MEMORANDUM DECISION

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Court of Appeals
and Tax Court

IN THE
Court of Appeals of Indiana

Joshua Daniel Huffman,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

November 18, 2025

Court of Appeals Case No.
25A-CR-754

Appeal from the Wells Circuit Court

The Honorable Kenton W. Kiracofe, Judge

Trial Court Cause No.
90C01-2309-F1-2

Memorandum Decision by Judge Mathias
Chief Judge Altice and Judge May concur.

Mathias, Judge.

[1] Joshua Huffman appeals his convictions for two counts of Level 1 felony child molesting, one count of Level 4 felony child molesting, Level 4 felony child exploitation, and Level 5 felony possession of child pornography. The Wells Circuit Court ordered Huffman to serve an aggregate eighty-eight-year sentence executed in the Department of Correction. Huffman raises two issues on appeal: whether there is insufficient evidence to support his child molesting convictions because the victims' testimonies were incredibly dubious and whether his aggregate eighty-eight-year sentence is inappropriate in light of the nature of his offenses and his character.

[2] We affirm.

Facts and Procedural History

[3] The relevant facts of this case are alleged to have occurred between May 1, 2020, and September 6, 2023. During those dates, Huffman was involved in a romantic relationship with Sarah Haler. Haler had two daughters: M.W., born in July 2011, and N.W., born in October 2012; and a younger son. Haler's children stayed at her home on the weekends and at their father's home during weekdays. N.W. and M.W. shared an upstairs bedroom at their mother's home, but N.W. often slept downstairs in the living room because it was cooler.

[4] Huffman was often an overnight guest at Haler's home on the weekends. His three children, who were similar ages to Haler's children, occasionally stayed at Haler's home on the weekends as well.

[5] During his overnight stays at Haler's home, at night after the household was asleep, Huffman often touched N.W.'s vagina with his hands over and underneath her underwear and he touched her breasts over and underneath her clothing. Tr. Vol. 3, pp. 8-9. Huffman also inserted his fingers into N.W.'s vagina. *Id.* at 12. He made N.W. rub his penis "up and down" with her hand until "white stuff" came out of his penis. *Id.* at 9-10. The molestations occurred at night when N.W. was sleeping on the couch or on a large bean bag chair in the living room of the home. Huffman told N.W. that she should not tell anyone that he touched her and to keep it a secret.[1] *Id.* at 28. Huffman also gave his cell phone to N.W. and instructed her to take his phone to her bedroom and take nude pictures of her "boobs" and her vagina. *Id.* at 13-14, 28.

[6] Huffman also touched M.W. On one night, when ten-year-old M.W. was alone in her bedroom, Huffman put his hands under her covers. He then pulled her pants down and touched her vagina with his hand. He also put his fingers inside her vagina. *Id.* at 62, 64-65. Approximately one year before N.W. disclosed that she had been molested, ten-year-old M.W. told her mother that Huffman had touched her. Huffman stopped molesting M.W. after she disclosed it to her mother. *Id.* at 65-66.

[7] On September 6, 2023, N.W., who was in fifth grade, participated in a body safety program at her elementary school. The program presenters gave the

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[1] N.W. disclosed the molestation to her mother before she made the disclosure to law enforcement after a body safety program. Tr. Vol. 3, pp. 16-17.

children worksheets to fill out, and, on her worksheet, N.W. answered "yes" to indicate that she had been abused or touched inappropriately. Tr. Vol. 2, p. 246. A Bluffton Police Department detective interviewed N.W. thereafter, and N.W. disclosed that Huffman had touched her.

[8] N.W. and M.W. then participated in forensic interviews at McKenzie's Hope Child Advocacy Center. N.W. and M.W. disclosed to the interviewer that they had been molested. After observing the girls' interviews, Detective Quentin Greer, a Wells County Sheriff's Detective, obtained a warrant for Huffman's arrest.

[9] Huffman attempted to exit the back door of his home when the detective arrived to arrest him. Huffman had two cellphones and an SD card in his possession when he was arrested. A law enforcement officer conducted a forensic search of the cell phones' contents. On Huffman's LG phone, the officer found nude photographs of N.W. and photographs of her in sexually compromised positions. On Huffman's Motorola cell phone, the detective found more pictures of N.W., photographs of underaged female breasts, and photographs depicting child pornography.

[10] The State charged Huffman with two counts of Level 1 felony child molesting, two counts of Level 4 felony child molesting, Level 4 felony child exploitation, and Level 5 felony possession of child pornography. Huffman's three-day jury trial commenced on February 26. The jury found Huffman guilty as charged.

