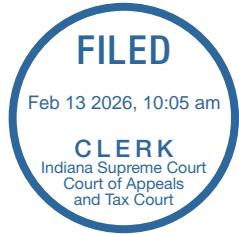


MEMORANDUM DECISION

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.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

Devonte Jovan Green,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 13, 2026
Court of Appeals Case No.
25A-CR-2251
Appeal from the Lake Superior Court
The Honorable Natalie Bokota, Judge
Trial Court Cause Nos.
45G02-2405-F1-21
45G02-2409-F3-119, -120
45G02-2409-F5-480

Memorandum Decision by Judge Bailey

Judges Vaidik and Scheele concur.

Bailey, Judge.

Case Summary

[1] Devonte Jovan Green appeals his sentence following his guilty plea to multiple offenses over several cause numbers. Green raises one issue for our review, namely, whether the court abused its discretion when it sentenced him. We affirm.

Facts and Procedural History

[2] On April 30, 2024, Asia Arnold went with Kaylynn Mobley to Mobley's apartment. Green, who was in a relationship with Mobley at the time, arrived outside the apartment and began to yell at Arnold. Green told Arnold that "Kaylynn was going to get her killed." Appellant's App. Vol. 2 at 51. Green then pointed a firearm at Arnold and fired three shots in her direction. One shot struck Arnold in the leg; one got stuck in her AirPods, which were located in her jacket pocket; and one missed her. Based on those actions, the State charged Green in cause number 42G02-2405-F1-21 ("F1-21") with attempted murder, as a Level 1 felony; unlawful carrying of a handgun, as a Level 5 felony; and battery, as a Level 5 felony. The State also alleged that Green was a habitual offender and that he had used a firearm in the commission of the offenses.

[3] On September 18, Mobley was eating lunch in her vehicle. Green arrived at her location and entered the vehicle while armed with a handgun. Green “grabbed” Mobley by the neck and “pushed her neck against the seat choking her.” *Id.* at 52. Mobley attempted to leave, but Green said: “If you reach for that door, I’ll shoot you.” *Id.* Green then punched Mobley in the face and hit her on the head with the gun. Following that offense, the State charged Green in cause number 45G02-2409-F3-119 (“F3-119”) with criminal confinement, as a Level 3 felony; robbery, as a Level 3 felony; criminal confinement, as a Level 4 felony; domestic battery, as a Level 5 felony; intimidation, as a Level 5 felony; two counts of domestic battery, as Level 6 felonies; strangulation, as a Level 6 felony; and domestic battery, as a Class A misdemeanor. The State again additionally alleged that Green was a habitual offender and that he had used a firearm in the commission of the offenses.

[4] At approximately 3:00 a.m. on September 19, Tequila Phillips woke up to Green standing over her in her bedroom. Green and Phillips had previously been arguing about Phillips texting other men. Green got into bed with Phillips and “struck” and “kicked” her “multiple times,” and he said that he “would kill her.” *Id.* Green then drew a firearm, “racked” it, and pointed it at Phillips. *Id.* Green struck Phillips in the head and arms with the handgun multiple times. He then “pressed the handgun to her head and told her that he should kill her.” *Id.* Phillips’ young children woke up and began crying, so Phillips attempted to leave the room. Green said that she could not leave and pointed the gun at her again and told her to “shut the f**k up.” *Id.* As a result of those offenses, the

State charged Green in cause number 45G02-2409-F3-120 (“F3-120”) with criminal confinement, as a Level 3 felony; criminal confinement, as a Level 4 felony; two counts of intimidation, as Level 5 felonies; domestic battery, as a Level 5 felony; intimidation, as a Level 6 felony; two counts of domestic battery, as Level 6 felonies; strangulation, as a Level 6 felony; three counts of pointing a firearm, as Level 6 felonies; pointing a firearm, as a Class A misdemeanor; theft, as a Class A misdemeanor; and criminal mischief, as a Class B misdemeanor. The State also alleged that he had used a firearm in the commission of the offense and was a habitual offender. Green was placed in custody at the Lake County Jail.

- [5] On September 24, a no-contact order was issued prohibiting Green from contacting Phillips. However, Green contacted Phillips “multiple times” and “made multiple threatening statements” in an attempt to get Phillips to “not cooperat[e] as a witness in F3-120.” *Id.* at 53. The State charged Green in cause number 45G02-2409-F5-480 (“F5-480”) with two counts of attempted obstruction of justice, as Level 5 felonies; stalking, as a Level 5 felony; stalking, as a Level 6 felony; two counts of intimidation, as Level 6 felonies; and invasion of privacy, as a Class A misdemeanor. The State alleged that Green was a habitual offender.
- [6] Thereafter, the State and Green entered into a plea agreement. Pursuant to that agreement, Green agreed to plead guilty to battery, as a Level 5 felony in F1-21; criminal confinement, as a Level 3 felony in F3-119; criminal confinement, as a Level 3 felony in F3-120; and one count of obstruction of justice in F5-480. In

addition, he admitted that he had used a firearm in the commission of the offense in F3-120. The parties agreed to a maximum sentence of 12 years in both F3-119 and F3-120, to a maximum term of seven years for the firearm enhancement in F3-120, and to a maximum sentence of five years in F5-480. In exchange, the State agreed to dismiss the remaining charges in those four cause numbers and to dismiss two additional causes in their entirety. The court accepted Green's guilty plea and entered judgment of conviction accordingly.

