

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

Jack Yette,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



March 27, 2024

Court of Appeals Case No.
23A-CR-2011

Appeal from the Marion Superior Court
The Honorable Angela D. Davis, Judge

Trial Court Cause No.
49D27-2008-F1-025808

Memorandum Decision by Judge Felix
Chief Judge Altice and Judge Bradford concur.

Felix, Judge.

Statement of the Case

- [1] Between December 2019 and April 2020, 24-year-old Jack Yette molested 13-year-old K.W. multiple times. The State charged Yette with three counts of child molesting, and a jury found Yette guilty as charged. Yette presents one issue on appeal: Whether the trial court abused its discretion by permitting the child forensic interviewer’s testimony about the process of disclosure.
- [2] We affirm.

Facts and Procedural History

- [3] In early 2019, George Adams moved in with his girlfriend and her daughter K.W. in Indianapolis, Indiana. In December of 2019, Yette—Adams’s nephew—moved into the home, and he lived there until April 2020.
- [4] Four months after Yette moved out, K.W. reported that Yette had sexually abused her while he lived in the home. About a week after K.W.’s disclosure, she underwent a forensic interview with Christiana Patterson. K.W. told Patterson that, during December 2019, Yette had made her engage in multiple sexual acts, including multiple instances where Yette made K.W. “jerk him off” and one instance where he forced her to perform oral sex. Appellant’s App. Vol. II at 35–37. Based on these statements, the State charged Yette with two

counts of child molesting, one count as a Level 1 felony¹ and one count as Level 4 felony².

[5] At K.W.'s deposition, K.W. testified that Yette had made her sit on his lap and grind on him on multiple occasions. K.W. had not disclosed this abuse in her forensic interview. She also testified that the sexual abuse had occurred from December 2019 through April 2020 as opposed to being confined to December 2019, which was her original statement in the forensic interview. After the deposition, the State filed a motion to amend the information against Yette to include an additional charge of child molesting as a Level 4 felony. The trial court granted the State's motion.

[6] On May 16, 2023, the trial court held a jury trial. Yette began his opening statement as follows:

This is a story that's 100 percent about credibility. This is a story where 100 percent of the evidence flows from the testimony of one girl, in a complicated family situation, whose story has changed dramatically over time. You will be asked to judge her credibility

Tr. Vol. III at 167.

¹ Ind. Code § 35-42-4-3(a)(1).

² *Id.* § 35-42-4-3(b).

[7] Later, the State called Patterson to the witness stand. Patterson testified about general patterns she has observed in conducting more than 600 forensic interviews of victims of child sexual abuse. The State began to question Patterson about the disclosure process for child victims, and Yette objected to this line of questioning, arguing it was more prejudicial than probative. The trial court overruled this objection. Patterson testified that children commonly delay disclosure of the full scope of their abuse. When asked about what factors might lead a child to delay disclosure, Patterson replied

The factors that I've seen that influence that, typically tend to be fear. Fear of what they maybe look like, that they may be in trouble, that they might be judged in a certain way. A lot of times there might be promises or gifts that were given and that can also tend to keep them, make them feel like they're not okay, they can't disclose because they made a promise, or just not being aware that potentially something was wrong that was happening.

Tr. Vol. III at 222.

[8] Later, K.W. testified about the molests, including the grinding, the oral sex, and the masturbation. She also testified that Yette regularly groped her breasts, buttocks, and thighs, both over and under her clothes. In an attempt to discredit her story, Yette cross-examined K.W. about inconsistencies between what she told Patterson in the forensic interview, her deposition testimony, and her trial testimony. During his closing argument, Yette continued to highlight K.W.'s delayed disclosure of certain details and reminded the jury that "[t]his case is 100 percent about credibility." Tr. Vol. IV at 196.

