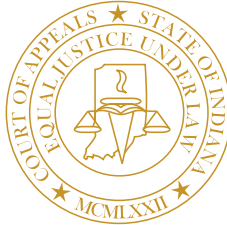


MEMORANDUM DECISION

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.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

Emmit Louis Yarbrough, Jr.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



November 21, 2025

Court of Appeals Case No.
25A-CR-1527

Appeal from the Lake Superior Court
The Honorable Natalie Bokota, Judge

Trial Court Cause No.
45G02-2303-F6-555

Memorandum Decision by Judge Tavitias
Judges Bailey and Kenworthy concur.

Tavitas, Judge.

Case Summary

[1] Emmitt Yarbrough, Jr., pleaded guilty to arson, a Level 4 felony, and abuse of a corpse, a Level 6 felony. The trial court sentenced Yarbrough to an aggregate of ten and one-half years in the Department of Correction (“DOC”).

Yarbrough appeals and claims that his sentence is inappropriate in light of the nature of his offenses and his character. We disagree and affirm.

Issue

[2] Yarbrough presents one issue: whether his sentence is inappropriate in light of the nature of his offenses and his character.

Facts

[3] On September 20, 2022, Yarbrough, Deborah Leslie (“Leslie”), and Heather Richardson (“Richardson”) rented a motel room in Hammond. While in the motel room, the three used illicit drugs, and Yarbrough eventually lost consciousness. Later that evening, Richardson woke Yarbrough up because Leslie was having a seizure due to an overdose of drugs. Yarbrough did not want to call 911 because he was on probation at the time. Rather than seeking help for their overdosing companion, Yarbrough and Richardson left the motel in Leslie’s vehicle. Although Yarbrough and Richardson briefly returned to the motel room early the next morning, Yarbrough and Richardson left again and purchased a wheelchair from a drug store. Yarbrough then drove to West 8th Avenue in Gary to find an abandoned building.

- [4] On the evening of September 21, 2022, Yarbrough and Richardson put Leslie's lifeless body in a wheelchair and pushed her out of the motel. Leslie was wearing a medical mask and ball cap and draped in a bed sheet. Yarbrough and Richardson placed Leslie's body in Leslie's car and drove the car to the abandoned building on West 8th Avenue. Yarbrough then placed Leslie's body inside the building, poured accelerants near her body and around the building, and set the body and building on fire.
- [5] Firefighters responded to the blaze at 12:43 a.m. that next morning. The following day, firefighters discovered Leslie's badly burned body inside the structure. Fire investigators determined that the fire originated where Leslie's body was found, and a specially trained dog detected accelerants in multiple locations throughout the building. On September 28, 2022, the body found in the burned building was identified as Leslie using dental records. A medical examiner determined the cause of death was an overdose of fentanyl and cocaine.
- [6] On March 27, 2023, the State charged Yarbrough with six counts: Count I—arson, a Level 4 felony; Count II—altering the scene of death, a Level 6 felony; Count III—abuse of a corpse, a Level 6 felony; Count IV—failure to notify authorities of discovery of a dead body, a Class A misdemeanor; Count V—failure to report human remains, a Class A misdemeanor; and Count VI—failure to notify authorities of the discovery of a dead body, a Class B infraction.

- [7] In March 2025, Yarbrough and the State entered into an agreement in which Yarbrough agreed to plead guilty to Counts I and III. The agreement provided for a sentence of two-and-one-half years on Count III, with the sentence on Count I left to the trial court’s discretion but capped at eight years. The parties reserved the right to argue for concurrent or consecutive sentences. In exchange for the plea, the State agreed not to file an habitual offender enhancement and to dismiss the remaining counts. The trial court accepted the plea agreement and, on May 22, 2025, sentenced Yarbrough to eight years on Count I and two-and-one-half years on Count III, to be served consecutively, for an aggregate sentence of ten and one-half years in the DOC. Yarbrough now appeals.

Discussion and Decision

- [8] Yarbrough claims that his sentence is inappropriate in light of the nature of his offenses and his character. The Indiana Constitution authorizes independent appellate review and revision of sentences imposed by a trial court. *Lane v. State*, 232 N.E.3d 119, 122 (Ind. 2024) (citing Ind. Const. art. 7, §§ 4, 6). This authority, as implemented through Appellate Rule 7(B), enables this Court to “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.” Deference to the trial court’s sentence should prevail unless “overcome by compelling evidence portraying in a positive light the nature of the offense and the defendant’s character.” *Oberhansley v. State*, 208 N.E.3d 1261, 1267 (Ind. 2023) (internal

quotations omitted). A defendant need not show that both the nature of the offense and his or her character warrant revision; however, “to the extent the evidence on one prong militates against relief, a claim based on the other prong must be all the stronger to justify relief.” *Lane*, 232 N.E.3d at 127 (citing *Connor v. State*, 58 N.E.3d 215, 220 (Ind. Ct. App. 2016)).

[9] Additionally, in determining whether a sentence is inappropriate, we are not limited to the aggravating and mitigating circumstances found by the trial court. *Oberhansley*, 208 N.E.3d at 1271. “Our role is primarily to leaven the outliers and identify guiding principles for sentencers, rather than to achieve the perceived correct result in each case.” *Lane*, 232 N.E.3d at 122 (internal quotations omitted). “Ultimately, we rely on our collective judgment as to the balance of all the relevant considerations involved, which include the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case.” *Id.* (internal quotations omitted).

