

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

Randy E. Garrett, Jr.,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellant-Plaintiff*



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March 11, 2024

Court of Appeals Case No.  
23A-CR-1988

Appeal from the Miami Circuit Court  
The Honorable Timothy P. Spahr, Judge  
Trial Court Cause No.  
52C01-2206-F4-177

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**Memorandum Decision by Judge Riley**  
Judges Brown and Foley concur.

**Riley, Judge.**

## **STATEMENT OF THE CASE**

[1] Appellant-Defendant, Randy Garrett, Jr. (Garrett), appeals his conviction for child solicitation, a Level 4 felony, Ind. Code § 35-42-4-6(c)(1).

[2] We affirm.

## **ISSUE**

[3] Garrett presents this court with one issue on appeal: Whether the State proved beyond a reasonable doubt that he believed that his victim was between fourteen and sixteen years old.

## **FACTS AND PROCEDURAL HISTORY**

[4] On May 30<sup>th</sup>, 2022, Garrett contacted the Facebook profile of Alexis Steigleman, asking her, “Hey cutie how’s yer day[?]”<sup>1</sup> (Exh. Vol. p. 16). Unbeknownst to Garrett, when he made contact with the Alexis Steigleman profile, he was actually speaking to Shanda Nolley (Nolley) of Predator Capturers, Inc. (PCI), a volunteer organization dedicated to identifying and exposing online child predators. Nolley, an adult, posed as fourteen-year-old Alexis Steigleman using a Facebook profile photograph of someone plausibly appearing to be between the ages of fourteen and sixteen.

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<sup>1</sup> The messages and texts between Garrett and Steigleman are presented for the most part as written.

[5] Approximately one hour after Garrett made contact with the Steigleman profile, Nolley asked him where he lived and how old he was. Garrett responded that he was thirty-nine years old from Peru, Indiana, and asked the same information of “Steigleman” and was informed that “Steigleman” was fourteen years old and lived in Wabash, Indiana. Garrett responded, “Wtf yer only 14 goodlord my bad[.]” (Exh. Vol. p. 18). “Steigleman” told Garrett that she did not care about the age difference, and Garrett replied, “What you mean u don’t dare . . . Care [to] explain So I don’t feel so much like a cradle robber lol[.]” (Exh. Vol. p. 18). “Steigleman” joked that she was not five years old, to which Garrett responded, “But yer not 18 either and u are sexy as f[\*]ck I thought u was way older dorkus[.]” (Exh. Vol. p. 19). Garrett told “Steigleman” that he was looking for “a sexy companion 2 go adventuring with” and asked, “What are u allowed to do with a guy old enough to be yer dad[?]” (Exh. Vol. p. 19). After Nolley sent Garrett a photograph of “Steigleman” in a car, Garrett commented, “Are u driving yer a Lil wild focker ain’t you proly already taking the d and shit lol[.]” (Exh. Vol. p. 21). The conversation continued, and Garrett told “Steigleman”, “Please don’t let Noone know about us [praying hands emoji] talking err what not it could get me into ot of trouble my dear . . .” (Exh. Vol. p. 22). During this first conversation, Garrett suggested that he and “Steigleman” meet in person. “Steigleman” asked Garrett what the plan was if they met. Garrett explained, “I mean the plan is 2 somehow talk you into riden my dick[.]” (Exh. Vol. p. 37).

[6] Over the following days Garrett and “Steigleman” continued to converse, and the following exchange occurred:

Garrett: What’d up u still scare [screaming emoji] me a Lil man

Steigleman: Lmao danh . . . Ok I’ll leave ya alone

Garrett: You don’t have 2 . . . Just going to take a min for me to trust u . . . Cuz I can get into alotof trouble

(Exh. Vol. p. 41). Garrett and “Steigleman” arranged for her to get a ride to Peru with her cousin on June 4, 2022. Garret was worried about how the cousin “would react[,]” but was assured by “Steigleman” that the cousin was “cool af[.]” (Exh. Vol. p. 49). During this conversation, Garrett informed “Steigleman” that he “was trying to chill with ya and talk ya outta yer wardrobe” and that he wanted to “pull yer pants off and eat yer vagina honey!” (Exh. Vol. pp. 49, 51). As the planning to meet continued, Garrett expressed concern that he did not “really have a place 2 chill with 2 under age females[.]” (Exh. Vol. p. 57).