[9] The jury found Yette guilty as charged. The trial court sentenced Yette to 30 years with 5 years suspended on the Level 1 felony and 6 years for each of the Level 4 felonies, which were ordered to be served concurrently with each other as well as the Level 1 sentence. Yette now appeals.

Discussion and Decision

[10] Yette argues that the trial court erred in admitting Patterson’s testimony about delayed disclosure. We review the trial court’s admission of evidence for abuse of discretion. *Zaragoza v. Wexford of Indiana, LLC*, 225 N.E.3d 146, 151 (Ind. 2024) (citing *Williams v. Tharp*, 914 N.E.2d 756, 769 (Ind. 2009)). We will reverse “only if the trial court’s ruling is clearly against the logic and effect of the facts and circumstances and the error affects a party’s substantial rights.” *McCoy v. State*, 193 N.E.3d 387, 390 (Ind. 2022) (citing *Carpenter v. State*, 18 N.E.3d 998, 1001 (Ind. 2014)).

[11] Yette claims that Patterson’s testimony was irrelevant and unfairly prejudicial. Testimony is relevant if “(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Ind. Evidence Rule 401. “The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, or needlessly presenting cumulative evidence.” *Id.* at 403. “A trial court’s discretion is wide on issues of relevance and unfair prejudice.” *Snow v. State*, 77 N.E.3d 173, 176 (Ind. 2017) (citing

Hicks v. State, 690 N.E.2d 215, 220 (Ind. 1997)). “Unfair prejudice . . . looks to the capacity of the evidence to persuade by illegitimate means, or the tendency of the evidence to suggest decision on an improper basis.” *Hall v. State*, 177 N.E.3d 1183, 1193 (Ind. 2021) (alteration in original) (quoting *D.R.C. v. State*, 908 N.E.2d 215, 224 (Ind. 2009)).

[12] Yette argues that Patterson’s discussion of fear as a factor in delayed disclosure is substantially more prejudicial than probative. He contends that “the challenged testimony was completely irrelevant.” Appellant’s Br. at 10. However, “credibility is often a central issue in child molestation cases.” *Hayko v. State*, 211 N.E.3d 483, 492 (Ind. 2024). Yette echoed this sentiment when he began his opening statement with: “This is a story that’s 100 percent about credibility.” Tr. Vol. III at 167. Additionally, Yette told the jury it had “reasons to doubt K.W.’s story” and urged the jury to “pay close attention to the ways the story change.” *Id.* at 168. Since Yette questioned K.W.’s credibility and highlighted changes in her story, he opened the door for Patterson to testify about patterns of delayed disclosure in child molestation victims. *See Pierce v. State*, 135 N.E.3d 993, 1005 (Ind. Ct. App. 2019). Patterson’s statement provided context to show why child molestation victims might reveal the full scope of their story over time rather than all at once. Therefore, Patterson’s testimony was relevant and had probative value concerning K.W.’s credibility.

[13] Next, Yette argues that Patterson’s testimony about fear resulted in unfair prejudice against him because there was no evidence that Yette threatened K.W.

or that K.W. was physically afraid of Yette. This argument mischaracterizes Patterson's testimony. Patterson did not testify about K.W. specifically when discussing delayed disclosure; instead, the testimony described a general pattern she had observed throughout the course of her career. Further, Yette misinterprets the fear described in Patterson's testimony. Patterson did not describe a fear of physical harm or any kind of threat as Yette argues in his brief. Rather, Patterson testified that children might delay disclosure due to "[f]ear of what they maybe look like, that they may be in trouble, [or] that they might be judged in a certain way." Tr. Vol. III at 222. Nothing in this statement suggests a fear of physical harm or any kind of threat from anyone. Thus, we are unpersuaded by Yette's argument that Patterson's statement concerning fear created unfair prejudice against him that substantially outweighed the testimony's probative value. We conclude that the trial court did not abuse its discretion by admitting Patterson's testimony into evidence.

[14] Affirmed.

Altice, C.J., and Bradford, J., concur.

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