MEMORANDUM DECISION

IN THE

Court of Appeals of Indiana

Joel Williams, Jr.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

July 9, 2024

Court of Appeals Case No.
24A-CR-394

Appeal from the Lake Superior Court

The Honorable Natalie Bokota, Judge

Trial Court Cause No.
45G02-1903-FA-1

Memorandum Decision by Judge Vaidik
Judges Weissmann and Foley concur.

Vaidik, Judge.

Case Summary

[1] Joel Williams, Jr., appeals his sentence for Class B felony rape, arguing it is inappropriate. We affirm.

Facts and Procedural History

[2] One night in March 1984, seventeen-year-old L.F. was at home with her father and some friends. L.F.'s mother, A.D., and fourteen-year-old sister, M.A., were on their way home. When they arrived, Williams, then seventeen, and two other men followed them up to the house, pointed a gun at A.D.'s head, and forced her to let them inside. The men ordered the occupants of the home to lie on the living-room floor. They then made A.D., L.F., and M.A. remove their clothing at gunpoint. Williams told L.F. that if she moved, he'd kill her.

[3] One by one, A.D., M.A., and L.F. were taken to a bedroom and raped. One of the men "forced [L.F.] to touch his penis and then raped her orally followed by vaginally." Appellant's App. Vol. IV p. 99. Another man came into the bedroom with a gun and also "vaginally" and "orally" raped her. Tr. p. 43. The men then "parade[d] her back up to the living room" and "ma[de] her lay naked" in front of everyone while they ransacked the house. *Id.* They stole jewelry, firearms, and the family car.

[4] A.D., L.F., and M.A. were taken to the hospital, and rape kits were collected from each of them. Because of the science at the time, the testing could only

determine the perpetrators' blood types and whether they were a "secretor" or "non-secretor," so the State couldn't identify the perpetrators to charge them. *Id.* at 68.

[5] This offense was part of a crime spree by Williams and several other men in early 1984. The spree culminated in seven cases against Williams, with charges including murder, rape, and armed robbery. *See* Appellant's App. Vol. IV pp. 136-37. In 1985, a jury found Williams guilty of Class B felony robbery, and he was sentenced to fifteen years. A few months later, another jury found him guilty of two counts of Class B felony robbery (armed or bodily injury), and he was sentenced to a total term of thirty years. The State dismissed the other five cases because of Williams's forty-five-year aggregate prison term.

[6] Williams was released to parole sometime in 2000. In July 2001, he was charged with and later pled guilty to one count of Class B felony burglary while armed with a deadly weapon, two counts of Class B felony armed robbery, and two counts of Class B felony criminal confinement while armed with a deadly weapon. *See id.* at 137. He was sentenced to a total term of forty years but was released to parole in 2017.

[7] As part of a county-wide initiative to clear the rape-kit backlog, L.F.'s rape kit was submitted for DNA analysis in 2018. A portion of the DNA profile obtained from the vaginal swab of L.F. was a match to Williams's convicted-offender sample. The results showed it was "1.8 billion times more likely" that the DNA from the vaginal swab belonged to Williams and another unrelated,

unknown contributor than to two unrelated, unknown contributors. *Id.* at 99. It was never determined whether Williams was the first or second man to rape L.F.

[8] In March 2019, the State charged Williams with two counts of Class A felony rape (one for being armed with a deadly weapon and one for using or threatening deadly force) and two counts of Class A felony criminal deviate conduct (one for being armed with a deadly weapon and one for using or threatening deadly force), all naming L.F. as the victim. While out on bond in this case, Williams was charged in a new case in April 2023 with Level 4 felony unlawful possession of a firearm by a serious violent felon and Class B misdemeanor possession of marijuana. *See* Cause No. 45G02-2304-F4-53.

[9] In June 2023, the parties entered into a plea agreement under which Williams agreed to plead guilty to an added charge of Class B felony rape, and the State agreed to dismiss the other charges in this case as well as F4-53 in its entirety. The parties left sentencing to the discretion of the trial court but agreed on a maximum sentence of ten years.