[10] We recognize that “the advisory sentence is the starting point the Legislature selected as appropriate for the crime committed.” *Kelly v. State*, 257 N.E.3d 782, 805 (Ind. 2025) (internal quotations omitted). “[W]e focus on the forest—the aggregate sentence—rather than the trees—consecutive or concurrent, number of counts, or length of the sentence on any individual count.” *Brown v. State*, 10 N.E.3d 1, 8 (Ind. 2014) (internal quotations omitted).

[11] Here, Yarbrough was convicted of arson, a Level 4 felony, and abuse of a corpse, a Level 6 felony. The sentencing range for a Level 4 felony is two to twelve years, with an advisory sentence of six years. Ind. Code § 35-50-2-5.5. The sentencing range for a Level 6 felony is one-half to two and one-half years, with an advisory sentence of one year. Ind. Code § 35-50-2-7(b). The plea agreement, however, provided for a sentence of two-and-one-half years on Count III, with the sentence on Count I left to the trial court’s discretion, but capped at eight years. Thus, under the plea agreement, the maximum, consecutive sentence the trial court could have imposed in this case was ten and one-half years, which is what the trial court imposed.

A. Nature of the Offense

[12] Our analysis of the “nature of the offense” requires us to look at the extent, brutality, and heinousness of the offense. *Pritcher v. State*, 208 N.E.3d 656, 668 (Ind. Ct. App. 2023) (citing *Brown v. State*, 10 N.E.3d 1, 5 (Ind. 2014)). “And given that sentencing ‘is principally a discretionary function in which the trial court’s judgment should receive considerable deference[,]’ a trial court’s sentencing decision will generally prevail ‘unless overcome by compelling evidence portraying in a positive light the nature of the offense (such as [being] accompanied by restraint, regard and lack of brutality) and the defendant’s character (such as substantial virtuous traits or persistent examples of good character).’” *Konkle v. State*, 253 N.E.3d 1068, 1093 (Ind. 2025) (quoting *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015)).

[13] Yarbrough claims that his actions did not exceed that necessary to establish the elements of the crimes for which he was convicted. We disagree. Yarbrough declined to seek help for his overdosing companion because he was on probation and feared getting in trouble. He left Leslie to die at the motel and looked for a place to dump her body. He purchased a wheelchair to remove Leslie's body from the motel room. Yarbrough then callously disposed of the body as if it were trash. He drove it to an abandoned building, doused the body and building with an accelerant, and set both on fire. Leslie's body was so badly damaged that she could only be identified through dental records, and Leslie's parents were unable to have an open-casket funeral for their daughter. The fire Yarbrough set not only burned a human body, but it also caused at least \$5,000 in damages to the building, all because Yarbrough chose not to assist Leslie. Instead, he took his time to gather supplies and locate a place to dispose of Leslie's body. We discern no compelling evidence demonstrating restraint, regard, or lack of brutality in Yarbrough's offenses that would warrant downward revision of his sentence. *See Konkle*, 253 N.E.3d at 1093.

B. Character of the Offender

[14] Our analysis of the character of the offender involves a broad consideration of a defendant's qualities, including the defendant's age, criminal history, background, past rehabilitative efforts, and remorse. *See Harris v. State*, 165 N.E.3d 91, 100 (Ind. 2021); *McCain v. State*, 148 N.E.3d 977, 985 (Ind. 2020). The significance of a criminal history in assessing a defendant's character and an appropriate sentence vary based on the "gravity, nature and number of prior

offenses as they relate to the current offense.” *McElfresh v. State*, 51 N.E.3d 103, 112 (Ind. 2016). “Even a minor criminal history is a poor reflection of a defendant’s character.” *Prince v. State*, 148 N.E.3d 1171, 1174 (Ind. Ct. App. 2020).

[15] Yarbrough has a significant criminal history. His first contact with the criminal justice system was in 1981, when he was adjudicated a juvenile delinquent for public intoxication. In 1983, Yarbrough was convicted of voluntary manslaughter, a Class B felony, and sentenced to sixteen years in the DOC. Still undeterred from criminal activity, Yarbrough was convicted in federal court in 1993 of selling, distributing, or dispersing a controlled substance, possessing a firearm during the commission of a drug offense, and being a felon in possession of a firearm. He was sentenced to 264 months on these charges. In 2020 Yarbrough was convicted of possession of a firearm by a serious violent felon, a Level 4 felony, and he was on probation in that case when he committed the instant offense.¹ And in 2023, he was convicted of Class A misdemeanor obstruction of traffic based on an incident that occurred in 2013.

[16] Thus, Yarbrough has a long history of serious criminal offenses, and he continues to commit serious crimes. And although Yarbrough expressed remorse for his actions, the trial court noted that Yarbrough’s remorse was “tempered by rationalizations for his choices.” Appellant’s App. Vol. II p. 208.

¹ Yarbrough claims that his most serious offenses were committed long ago. But he was on probation for a Level 4 felony—not a minor offense—at the time he committed the instant offense.

In addition, Yarbrough failed to seek medical attention for Leslie when she was overdosing even though he had time to do so. Instead, he left her to die and burned her body. Nothing about Yarbrough's character suggests that his sentence is inappropriate.

Conclusion

- [17] Yarbrough's sentence is not inappropriate in light of the nature of his offenses and his character. Accordingly, we affirm the trial court's judgment.
- [18] Affirmed.

Bailey, J., and Kenworthy, J., concur.

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