[11] During the sentencing hearing, the court found the following aggravating circumstances: Huffman's criminal history (although the court noted it was relatively minor), the harm suffered by the victims was significant and greater than the elements of the offenses, the victims were less than twelve years old, the offenses were committed in the presence of or within the hearing of other children, Huffman violated his position of trust with the victims, Huffman's conduct placed Haler in a situation where she committed a related criminal offense and she had been incarcerated,[2] and Huffman refused to take any responsibility for his offenses. The court also found that there were no mitigating circumstances.

[12] The trial court ordered Huffman to serve consecutive terms of thirty-five years for his two Level 1 felony child molesting convictions, six years for one count of Level 4 felony child molesting, six years for child exploitation, and six years for possession of child pornography, for an aggregate sentence of eighty-eight years executed in the Department of Correction. The court vacated the second count of Level 4 felony child molesting.[3]

[13] Huffman now appeals.

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[2] Haler pleaded guilty to neglect of a dependent. Tr. Vol. 3, p. 105.

[3] The trial court expressed concern that the jury used the same evidence to find Huffman guilty of the molestation offenses naming M.W. as the victim. For this reason, the court vacated Count IV. *See* Tr. Vol. 4, pp. 135-36.

N.W.'s and M.W.'s Testimonies Were Not Incredibly Dubious

[14] Huffman argues that the evidence is insufficient to support his child molesting convictions because the victims' testimonies were incredibly dubious. A challenge to the sufficiency of the evidence warrants a "deferential standard of review in which we 'neither reweigh the evidence nor judge witness credibility, instead reserving those matters to the province of the jury.'" *Hancz-Barron v. State*, 235 N.E.3d 1237, 1244 (Ind. 2024) (citation omitted). We consider only the probative evidence and reasonable inferences that support the judgment of the trier of fact. *Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021). We will affirm the conviction unless no reasonable factfinder could find the elements of the crime proven beyond a reasonable doubt. *Teising v. State*, 226 N.E.3d 780, 783 (Ind. 2024). A conviction for child molesting may stand solely on the uncorroborated testimony of the victim. *See Baxter v. State*, 132 N.E.3d 1, 5 (Ind. Ct. App. 2019).

[15] However, in extraordinarily rare circumstances, "[a]ppellate courts may impinge upon a jury's function to judge the credibility of a witness . . . by applying the 'incredible dubiosity' rule." *Smith v. State*, 34 N.E.3d 1211, 1221 (Ind. 2015) (citing *Fajardo v. State*, 859 N.E.2d 1201, 1208 (Ind. 2007)). "Application of the incredible dubiosity rule is limited to cases with very specific circumstances because we are extremely hesitant to invade the province of the jury." *Id*. "[T]o warrant application of the incredible dubiosity rule, there must be: '1) a sole testifying witness; 2) testimony that is inherently

contradictory, equivocal, or the result of coercion; and 3) a complete absence of circumstantial evidence.'" *Id*. (quoting *Moore v. State*, 27 N.E.3d 749, 756 (Ind. 2015)). Our court "will reverse a conviction if the sole witness presents inherently improbable testimony and there is no circumstantial evidence of the defendant's guilt." *Feyka v. State*, 972 N.E.2d 387, 392 (Ind. Ct. App. 2012), *trans. denied*. "Application of the incredible dubiosity rule 'is rare and the standard to be applied is whether the testimony is so incredibly dubious or inherently improbable that no reasonable person could believe it.'" *Id*. (quoting *Fajardo*, 859 N.E.2d at 1208).

[16] Huffman argues that N.W.'s testimony "was inherently improbable" because she testified that he molested her at night while she was in her bedroom or the living room and during these times Huffman's children, M.W., and Haler's son were in close proximity to N.W. Appellant's Br. at 18-19. Therefore, he argues that "it is highly unlikely that Huffman's alleged touches to N.W. wouldn't have caused others in close proximity to have awaken [sic] and noticed the events." *Id*. at 19. Huffman argues that M.W.'s testimony is incredibly dubious for the same reasons, *i.e.*, there were other persons in the home while Huffman was molesting M.W. in her bedroom and she "never made noise or acted to garner attention when the act was being committed." *Id*. at 20. Huffman also argues that the circumstances of N.W.'s and M.W.'s disclosure of the molestations renders their testimony incredibly dubious. *Id*. at 20.

[17] N.W.'s and M.W.'s descriptions of the circumstances surrounding the molestations were not inherently contradictory or equivocal. Huffman's claim

that his victims' descriptions of when and how the molestations occurred were not credible because of the proximity of other persons in the home does not render their testimony incredibly dubious. It was within the province of the jury to determine whether N.W.'s and M.W.'s testimonies were credible. Huffman does not direct our attention to either victim's testimony that contradicts another statement made or that could be considered equivocal. Both victims' testimonies remained consistent concerning the circumstances surrounding the molestations. Moreover, N.W.'s testimony was corroborated by the nude images of her found on Huffman's cellphones. And Haler's testimony corroborated M.W.'s statement that she had disclosed Huffman's molestation to her.