[10] At sentencing, the court found two aggravators: (1) Williams has a juvenile and adult record, including eight felony convictions that the court gave only "moderate weight" because of their remoteness, and (2) the crime was a "premeditated and sadistic" "violation of a juvenile victim," which was entitled to "significant weight." Appellant's App. Vol. IV p. 159; Tr. pp. 76, 77. The court found four mitigators: (1) the crime was the result of circumstances

unlikely to recur; (2) Williams is likely to respond well to probation or short-term imprisonment, "relative to the class of felony at issue"; (3) Williams has made substantial strides toward rehabilitation, which the court gave only "moderate weight" because of Williams's April 2023 charges; and (4) Williams accepted responsibility for his crime by admitting guilt. Appellant's App. Vol. IV p. 159. The court added that Williams hadn't shown remorse or compassion toward the victim. Finding the aggravators to outweigh the mitigators, the court sentenced Williams to ten years, with six years executed and four years suspended to probation.

[11] Williams now appeals.

Discussion and Decision

[12] Williams 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 appellate 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, 159-60 (Ind. 2019) (quotation omitted). "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 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).

[13] At the time Williams committed the offense, the sentencing range for a Class B felony was six to twenty years, with a presumptive sentence of ten years. Ind. Code § 35-50-2-5 (1984). Under the plea agreement, Williams faced a maximum sentence of ten years. The trial court imposed a ten-year sentence, with six years executed and four years suspended to probation. Thus, Williams didn't receive the maximum executed sentence under the plea agreement, and his executed sentence is the statutory minimum.

[14] Nonetheless, Williams asks us to either suspend his entire ten-year sentence to probation or order the executed portion "to be run concurrently to the previously imposed" forty-five-year aggregate sentence for the 1985 robbery convictions. Appellant's Br. p. 6. He asserts there is "little doubt" that, had this case been "filed contemporaneously with the actual criminal conduct," the sentence for this offense would've been "at least partly integrated into that 1985 sentence." *Id.* at 8. But this is sheer speculation. And in any event, neither the nature of the offense nor Williams's character warrant a reduction in his sentence, which already has an executed portion below the cap in the plea agreement.

[15] As the trial court found, the nature of Williams's offense is "simply horrifying." Appellant's App. Vol. IV p. 159. Williams forced his way into L.F.'s family

home, made her take her clothes off at gunpoint, and threatened to kill her. After her sister and mother were raped, Williams and another man raped seventeen-year-old L.F. orally and vaginally at gunpoint. Afterward, they "paraded" L.F. in front of her family and friends and "made her lay naked" in front of everyone while they ransacked the house. While Williams was seventeen when he committed this crime, as the trial court noted, "the commission of a brutal crime is something that . . . even children know . . . is wrong." Tr. p. 76.

[16] Williams's character doesn't support a reduction in his sentence either. Williams has eight felony convictions, three of which were part of the same crime spree as this offense. He contends he "clearly rehabilitated himself during the intervening forty years between the offense and sentencing," Appellant's Br. p. 9, but this is not entirely true. Within a year of getting out of prison for the 1985 robberies, Williams was arrested and charged with (and eventually pled guilty to) five Class B felonies stemming from another armed robbery. And while out on bond in this case, he picked up more criminal charges in April 2023. Notwithstanding this cycle of criminal conduct, Williams has made "substantial strides toward rehabilitation," which reflect positively on his character. But the trial court found these rehabilitative efforts were entitled to only moderate weight because of the April 2023 charges. Williams also emphasizes the court's finding that he would likely respond affirmatively to probation or short-term imprisonment. The court's specific finding was that Williams was likely to respond affirmatively to "what the court considers

relatively short-term imprisonment and/or probation," Tr. p. 77, "relative to the class of felony at issue," Appellant's App. Vol. IV p. 159. As explained above, the executed portion of Williams's sentence is six years, the statutory minimum for a Class B felony.

[17] Williams has failed to persuade us that his sentence is inappropriate.

[18] Affirmed.

Weissmann, J., and Foley, J., concur.

ATTORNEY FOR APPELLANT

Sean C. Mullins
Appellate Public Defender
Crown Point, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General

Steven J. Hosler
Deputy Attorney General
Indianapolis, Indiana