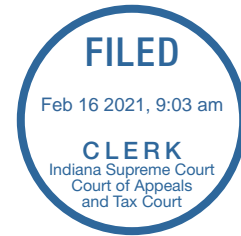


## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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## IN THE COURT OF APPEALS OF INDIANA

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Barbara A. Craig,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

February 16, 2021

Court of Appeals Case No.  
20A-CR-1183

Appeal from the Boone Superior  
Court

The Honorable Bruce E. Petit,  
Judge

Trial Court Cause No.  
06D02-1711-F4-2275

**Weissmann, Judge.**

- [1] Barbara Craig concocted a plan: burn down her bug-infested trailer home and then start an online fundraiser to cash in on the public’s sympathy. Craig convinced her reluctant, nineteen-year-old daughter to set the fire by promising a closer mother-daughter relationship afterward. Fortunately, firefighters were able to contain the blaze before it caused widespread destruction beyond Craig’s trailer. But their quick actions did not spare Craig from criminal prosecution, and following a bench trial, she was convicted of Level 4 felony conspiracy to commit arson.
- [2] Craig appeals her conviction, arguing only that the State presented insufficient evidence to prove the fire endangered human life—an element of the offense. Craig also challenges the appropriateness of her sentence to six years’ imprisonment with three years suspended to probation. We affirm.

## Facts

- [3] In September 2017, Craig’s trailer home was infested with cockroaches and bedbugs, and her nineteen-year-old daughter, Ryann Barton, was battling drug addiction. Both women wanted a “fresh start.” Tr. Vol. p. 26. Craig proposed they burn down her trailer to illicit sympathy from the public. They could then set up an online fundraiser, solicit donations, and use the funds to “start a new life” in Georgia. *Id.*
- [4] Barton did not have a close relationship with Craig and was reluctant to participate in the scheme. But over the course of several weeks, Craig

repeatedly prodded Barton to set the fire. According to Barton, Craig told her that doing so would allow them to “start over,” “have a mother daughter relationship,” and “live happily ever after.” *Id.* at 33-34. Barton eventually agreed.

[5] On the day of the fire, Craig waited outside the trailer while Barton entered, lit a candle in the rear bedroom, and placed a blanket over the flame. Craig and Barton then fled the scene in Craig’s car. By the time they exited the trailer park, Craig’s trailer was ablaze, and flames were shooting out of a shattered window.

[6] Firefighters responded to the scene and attempted to extinguish the fire from outside the rear of the trailer. They also entered the front of the trailer to fight the fire from within. In the end, Craig’s trailer was destroyed. The fire also broke a window, warped the siding, and melted the skirting on a neighboring trailer.

[7] Barton pleaded guilty to arson, and Craig was charged with Level 4 felony conspiracy to commit arson under circumstances endangering human life. Following a bench trial, the trial court found Craig guilty and sentenced her to six years of incarceration, with three years suspended to probation. Craig now appeals.

# Discussion and Decision

## I. Sufficiency of the Evidence

- [8] Craig argues that the State presented insufficient evidence to support her conviction for conspiracy to commit arson. When reviewing the sufficiency of the evidence to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. *Bailey v. State*, 907 N.E.2d 1003, 1005 (Ind. 2009). We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence. *Id.* We will affirm if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt. *Id.*
- [9] Conspiracy requires intent to commit a felony, an agreement with another person to commit the felony, and an overt act in furtherance of that agreement. Ind. Code § 35-41-5-2(a)-(b). As charged in this case, arson requires knowing or intentional damage to property by fire “under circumstances that endanger human life.” Ind. Code § 35-43-1-1(a)(2). Craig claims only that the State failed to prove endangerment beyond a reasonable doubt.
- [10] The evidence most favorable to the judgment reveals that firefighters were required to enter Craig’s burning trailer to extinguish flames that ultimately destroyed the trailer and damaged another. Craig contends this evidence is insufficient to prove endangerment to human life because the fire was burning at the rear of the trailer and firefighters made entry at the front. We disagree.

[11] As used in Indiana Code § 35-43-1-1(a)(2), the term “endanger” means “to expose to harm.” *Garren v. State*, 470 N.E.2d 719, 724 (Ind. 1984). The evidence that firefighters entered Craig’s burning trailer is sufficient to prove beyond a reasonable doubt that they were exposed to harm and, therefore, that human life was endangered. *See Thacker v. State*, 477 N.E.2d 921, 924 (Ind. Ct. App. 1985) (stating it “goes against all reason” to say firefighters were not endangered while fighting a fire confined to a detached garage). The evidence was sufficient to support Craig’s conviction.

## II. Appropriateness of the Sentence

[12] Craig also seeks relief under Indiana Appellate Rule 7(B), arguing that the sentence imposed by the trial court is inappropriate in light of the nature of the offense and her character. In reviewing the appropriateness of a sentence, our principal role is to attempt to leaven the outliers, not to achieve a perceived “correct” sentence. *Knapp v. State*, 9 N.E.3d 1274, 1292 (Ind. 2014).

Accordingly, we give “substantial deference” and “due consideration” to the trial court’s sentencing decision. *Id.*

[13] The sentencing range for a Level 4 felony is between two and twelve years, with an advisory sentence of six years imprisonment. Ind. Code § 35-50-2-5.5. Craig was sentenced to the advisory term of six years, with three years suspended to probation.

[14] With regard to the nature of the offense, Craig recruited her nineteen-year-old daughter to commit arson and intended to exploit the public’s sympathy for her

own pecuniary gain. Although the fire only caused exterior damage to one neighboring trailer, it easily could have spread to the trailer park's sixty or seventy other homes. They were spaced no more than fifteen feet apart.

[15] As to Craig's character, she abused her maternal bond with Barton by shamefully promising a closer mother-daughter relationship if Barton would set the fire. Craig was "excited" and "cheering" when she saw her trailer burning, Tr. Vol. II p. 24, selfishly prioritizing her own financial interests over the safety of others. And she later attempted to avoid responsibility for her offense by contacting two witnesses prior to trial to persuade them not to testify against her. This behavior speaks volumes about Craig's poor character.

[16] Despite the aggravating circumstances surrounding Craig's conviction, the trial court sentenced her to the advisory sentence of six years' imprisonment, with three years suspended to probation. Thus, Craig's executed sentence is only one year greater than the minimum sentence available for her conviction. We find this sentence is not inappropriate in light of the nature of the offense and Craig's character.

[17] The judgment of the trial court is affirmed.

Mathias, J., and Altice, J., concur.