MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Sean Aaron Landrum,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

September 26, 2023

Court of Appeals Case No. 23A-CR-41

Appeal from the Howard Circuit Court

The Honorable Lynn Murray, Judge

Trial Court Cause No. 34C01-2112-F3-3801

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

Foley, Judge.

[1] Sean Aaron Landrum ("Landrum") was convicted of two counts of Level 3 felony rape,[1] one count of Level 5 felony criminal confinement,[2] and one count of Level 6 felony domestic battery[3] after a jury trial. The trial court sentenced Landrum to an aggregate term of fifty-eight years in the Department of Correction ("DOC"). Landrum appeals his sentence, arguing that the trial court abused its discretion by ordering Landrum to serve the sentences for his criminal confinement and domestic battery convictions consecutive to the sentences for his rape convictions. Finding no abuse of discretion, we affirm.

Facts and Procedural History

[2] Landrum and the victim ("M.L.") were in a relationship and lived together along with M.L.'s son. However, on December 5, 2021, M.L.—and her son—spent the night at her Father's house in order to give Landrum time to "cool off" because the two of them had been arguing. Amended Tr. Vol. II p. 101. On December 6, 2021, M.L. went to work and Landrum "kept calling[,] [ ] texting[,] and facetiming" M.L. wanting to talk, but she did not answer his calls nor respond to his text messages. *Id.* at 101–02. After work, M.L. returned to her Father's house and helped her son with his homework. Landrum kept calling and texting, so M.L. decided to go see him at their house late in the evening. When she arrived, the two of them began arguing again. The

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[1] Ind. Code § 35-42-4-1(a)(1).

[2] I.C. § 35-42-3-3(a).

[3] I.C. § 35-42-2-1(a)(1).

argument escalated, and Landrum punched M.L. in the face. When M.L. covered her face to protect it, Landrum began "hitting [her] in the back of [her] head." *Id.* at 103–04.

[3] At some point during the argument and after midnight on December 7, 2021, M.L. went outside and stood by her car, but she could not leave because Landrum had her keys. M.L. went back in the house and Landrum began hitting M.L. once again while telling her that she "was gonna [sic] comply and that [she] owed him." *Id.* at 105. At some point in the argument, M.L. got away from Landrum, grabbed his gun that was on the couch, pointed it at Landrum and shot at him, but the bullet missed Landrum and the gun "came apart in [M.L.'s] hand." *Id.* at 106. Landrum resumed beating M.L. After Landrum stopped beating M.L., he noticed the underwear that she was wearing and told her that it was "too sexy to wear at work." *Id.* at 107. Landrum began beating M.L. again, told her to stand up and pulled her pants and underwear down. Landrum then bent M.L. over on the couch and raped her while she was crying. When Landrum finished raping M.L., he forced her to take a shower and yelled at her while she was doing so. When M.L. finished showering, she walked towards the bedroom—still naked—while Landrum followed behind her and continued yelling. When she got to the bedroom, Landrum bent her over and raped her again. When Landrum finished raping M.L., he forced her to take another shower. After she finished showering, Landrum began yelling at her again. M.L. kept telling Landrum that she needed to get her son from her Father's house so she could take him to school.

[4] Eventually, Landrum allowed M.L. to leave the house. M.L. picked her son up, dropped him off at school and then went to work. At some point during the day, M.L. told her friend what happened. Around 6:30 p.m., M.L. reported the incident to the police.

On December 8, 2021, the State charged Landrum with: Count 1, rape as Level 3 felony; Count 2, rape as a Level 3 felony; Count 3, criminal confinement as a Level 5 felony; and Count 4, domestic battery as a Level 6 felony. On January 5, 2022, the State alleged that Landrum was a habitual offender. On November 8, 9, and 10 of 2022, a jury trial was held. The jury found Landrum guilty as charged and determined that he was a habitual offender. On December 7, 2022, the trial court sentenced Landrum to an aggregate term of fifty-eight years in the DOC. In fashioning Landrum's sentence, the trial court ordered him to serve 16 years for each count of rape and serve those sentences consecutively. Count 1 was enhanced by 20 years due to Landrum's habitual offender status. As to the counts of criminal confinement and domestic battery, the trial court imposed concurrent sentences of 6 years and 1 year, respectively. Those sentences were to run consecutively to the rape counts. Landrum now appeals.