[7] On June 4, 2022, Nolley and two other volunteers with PCI went to Peru to meet with Garrett as he had agreed with “Steigleman”. After Nolley informed Garrett that “Steigleman” had arrived in Peru, Garrett changed the proposed meeting place and kept failing to arrive to meet “Steigleman”. Garrett messaged “Steigleman” that he was just being cautious and asked her if she was a police officer. “Steigleman” responded, “WhT 14 yr old u know is a cop,” to which Garrett responded, “Idk [laughing emoji] stop saying yer age Be there in a sec[.]” (Exh. Vol. p. 75). That evening, Garrett was seen by one of the PCI

volunteers on his way to one of the proposed meeting places. However, Garrett turned, walked away, and ultimately did not meet with “Steigleman” that evening. “Steigleman” later expressed anger that Garrett had arranged to meet but did not appear, to which Garrett responded, “I’m sorry I flip out man I never have chilled with some one as young as u[.]” (Exh. Vol. p. 87). As the conversation continued, Garrett gave “Steigleman” the address to the camper where he was living.

[8] On June 5, 2022, the conversation between Garrett and “Steigleman” resumed over Facebook messages, and Garrett spoke with Nolley posing as “Steigleman” on the phone. Nolley/Steigleman stated to Garrett “I told you I was fourteen, you can tell me [your age]”, and Garrett stated that he was thirty-nine years old. (Exh. 82R 2:51-2:57). Nolley/Steigleman asked Garrett why he did not follow through on their plans to meet the previous evening. Garrett explained that he had trepidation about meeting “Steigleman” because “I imagine that you look like a fourteen-year-old girl, right?” (Exh. 82R 3:20-3:22). Nolley/Steigleman assured Garrett that she did not because she was wearing makeup, prompting Garrett to retort, “So you look maybe 16?” (Exh. 82R 3:42-3:44). Eventually, Nolley/Steigleman arranged with Garrett to meet him at a laundry mat in Peru that day. “Steigleman” sent Garrett a photograph of “Steigleman” sticking out her tongue, to which Garrett replied, “Yes babyi would like to f[\*]ck slide my dick inside!!! And that tounge just looks challenging sweet heart[.]” (Exh. Vol. p. 112).

[9] On June 5, 2022, Nolley and two PCI volunteers traveled to Peru to attempt to meet with Garrett, however, when they arrived at the laundry mat, they found that it was closed and that Garrett was not there. The group then proceeded to Garrett's camper, where they livestreamed their confrontation with Garrett. Nolley and "Steigleman's" cousin, a female PCI volunteer, knocked on the door. Garrett answered, at first confused that Nolley was actually "Steigleman" and apologizing for falling asleep instead of meeting at the laundry mat. Garrett agreed to walk down the street to a car so that he and "Steigleman" could be driven around by the "cousin". On the way to the car, Nolley revealed her true identity and confronted Garrett about his interactions with "Steigleman". After learning the truth about "Steigleman", Garrett stated, "I'm just an idiot . . . what I was doing on the f[\*]cking internet . . . very illegal." (Exh. 95R 7:10-7:15). One of the volunteers asked him what he was doing on the internet, and Garrett explained, "I was supposedly talking to a fourteen-year-old girl, and I'm not proud of it." (Exh. 95R 7:31-7:36). Garrett later admitted to the PCI volunteers that he intended to have sex with "Steigleman" and stated that "I talked like I was talking to a grown adult which was wrong." (Exh. 95R 10:26-10:28).

