 2024, Adams did not complain about his attorney. Tr. Vol. II p. 23. At the end of the final pretrial hearing on February 7, 2024, Adams again stated that his court-appointed attorney was “fired.” *Id.* at 48. Adams’ counsel took this as a request to proceed pro se, but Adams insisted that he wanted a new court-appointed attorney. On the first day of the jury trial, however, Adams made no comment or complaint about his court-appointed attorney.

[20] On the second day of trial, Adams claimed that he was not being properly represented. The trial court told Adams that he could make his complaints on the record the following morning. When Adams did speak on the record the next day, he merely complained about the alleged bias of the court proceedings and the trial court's evidentiary rulings. The trial court asked Adams if he had any issues with his attorney and informed Adams that he could make any objections when the court resumed after its recess. Yet when the trial resumed, Adams made no statement regarding his attorney. Thus, we cannot say that Adams' complaints about his court-appointed attorney were consistent.

[21] Even if they were, however, the trial court did not abuse its discretion by denying Adams' request for a new court-appointed attorney. As noted above, an indigent defendant such as Adams has no right to a public defender of his choosing. *Kelly*, 226 N.E.3d at 269. If Adams was dissatisfied with his court-appointed attorney, he had three options: (1) continue with his current court-appointed attorney, (2) "find some method to employ his own counsel," or (3) proceed pro se. *Luck*, 466 N.E.2d at 451 (quoting *Irvin*, 291 N.E.2d at 74). Adams clearly did not wish to proceed pro se, and he made no effort to secure other representation. Thus, Adams' only choice was to proceed with his current court-appointed attorney.

[22] Moreover, Adams' complaints about his attorney were based on his misunderstanding of the trial court's rulings and his unsupported claims regarding evidence he asserted was on his phones. Adams could not, or refused to, understand that the trial court's ruling on the State's motion in limine was

not a final ruling regarding the admissibility of evidence. He also misunderstood the burden of proof in a criminal trial and the presumption of innocence. Adams' ignorance or obstinance is not grounds for a new court-appointed attorney.

[23] Adams also argues that his counsel ignored his claims about evidence on his phones, which Adams insists contained records and Facebook conversations involving J.A.'s mother that were somehow exculpatory. As noted by the State, however, Adams did not incorporate his allegations about his phones into his complaints about his attorney until the last day of trial. "We have several times reiterated our approval of the denial of a defendant's motion to replace counsel during or immediately before trial." *Luck*, 466 N.E.2d at 451.

[24] In short, Adams' requests for a new court-appointed attorney were based mostly on his misunderstanding of the trial court's rulings and court procedure. Under these circumstances, we cannot say that the trial court abused its discretion by denying Adams' requests for a different court-appointed attorney.⁶

II. The trial court did not abuse its discretion by briefly removing Adams from the courtroom during trial.

[25] Adams next claims that the trial court abused its discretion by briefly removing him from the courtroom during trial.⁷ The Confrontation Clause of the Sixth

⁶ Adams makes no claim that his attorney was constitutionally ineffective.

⁷ In the heading of this second claim of error, Adams asserts that the trial court erred in denying his motion for a mistrial after removing him from the courtroom. However, in the body of his argument, Adams fails to

Amendment to the United States Constitution,⁸ which applies to the states under the Fourteenth Amendment, provides that: “In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him”

[26] “One of the most basic of the rights guaranteed by the Confrontation Clause is the accused’s right to be present in the courtroom at every stage of his trial.” *Partee v. State*, 184 N.E.3d 1225, 1234 (Ind. Ct. App. 2022) (citing *Illinois v. Allen*, 397 U.S. 337, 338 (1970)), *trans. denied*. “A defendant may, however, lose the right to be present at trial by consent or misconduct.” *Id.* (citing *Wells v. State*, 176 N.E.3d 977, 982 (Ind. Ct. App. 2021)). In *Allen*, the United States Supreme Court held:

a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom. Once lost, the right to be present can, of course, be reclaimed as soon as the defendant is willing to conduct himself

make any claim regarding the denial of his motion for a mistrial. Consequently, this issue is waived. *See Dunigan v. State*, 191 N.E.3d 851, 855 (Ind. Ct. App. 2022) (noting that failure to make a cogent argument results in waiver of a claim on appeal) (citing Ind. Appellate Rule 46(A)(8)(a)), *trans. denied*.

⁸ Adams mentions Article 1, Section 13 of the Indiana Constitution, which also contains a confrontation clause, but Adams makes no separate argument under the Indiana Constitution. We, therefore, address only his claim under the Sixth Amendment. *See White v. State*, 199 N.E.3d 1249, 1253 (Ind. Ct. App. 2022) (“It is well settled that the failure to ‘provide a separate analysis under the state constitution’ results in a waiver of the State Constitutional claim.”) (quoting *Richardson v. State*, 800 N.E.2d 639, 647 (Ind. Ct. App. 2003)), *trans. denied*.

consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

397 U.S. at 342-44 (quoted in *Partee*, 184 N.E.3d at 1234-35) (citations and footnote omitted). We review a trial court's exclusion of a defendant from the courtroom during his or her trial for an abuse of discretion. *Wells v. State*, 176 N.E.3d 977, 982 (Ind. Ct. App. 2021) (citing *Wilson v. State*, 30 N.E.3d 1264, 1270 (Ind. Ct. App. 2015)).