[7] At the conclusion of a sentencing hearing, the court identified aggravating and mitigating circumstances. As for the aggravating factors, the court found that the harm, injury, or loss suffered by the victims was "significant," because Phillips "continues to be afraid almost a year later" and because Mobley "has clinical panic attacks requiring medicine and therapy and continues to live in fear." *Id.* at 73. The court also found as aggravating Green's criminal history; that he had violated the condition of probation and pretrial release; and his behavior while incarcerated. And the court also found as aggravating the nature and circumstances of the crimes. Specifically, the court found:

The Court finds the nature and circumstances of the crimes to be significant aggravating factors. In case [F3-119], the victim suffered injuries. In addition, the Defendant victimized Ms. Mobley because she was a witness to the crime in [F1-21]. In case [F3-120], the Defendant confined the victim, Ms. Phillips, in the presence of her minor children. He beat and injured her. The Defendant confined her to prevent her from leaving the bedroom to comfort her minor children who were crying and traumatized by witnessing, at least auditorily, him beating their mother. Finally, as he left Ms. Phillips' home, he pointed a gun at her six

year old daughter, saying he would shoot her if Ms. Phillips did not “shut the f ___ up.” In case [F5-480], the Defendant threatened to kidnap and kill the victim’s minor children. This significant aggravator reveals a character that is sadistic and blatantly cruel.

Id. at 74.

[8] The court found Green’s remorse to be a mitigator “of low weight.” *Id.* The court then found that the aggravators “dramatically” outweighed the mitigators. *Id.* at 75. Accordingly, the court sentenced Green to six years in F1-21, twelve years in F3-119, twelve years enhanced by seven years in F3-120, and five years in F5-480. The court ordered those sentences to run consecutively, for an aggregate sentence of forty-two years in the Department of Correction. This appeal ensued.

Discussion and Decision

[9] Green contends that the court abused its discretion when it sentenced him. Sentencing decisions lie within the sound discretion of the trial court. *Cardwell v. State*, 895 N.E.2d 1219, 1222 (Ind. 2008). An abuse of discretion occurs if 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.” *Gross v. State*, 22 N.E.3d 863, 869 (Ind. Ct. App. 2014) (citation omitted), *trans. denied*. A trial court abuses its discretion in sentencing if it does any of the following:

(1) fails “to enter a sentencing statement at all;” (2) enters “a sentencing statement that explains reasons for imposing a sentence—including a finding of aggravating and mitigating factors if any—but the record does not support the reasons;” (3) enters a sentencing statement that “omits reasons that are clearly supported by the record and advanced for consideration;” or (4) considers reasons that “are improper as a matter of law.”

Id. (quoting *Anglemyer v. State*, 868 N.E.2d 482, 490-91 (Ind.), clarified on *reh’g*, 875 N.E.2d 218 (Ind. 2007)).

- [10] On appeal, Green contends that the court abused its discretion when it identified certain aggravators. In particular, he asserts that the court improperly identified as aggravators the harm, injury, loss, or damage suffered by the victims and the nature and circumstances of the crimes.
- [11] However, we need not decide whether either of those aggravators are improper. It is well settled that a court’s reliance on an improper aggravator is harmless unless the defendant can show that the trial court would have imposed a different sentence absent the aggravator. *See Kayser v. State*, 131 N.E.3d 717, 722 (Ind. Ct. App. 2019). Here, Green does not challenge three of the court’s aggravators: his criminal history, that he previously violated the conditions of probation and parole, and his behavior while incarcerated.
- [12] And based on those unchallenged aggravators, we can say with confidence that the court would have rendered the same sentence irrespective of the other aggravators. Indeed, Green’s criminal history includes four juvenile adjudications, four prior felony convictions, and two prior misdemeanor

convictions. Many of those prior convictions were for violent crimes and included the use of a deadly weapon. In addition to his criminal history, Green has been placed on probation twice, and he violated the conditions of his placement both times. Further, he was on pretrial release in F1-21 when he committed the other offenses for which he pleaded guilty. As for his behavior while incarcerated at the Lake County Jail, Green violated the no-contact order numerous times, violently attacked another inmate, refused to obey a command, and threatened to fight his cellmate. As the court noted, those behaviors “reveal a character that is violent, lacking in respect for authority, dishonest, and antisocial.” Appellant’s App. Vol. 2 at 74.

- [13] Because we are confident that the court would have rendered the same sentence even without consideration of the harm, injury, loss, or damage suffered by the victims or the nature and circumstances of the crimes, we hold that the trial court did not abuse its discretion when it sentenced Green. We therefore affirm his sentence.
- [14] Affirmed.

Vaidik, J., and Scheele, J., concur.

ATTORNEY FOR APPELLANT

R. Brian Woodward
Appellate Public Defender
Crown Point, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Indiana Attorney General

Caroline G. Templeton
Assistant Section Chief, Criminal Appeals
Indianapolis, Indiana