Discussion and Decision

[5] Landrum claims that the trial court abused its discretion when it ordered the sentences for criminal confinement and domestic battery to be served consecutively to the sentences imposed for the two counts of rape. An abuse of discretion occurs if the decision is "clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual

deductions to be drawn therefrom." *K.S. v. State*, 849 N.E.2d 538, 544 (Ind. 2006) (quoting *In re L.J.M.*, 473 N.E.2d 637, 640 (Ind. Ct. App. 1985)).

> Generally, "it is within the trial court's discretion whether to order sentences be served concurrently or consecutively." *Myers v. State*, 27 N.E.3d 1069, 1082 (Ind. 2015). But because our legislature is responsible for fixing criminal penalties, a trial court's sentencing discretion must not exceed the limits prescribed by statute. *Pritscher v. State*, 675 N.E.2d 727, 729 (Ind. Ct. App. 1996). With exceptions for "crimes of violence," our Sentencing Cap Statute limits the aggregate sentence a trial court may impose "for felony convictions arising out of an episode of criminal conduct." I.C. §§ 35-50-1-2(c), (d).

Fix v. State, 186 N.E.3d 1134, 1143 (Ind. 2022). The sentencing limitation does not apply to "consecutive sentencing between a crime of violence and those that are not crimes of violence." *Id.* Indiana Code section 35-50-1-2(a) enumerates a list of offenses that are considered crimes of violence. Rape is among the list; criminal confinement and domestic battery are not on the list.

[6] Landrum contends that "the sentences imposed for [Level 5 felony criminal confinement] and [Level 6 felony domestic battery] . . . should have been ordered to be served concurrently to the sentences imposed [for the two counts of rape]." Appellant's Br. p. 13. We disagree. Landrum's aggregate sentence consists of two counts of a crime of violence (Level 3 felony rape) and two counts of offenses not defined as crimes of violence (Level 5 felony criminal confinement and Level 6 felony domestic battery). *See* Ind. Code § 35-50-1-2(a). The trial court ordered that the sentences for the two crimes that were not

defined as crimes of violence "be served concurrently, but consecutive to the sentences for [the two counts of the crime of violence]." Appellant's App. Vol. 2 p. 192. "[T]he Sentencing Cap Statute permits consecutive sentences between [Landrum]'s crime of violence…and those offenses not defined as crimes of violence . . . ." *See Fix*, 186 N.E.3d at 1143. The trial court did not abuse its discretion.

[7] Landrum also claims that "the trial court abused its discretion by not offering any verbal explanation in the sentencing statement or written explanation in the [s]entencing [o]rder" regarding the imposition of consecutive sentences. Appellant's Br. p. 13. Indiana Code section 35-38-1-1.3 provides: "After a court has pronounced a sentence for a felony conviction, the court shall issue a statement of the court's reasons for selecting the sentence that it imposes unless the court imposes the advisory sentence for the felony." *See also Echols v. State*, 722 N.E.2d 805, 808 (Ind. 2000) ("[A] trial court is required to state its reasons for imposing consecutive sentences or enhanced terms."). "A single aggravating circumstance may be sufficient to support the imposition of consecutive sentences." *Gross v. State*, 22 N.E.3d 863, 869 (Ind. Ct. App. 2014).

[8] Landrum's claim is unfounded. At the sentencing hearing, the trial court articulated its rationale behind imposing Landrum's aggregate sentence. *See* Amended Tr. Vol. III pp. 56–58. Indeed, the trial court noted Landrum's lengthy criminal history, failed attempts at rehabilitation, and lack of remorse. *Id.* The trial court also highlighted the nature and circumstances of Landrum's

crimes especially the impact of his crimes on his victim, M.L. *Id.* The trial court reiterated its rationale in its written sentencing order:

> The Court finds as aggravating circumstances the criminal history of [Landrum], specifically six (6) felony convictions and nine (9) misdemeanor convictions, including a conviction for domestic battery. [Landrum]'s criminal history also includes numerous violations of probation and other rehabilitative programs, including Howard County's Re-Entry Program. The nature and circumstances of the offenses are that [Landrum] brutally physically and sexually assaulted his former girlfriend over a period of hours, from which the victim has suffered long lasting trauma. [Landrum] has expressed no remorse for his actions. The Court finds no mitigating circumstances. The imposition of an aggravated sentence, fully executed, is appropriate.

Appellant's App. Vol. 2 pp. 190–91. The trial court's explanation could not be any clearer. The trial court did not abuse its discretion.

[9] Based on the foregoing, the trial court did not abuse its discretion by ordering Landrum to serve the sentences for the criminal confinement and domestic battery convictions consecutive to the sentences for the two counts of rape.

[10] Affirmed.

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