

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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Shawn A. Martin,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

August 4, 2023

Court of Appeals Case No.  
23A-CR-263

Appeal from the Boone Circuit  
Court

The Honorable Lori Schein,  
Judge

Trial Court Cause No.  
06C01-2012-F5-2114

**Memorandum Decision by Judge Bailey**  
Judges Vaidik and Kenworthy concur.

**Bailey, Judge.**

## Case Summary

- [1] Shawn Martin appeals his convictions for two counts of Child Seduction, as Level 5 felonies.<sup>1</sup> He presents the sole issue of whether sufficient evidence supports his convictions. We affirm.

## Facts and Procedural History

- [2] During the fall school term of 2020, twenty-six-year-old Martin was employed as a substitute teacher at Zionsville High School. On Friday, October 13, Martin was assigned to supervise a media production class. After the class period ended, sixteen-year-old E.H. and her classmate G.D. were the last to pack up and leave. Martin lingered with the students and engaged them in conversation. At some point, the teacher and students exchanged user identification information for SnapChat, a social media application.
- [3] On Saturday, Martin contacted E.H. and they agreed that Martin would come to E.H.'s house the next evening, when her mother would not be home. After providing Martin with her address, E.H. contacted her friend K.L. and asked her to come over at the same time. On Sunday evening, K.L. and Martin both arrived as planned. After a short conversation, E.H. and Martin went into a bedroom, where they engaged in sexual intercourse and other sexual conduct.

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<sup>1</sup> Ind. Code § 35-42-4-7(n).

[4] K.L. and G.D. jointly reported to Zionsville High School staff that Martin and E.H. had been involved in a sexual relationship, and a criminal investigation ensued. On December 9, 2020, the State charged Martin with two counts of Child Seduction. On November 22, 2022, Martin was tried in a bench trial and found guilty as charged. On January 23, 2023, Martin received concurrent sentences of three years, with two years suspended to probation, one of which was to be served on home detention. Martin now appeals.

## Discussion and Decision

[5] Martin challenges the sufficiency of the evidence supporting his convictions. Our standard of review is well-settled:

When reviewing the sufficiency of the evidence needed to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence. 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.

*Bailey v. State*, 907 N.E.2d 1003, 1005 (Ind. 2009) (internal citation omitted).

[6] Martin was charged with violating Indiana Code Section 35-42-4-7(n), which provides:

A person who:

(1) has or had a professional relationship with a child less than eighteen (18) years of age whom the person knows to be less than eighteen (18) years of age;

(2) may exert undue influence on the child because of the person's current or previous professional relationship with the child; and

(3) uses or exerts the person's professional relationship to engage in sexual intercourse, other sexual conduct (as defined in IC 35-31.5-2-221.5), or any fondling or touching with the child with the intent to arouse or satisfy the sexual desires of the child or the person;

commits child seduction.

The offense is a Level 5 felony "if the child is at least sixteen (16) years of age but less than eighteen (18) years of age[.]" I.C. § 35-42-4-7(v)(2).

[7] A professional relationship with a child includes a situation in which the person:

(A) has a license issued by the state or a political subdivision on the basis of the person's training and experience that authorizes the person to carry out a particular occupation; or

(B) is employed in a position in which counseling, supervising, instructing, or recruiting children forms a significant part of the employment; and

(2) the person has a relationship with a child that is based on the person's employment or licensed status as described in subdivision (1).

I.C. § 35-42-4-7(i).

- [8] Martin does not deny that he had a professional and sexual relationship with E.H. Rather, Martin argues that the State failed to prove beyond a reasonable doubt that he used or exerted his professional relationship with E.H. to engage in sexual activities. He focuses upon his limited authority as a substitute teacher and the relatively short duration of classroom contact.
- [9] In determining whether a person has used or exerted a professional relationship with a child to engage in sexual intercourse or other sexual conduct, the factfinder may consider one or more of the following factors:
- (1) The age difference between the person and the child.
  - (2) Whether the person was in a position of trust with respect to the child.
  - (3) Whether the person's conduct with the child violated any ethical obligations of the person's profession or occupation.
  - (4) The authority that the person had over the child.
  - (5) Whether the person exploited any particular vulnerability of the child.
  - (6) Any other evidence relevant to the person's ability to exert undue influence over the child.

I.C. § 35-42-4-7(s).

- [10] Here, the State presented evidence that Martin is ten years older than E.H., although he had told her that he was twenty-one years old in 2020. Martin was a licensed substitute teacher who had reviewed the Zionsville School Teacher’s Handbook. He had been placed in charge of a classroom of high school students that included E.H. Accordingly, Martin was in a position of trust.
- [11] Having gained access to E.H. because of his teaching position, Martin remained after class with E.H. and G.D.,<sup>2</sup> and proposed that they exchange social media user identification. Martin then used the information provided by E.H. to contact her and arrange to meet her in her home at a time when her mother was not present. Martin brought E.H. a gift of snacks and a nicotine vaping device. They engaged in sexual intercourse and other sexual conduct in E.H.’s mother’s room while K.L. sat in another room. Troubled by the events, K.L. decided to report Martin to his employer.
- [12] The State presented sufficient evidence from which the factfinder could conclude beyond a reasonable doubt that Martin used his professional relationship with E.H. to engage in sexual intercourse and other sexual conduct. Martin’s argument regarding his limited professional responsibilities and short-term access to E.H. merely presents an invitation to reweigh the evidence, which we reject. *See Bailey*, 907 N.E.2d at 1005.

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<sup>2</sup> G.D. testified that Martin “asked” her and E.H. to stay after class, but clarified that “it would not be fair to say” that Martin “made” them stay. (App. Vol. II, pgs. 29, 35.) E.H. was “pretty positive” that Martin initiated the conversation. (*Id.* at 42.)

## Conclusion

[13] Sufficient evidence supports Martin's convictions for Child Seduction.

[14] Affirmed.

Vaidik, J., and Kenworthy, J., concur.