

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Jesse T. Meckley,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

March 20, 2023

Court of Appeals Case No.
22A-CR-2225

Appeal from the Franklin Circuit
Court

The Honorable J. Steven Cox,
Judge

Trial Court Cause No.
24C01-2009-F1-852

Memorandum Decision by Judge Brown
Judges Bailey and Weissmann concur.

Brown, Judge.

[1] Jesse T. Meckley appeals his sentence for child molesting as a level 1 felony and two counts of sexual misconduct with a minor as level 4 felonies. He claims his aggregate sentence of thirty years with six years suspended is inappropriate in light of the nature of the offenses and his character. We affirm.

Facts and Procedural History

[2] In or between October 2015 and February of 2017, at a residence on Big Cedar Road in Franklin County, Meckley, who was born in December 1980, knowingly or intentionally performed or submitted to sexual intercourse or other sexual conduct with A.L., who at the time was less than fourteen years old. In or between June and September of 2015, at a residence on Youngs Corner Road in Franklin County, Meckley committed sexual misconduct with K.L., who at the time was at least fourteen years old but less than sixteen years old. In or about March 2018, at a residence on S.R. 252 in Franklin County, Meckley committed sexual misconduct with L.D., who at the time was at least fourteen years old but less than sixteen years old.

[3] On September 3, 2020, the State charged Meckley with three counts of child molesting as level 1 felonies, four counts of sexual misconduct with a minor as level 4 felonies, rape as a level 3 felony, and sexual battery as a level 6 felony. On August 4, 2022, the court held a change of plea hearing at which Meckley pled guilty to one count of child molesting as a level 1 felony and two counts of sexual misconduct with a minor as level 4 felonies and the State dismissed the remaining counts. On August 31, 2022, the court held a sentencing hearing.

The court admitted statements written by the victims. Meckley expressed remorse for his actions. The State recommended an aggregate sentence of thirty years with six years suspended to probation. Meckley's counsel recommended an aggregate sentence of thirty years with ten years suspended to probation and asked the court to consider Meckley's lack of prior criminal history and that he was a victim of sexual abuse when he was a child. The court sentenced Meckley to thirty years with six years suspended to probation for child molesting as a level 1 felony and six years for each of his convictions for sexual misconduct with a minor as level 4 felonies to be served concurrently.

Discussion

- [4] Meckley argues his thirty-year sentence is inappropriate in light of the nature of the offenses and his character. He asserts he entered a plea with no recommended sentence, he expressed remorse, he was a victim of child abuse, he was assessed a low risk to reoffend, and he had no prior criminal history.
- [5] Ind. Appellate Rule 7(B) provides that we “may revise a sentence authorized by statute if, after due consideration of the trial court’s decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” The burden is on the defendant to persuade the appellate court that his or her sentence is inappropriate. *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006).
- [6] Ind. Code § 35-50-2-4(b) provides that, except as provided in subsection (c), a person who commits a level 1 felony shall be imprisoned for a fixed term

of between twenty and forty years with the advisory sentence being thirty years. Ind. Code § 35-50-2-4(c) provides that a person who commits a level 1 felony child molesting offense described in Ind. Code § 35-31.5-2-72(1) or (2) shall be imprisoned for a fixed term of between twenty and fifty years with the advisory sentence being thirty years. Ind. Code § 35-31.5-2-72(1) refers to child molesting involving sexual intercourse or other sexual conduct if the offense is committed by a person at least twenty-one years of age and the victim is less than twelve years of age. Ind. Code § 35-50-2-5.5 provides that a person who commits a level 4 felony shall be imprisoned for a fixed term of between two and twelve years with the advisory sentence being six years.

[7] Our review of the nature of the offenses reveals that Meckley performed or submitted to sexual intercourse or other sexual conduct with A.L. when she was less than fourteen years old and committed sexual misconduct with both K.L. and L.D. when they were at least fourteen years old but less than sixteen years old. Meckley acknowledges that “[a]t least two of these three victims were [his] children or stepchildren.” Appellant’s Brief at 6. Our review of Meckley’s character reveals that he pled guilty to one count of child molesting as a level 1 felony and two counts of sexual misconduct with a minor as level 4 felonies and the State dismissed the remaining six charges. The presentence investigation report (“PSI”) states that Meckley had no prior criminal convictions but was subsequently convicted of false informing as a class B misdemeanor in December 2021 and possession of a narcotic drug and

possession of methamphetamine as level 6 felonies in May 2022.¹ The PSI states Meckley was ordered to pay child support in Ohio, has an arrearage in Ohio and Indiana which totals \$34,150.83, and identifies himself as homeless and depends on family and friends to support him. With respect to mental health, the PSI provides that Meckley attended Community Mental Health Center in Brookville and St. Leon in 2017 for approximately six months and he was seeing a therapist weekly and a doctor monthly addressing issues related to depression. With respect to substance abuse, the PSI states: “Marijuana use first occurred at the age of 15 and continued until 2018. Daily use was reported at some point during this time frame. Experimental use of methamphetamine a couple times a week was reported for only a couple of months in 2021.”

Appellant’s Appendix Volume II at 236. The PSI states that Meckley does not blame the victims and appeared remorseful. The PSI also indicates that Meckley’s overall risk assessment score using the Indiana risk assessment tool places him in the low risk to reoffend category and in particular shows a high risk in the domain of education, employment, and financial situation, moderate risk in the domain of substance abuse, and low risk in the remaining domains.

[8] The victim impact statement of A.L. says “[t]here are many things and ways [Meckley] has affected or ruined in my life,” “[h]e took away my innocence as a child, I was 7,” “I have nightmares about him,” and “[h]e ruined my view of

¹ The PSI also indicates that Meckley was charged with three counts of sexual misconduct with a minor as level 4 felonies in December 2018 but the charges were dismissed.

a father/daughter relationship.” State’s Exhibit 1. K.L. stated “I feel like I could write a hundred pages on the impact [Meckley] had on my life,” “[h]e has cost me so much in mental and emotional pain,” “[h]e made me miss out on so much of my childhood,” and “the vile actions [Meckley] has done to me ha[ve] given me severe PTSD, depression, anxiety, guilt, [and] self-hatred.” State’s Exhibit 2.

[9] After due consideration, we conclude that Meckley has not sustained his burden of establishing that his aggregate sentence of thirty years with six years suspended to probation is inappropriate in light of the nature of the offenses and his character.

[10] For the foregoing reasons, we affirm Meckley’s sentence.

[11] Affirmed.

Bailey, J., and Weissmann, J., concur.