[18] For all of these reasons, we conclude that application of the incredible dubiosity rule is not warranted in this case. And N.W.'s and M.W's testimonies are sufficient to support Huffman's child molestation convictions.

Huffman's Sentence is Not Inappropriate

[19] Huffman also argues that his aggregate eighty-eight-year executed sentence is inappropriate in light of the nature of his offenses and his character. Under Indiana Appellate Rule 7(B), we may modify a sentence that we find is "inappropriate in light of the nature of the offense and the character of the offender." Making this determination "turns on our sense of 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." *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008).

[20] However, sentence modification under Rule 7(B) is reserved for "a rare and exceptional case." *Livingston v. State*, 113 N.E.3d 611, 612 (Ind. 2018) (*per curiam*). Thus, when conducting this review, we will defer to the sentence imposed by the trial court unless the defendant demonstrates compelling evidence that portrays the nature of the offenses and his character in a positive light, such as showing a lack of brutality in the offenses or showing substantial virtuous character traits. *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[21] A person convicted of Level 1 felony child molesting may be sentenced to twenty to fifty years, with the advisory sentence being thirty years. Ind. Code § 35-50-2-4(c). For each Level 1 felony conviction, the trial court ordered Huffman to serve consecutive thirty-five-year sentences. Huffman was also convicted of Level 4 felony child molesting against N.W. and Level 4 felony child exploitation, and for those offenses the trial court was permitted to impose a sentence in a range from two to twelve years, with the advisory sentence being six years. *See* I.C. § 35-50-2-5.5. The court imposed the six-year advisory sentence for both Level 4 felony convictions. Finally, for Huffman's Level 5 felony child pornography conviction, the court imposed a maximum six-year sentence. *See* I.C. § 35-50-2-6 (b) (establishing a range of one to six years for a Level 5 felony conviction). In the aggregate, because Huffman was ordered to serve his sentences consecutively, the court imposed an eighty-eight-year sentence.

[22] Huffman argues that there is nothing particularly egregious about the nature of his offenses. *See* Appellant's Br. at 24 (asserting that "the touches could have

been extremely worse in types, frequency and duration" and the pornographic photographs "could have been substantially worse in that the photos are not graphic in nature . . . ."). N.W. testified that Huffman molested her on numerous occasions but he was only charged with and convicted of two counts where N.W. was the named victim. The trial court imposed a sentence for each Level 1 child molesting offense that was fifteen years less than the maximum sentence allowed and imposed the advisory sentence for the Level 4 felony child molesting conviction involving N.W. Huffman has not directed our attention to any evidence that would portray his child molesting offenses in a positive light. And ordering Huffman to serve consecutive sentences was more than appropriate because there were two victims and Huffman repeatedly molested N.W.

[23] Regarding the child exploitation and child pornography convictions, Huffman took nude photographs of N.W. and instructed N.W. to take nude photographs of herself. Law enforcement officers found nude photographs of N.W. on Huffman's two cell phones, including photographs of N.W. in sexually compromised positions. The trial court imposed the maximum sentence on the child pornography conviction because Huffman took photos of N.W. while she was sleeping, "of him molesting her", and in one of the photographs N.W. was menstruating. Tr. Vol. 4, p. 136. The court found the fact that Huffman "wanted to preserve that . . . makes it a . . . particularly heinous act . . . ." *Id.* Once again, Huffman has not met his burden of persuading us that the trial court's decision to impose the advisory sentence for his child exploitation

conviction and the maximum sentence for his child pornography conviction is inappropriate in light of his offenses.

[24] Concerning his character, Huffman argues that his criminal history is minor, that he was employed prior to his arrest in this case, and that he has three minor children. *See* Appellant's Br. at 25. These character traits do not convince us that his sentence is inappropriate. Moreover, Huffman has not shown any substantially virtuous character traits. And Huffman, while not an authority figure in Haler's home, was in a position of trust with N.W. and M.W., which he repeatedly violated.

[25] For all of these reasons, we conclude that Huffman has not met his burden of establishing that his aggregate eighty-eight-year sentence is inappropriate in light of the nature of the offenses and his character.

Conclusion

[26] N.W.'s and M.W.'s testimonies were not incredibly dubious, and the evidence is more than sufficient to support Huffman's convictions. His eighty-eight-year aggregate sentence is not inappropriate in light of the nature of his offenses and his character.

[27] Affirmed.

Altice, C.J., and May, J., concur.

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