[27] Here, Adams had a history of outbursts and interrupting the trial court. During trial, Adams interjected and made comments during Detective Ferguson's testimony. The trial court warned Adams that, if he continued to be disruptive and interrupt, he would be removed from the courtroom. *See* Tr. Vol. IV p. 98 ("Mr. Adams, if this continues, when we come back you will be escorted to another room and you can watch the rest of the trial on video."). Shortly thereafter, while Detective Ferguson testified on recross-examination about Adams' use of a jail phone to contact the victim's mother, Adams again began to interject his own comments. When Adams refused to be quiet and continued to interrupt the trial court, the court ordered Adams to be removed from the courtroom.

[28] Defense counsel noted his objection for the record and stated that Adams had the right to be in the courtroom. The trial court responded:

Mr. Adams, you have a right, but you do not have a right to be disruptive. You've been warned on several occasions. You will now be removed from this courtroom. You may watch this if

you want, but you told me you don't want to. If you change your mind, we'll give you video. . . . You will be allowed to come back when you agree and promise to behave.

Id. at 104. Adams claimed he would behave, but the trial court still ordered Adams to be removed from the courtroom.

[29] During Adams' absence, the jury asked Detective Ferguson questions about the video recording of Detective Ferguson's interview with Adams. Before the next witness was called, Adams informed the bailiff that he would behave, and the bailiff relayed this message to the trial court. *Id.* at 105. Adams was returned to the courtroom and made no further outbursts or interruptions. Less than one page of the transcript was transcribed during Adams' absence. *See id.* at 105-06.

[30] Adams continuously disrupted the jury trial by commenting on Detective Ferguson's testimony, and he ignored the trial court's warning that his failure to behave could result in his removal from the trial court. Under these circumstances, the trial court did not abuse its discretion by briefly removing Adams from the courtroom. *See Partee*, 184 N.E.3d at 1235 (noting that a trial court may remove a disruptive defendant until he promises to conduct himself properly) (citing *Allen*, 397 U.S. at 344).

[31] Moreover, when Adams informed the bailiff that he promised to behave, the bailiff conveyed this message to the trial court. Adams was returned to the courtroom and missed only a few minutes of the trial. *See Vaughn v. State*, 971 N.E.2d 63, 71 (Ind. 2012) (holding that trial court did not abuse its discretion in

denying defendant's motion for mistrial after trial court ordered the bailiff to briefly place his hand over the defendant's mouth due to the defendant's refusal to be quiet). Accordingly, we cannot say that Adams was denied his Sixth Amendment right to be present at his trial. His brief absence from the trial was due solely to his own obstreperous behavior. *See Campbell v. State*, 732 N.E.2d 197, 205 (Ind. Ct. App. 2000) (holding that defendant knowingly and voluntarily waived his right to be present at the end of his trial after being removed from the courtroom based on his contemptuous conduct).

III. The State presented sufficient evidence to support Adams' convictions.

[32] Lastly, Adams argues that the State failed to present evidence sufficient to support his convictions. Sufficiency of the evidence claims warrant a deferential standard of review in which we “neither reweigh the evidence nor judge witness credibility, instead reserving those matters to the province of the jury.” *Hancz-Barron v. State*, 235 N.E.3d 1237, 1244 (Ind. 2024). A conviction is supported by sufficient evidence if “there is substantial evidence of probative value supporting each element of the offense such that a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt.” *Id.* In conducting this review, we consider only the evidence that supports the jury's determination, not evidence that might undermine it. *Id.* We affirm the conviction “‘unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt[.]’” *Sutton v. State*, 167 N.E.3d 800,

801 (Ind. Ct. App. 2021) (quoting *Drane v. State*, 867 N.E.2d 144, 146-47 (Ind. 2007)).

[33] To convict Adams of child molesting, a Level 1 felony, the State had to prove that Adams, being at least twenty-one years of age, did knowingly perform sexual intercourse or other sexual conduct against J.A., who was under the age of fourteen. Ind. Code § 35-42-4-3(1). And to convict Adams of child seduction, a Level 3 felony, the State had to prove that Adams, being at least eighteen years of age and J.A.’s custodian, knowingly fondled or touched J.A. and that J.A. was age thirteen or under. Ind. Code § 35-42-4-7(m), (q)(5).⁹

[34] Adams does not deny that there was evidence that he is J.A.’s father, that he had custody of her, that she was under the age of fourteen at the time of the molestation, or that he engaged in sexual intercourse/other sexual conduct and fondling of J.A. Instead, he claims only that there was no evidence that he was over the age of eighteen or twenty-one. This claim is meritless.

[35] The trial court admitted into evidence a redacted copy of Adams’ certified driving record. This driving record shows that the date of birth for “Curtis A. Adams” is March 28, 1977. This would make him forty-five or forty-six years old in 2022 and 2023, when the acts at issue took place. The driving record not only lists Adams’ name, but also his height, weight, hair color, and eye color. The jury could see Adams and determine whether this matched his physical

⁹ We cite the version of the statute in effect at the time of Adams’ offenses.

characteristics. The driving record also shows Adams' address as being on Clay Street in LaPorte. Adams' son testified that he and J.A. lived with Adams at an apartment on Clay Street in LaPorte, though he could not recall the exact address or apartment number. This evidence is sufficient to support a conclusion that the Curtis Adams in the driving record is the same Curtis Adams as the defendant. Accordingly, the evidence is sufficient to support a finding that Adams was well beyond the statutory age requirements of twenty-one and eighteen.

Conclusion

[36] The trial court did not abuse its discretion by denying Adams' requests for a new public defender, nor did the trial court abuse its discretion by briefly removing Adams from the courtroom during trial due to his disruptive behavior. And the State presented sufficient evidence of Adams' age to support his convictions. We, therefore, affirm the trial court's judgment.

[37] Affirmed.

Altice, C.J., and Brown, J., concur.

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