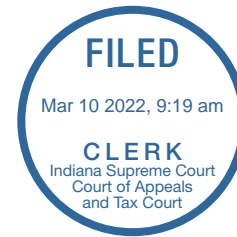


MEMORANDUM DECISION

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

Deonte T. Thornton,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

March 10, 2022

Court of Appeals Case No.
21A-CR-2118

Appeal from the Knox Circuit
Court

The Honorable Sherry B. Gregg
Gilmore, Judge

Trial Court Cause No.
42C01-2101-F5-10

Mathias, Judge.

- [1] Deonte Thornton appeals his sentence following his convictions for stalking and invasion of privacy pursuant to a guilty plea. He presents one issue for our

review, namely, whether his sentence is inappropriate in light of the nature of the offenses and his character.

[2] We affirm.

Facts and Procedural History

[3] In August or September 2020, Thornton and his then-girlfriend S.C. came to live with S.C.'s grandparents, A.C. and D.C. (collectively "Grandparents"), in Bicknell, Indiana. "[W]ithin two weeks," D.C. saw Thornton "push and/or shove" S.C. during an argument. Tr. p. 9. Thornton and S.C. assured Grandparents that "there was no violence" between Thornton and S.C. and that everything was okay. *Id.*

[4] In early December, S.C. discovered that Thornton was "cheating" on her. *Id.* at 10. S.C. spoke with D.C. about the situation, and S.C. mentioned that Thornton was "abusing her, and both physically and mentally." *Id.* At that time, S.C. and D.C. went upstairs, woke up Thornton, and told him that he needed to move out of the house. After "quite a bit of carrying on," Thornton left. *Id.*

[5] Approximately one week later, Thornton began to harass and threaten S.C. by phone, text messages, and on social media. And one day in late December, while S.C. was at work at McDonald's, Thornton called the restaurant and "got kind of heated trying to get some of her coworkers to send her out. He made calls to the place indicating that he was a police officer and they needed to send her out." *Id.* at 11. After that incident, S.C. obtained an order of protection

against Thornton. Due to the holidays, Thornton was not served with the order of protection until January 3, 2021. After that, Thornton “started calling” and he drove “past the house in a car.” *Id.* at 13. Grandparents installed surveillance cameras around the outside of the house, and they saw Thornton “sneaking through the yard” and trying to get into a back door to the house. *Id.* at 14. Grandparents grew “so concerned that [they] started sleeping in the living room” and would take turns “monitoring cameras” throughout the nights. *Id.* at 13.

[6] One day in late January, A.C. “found a pile of several tools and a machete” in the backyard, and he “immediately called the sheriff’s office.” *Id.* at 15. Another time, A.C. found Thornton sitting in a stairwell to the basement. A.C. confronted Thornton and chased him off of the property. Still, Thornton continued to call and text S.C., and he contacted her on social media. Finally, S.C. learned from Thornton’s roommates that Thornton had been planning to “kidnap” Grandparents and “do harm to S.C.” *Id.* at 17. During the course of these events, Thornton was arrested twice and called S.C. multiple times from jail. Grandparents ultimately sold their house and moved because they did not want Thornton to know where they lived.

[7] On January 22, 2021, the State charged Thornton with Level 5 felony stalking and Class A misdemeanor invasion of privacy. At that time, Thornton had charges pending in five other cases for violating the order of protection against him. On May 27, Thornton pleaded guilty to the two charges in the instant case. In exchange, the State dismissed the charges in the five other cases.

Thornton's plea agreement left sentencing open to the trial court's discretion. But the agreement also expressly permitted the State to introduce evidence related to each of the dismissed cases at sentencing.

- [8] On July 27 and August 27, the trial court held a sentencing hearing. The State presented S.C.'s impact statement and A.C.'s testimony. In the sentencing statement, the trial court identified three aggravators and two mitigators and sentenced Thornton to concurrent sentences of four years with one year suspended to probation for Level 5 felony stalking and one year for Class A misdemeanor invasion of privacy. This appeal ensued.

Discussion and Decision

- [9] Thornton contends that his sentence is inappropriate under [Indiana Appellate Rule 7\(B\)](#), which permits us to revise a sentence 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 purpose of 7(B) review is to “attempt to leaven the outliers, and identify some guiding principles for trial courts and those charged with improvement of the sentencing statutes.” *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). The proper inquiry “is not whether another sentence is more appropriate; rather, the question is whether the sentence imposed is inappropriate.” *Hunt v. State*, 43 N.E.3d 588, 590 (Ind. Ct. App. 2015), *trans. denied*. And the defendant has the burden of making this showing on appeal. *Brock v. State*, 983 N.E.2d. 636, 642 (Ind. Ct. App. 2013). Deference to the trial court “prevail[s] unless overcome by

compelling evidence portraying in a positive light the nature of the offense (such as accompanied by restraint, regard, and lack of brutality) and the defendant's character (such as substantial virtuous traits or persistent examples of good character)." *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[10] Thornton asserts that his aggregate sentence of four years with one year suspended to probation is inappropriate in light of the nature of the offenses and his character. The sentencing range for a Level 5 felony is between one and six years, with the advisory sentence being three years. [Ind. Code § 35-50-2-6 \(2021\)](#). And a person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one year. [I.C. § 35-50-3-2](#).

[11] At sentencing, the trial court identified the following aggravators:

1. The defendant repeatedly violated Orders of Protection.
2. New charges of Invasion of Privacy were filed after defendant was already incarcerated in the Knox County Law Enforcement Center, committed while he was in the Knox County Law Enforcement Center.
3. The defendant created undue hardship for the victim's family in that they felt compelled to sell their residence at a loss, so the defendant would no longer know where they lived.

Appellant's App. Vol. II p. 43. And the trial court identified as mitigators Thornton's guilty plea and lack of criminal history.

[12] As to the nature of the offense, Thornton acknowledges that he "indisputably threatened S.C.," but he points out that he "used no physical violence against

S.C. or her family.” Appellant’s Br. at 7. “This,” he maintains, “suggests that Thornton is not a danger to the community at large.” *Id.* However, as A.C. testified at the sentencing hearing, Thornton instilled such fear in him and his wife that they did not “feel safe” in their home any longer and moved as a result of Thornton’s persistent threatening behavior. Tr. p. 18. A.C. also testified that S.C. was so upset by Thornton’s constant harassment that she “missed a lot of work” and was fired in January 2021. *Id.* at 11. Given these facts, Thornton has not established that his sentence is inappropriate based on the nature of the offenses.

[13] As to his character, Thornton points out that he has no criminal history. Thus, he asserts that “the conduct at issue was the result of a period of emotional turmoil and poor judgment, rather than the result of bad character.” Appellant’s Br. at 7. But Thornton does not direct us to compelling evidence of any “virtuous traits or persistent examples of [his] good character.” See *Stephenson*, 29 N.E.3d at 122. His alleged immaturity and inexperience are not sufficient grounds to warrant a revision of his sentence. For all of these reasons, we hold that Thornton’s sentence is not inappropriate in light of the nature of the offenses and his character.

[14] Affirmed.

Bailey, J., and Altice, J., concur.