[10] Law enforcement arrived and escorted Garrett to the Peru Police Department, where Garrett was provided with his *Miranda* advisements. Garrett agreed to speak with an investigator. Garrett acknowledged that "Steigleman" had told him how old she was and stated that he felt guilty the whole time he was speaking to "Steigleman" because he knew it was wrong. Garrett explained

that “I was playing the f[\*]ucking game that I thought she was playing I don’t even know why I was doing that.” (Exh. 98R 11:50-11:56). Garrett explained that “she was just acting like everything was cool we could be this and that and I was like dude, I’m old enough to be your freaking dad. I mean, I wasn’t too out there I guess, but I did say a few inappropriate things.” (Exh. 98R 12:08-12:25). Throughout the interview, Garrett maintained that “the only thing I did, I said some inappropriate things.” (Exh. 98R 35:36-35:40). Garrett stated that “I don’t condone what I did because it was my bad f[\*]ucking decision in my head, but what they did wasn’t right either.” (Exh. 98R 32:04-32:13).

[11] On June 23, 2022, the State filed an Information, charging Garrett with Level 4 felony child solicitation.<sup>2</sup> On March 16, 2023, the State filed a second Information, adding a Count of Level 5 felony child solicitation.<sup>3</sup> On June 19, 2023, the trial court convened Garrett’s three-day jury trial. The Facebook messages, texts, and phone conversations between Garrett and “Steigleman” were admitted into evidence, as was the video recording of Garrett’s police interview. At the conclusion of the evidence, the jury found Garrett guilty on both Counts. The trial court entered judgment of conviction on the Level 4 felony only.

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<sup>2</sup> The State subsequently amended this Count on June 16, 2023.

<sup>3</sup> On June 19, 2023, the trial court granted the State’s motion to amend this Count.

[12] On July 26, 2023, the trial court conducted Garrett’s sentencing hearing. The trial court sentenced Garrett to eight years, with six years to be served in the Department of Correction and two years suspended to probation.

[13] Garrett now appeals. Additional facts will be provided as necessary.

## **DISCUSSION AND DECISION**

[14] Garrett challenges the evidence supporting his conviction. “Sufficiency-of-the-evidence arguments trigger a deferential standard of appellate review, in which we neither reweigh the evidence nor judge witness credibility, instead reserving those matters to the province of the jury.” *Owens v. State*, 210 N.E.3d 256, 264 (Ind. 2023) (internal quotation omitted). In conducting our review, we consider only the evidence and the reasonable inferences from that evidence that support the verdict. *Id.* Our task is to determine whether there is substantial evidence of probative value on each element of the offense. *Young v. State*, 198 N.E.3d 1172, 1176 (Ind. 2022).

[15] The State charged Garrett with Level 4 felony child solicitation in relevant part as follows:

[Garrett being] 39 year[s] old did knowingly or intentionally solicit Victim #1, a person that [Garrett] believed to be a child at least fourteen years of age, but less than sixteen years of age, to wit: 14 years of age, to engage in sexual intercourse or other sexual conduct, said solicitation having been accomplished by the use of a computer network as defined in I.C. [§] 35-43-2-3(a) and with the said [Garrett] having traveled to meet the said Victim #1[.]



(Appellant’s App. Vol. II, p. 131). Thus, in order to prove the offense, the State was required to establish that Garrett believed that Victim #1, i.e., “Steigleman”, was between fourteen and sixteen years old. *See* I.C. §§ 35-42-4-6(c), -(c)(1). Garrett argues that the State failed to meet its burden of proof on this element of the offense.

[16] We cannot agree. The evidence reflects that approximately one hour after beginning to converse with “Steigleman”, Garrett was informed that she was fourteen years old, and he acknowledged that fact by expressing surprise. However, he continued conversing with “Steigleman”, repeatedly asking her to not tell anyone about their interactions because he could get into trouble. When “Steigleman” stated that she was “not 5”, Garrett responded, “But yer not 18 either and u are sexy as f[\*]ck I thought u was way older dorkus[.]” (Exh. Vol. p. 19). Over the course of their conversations, Garrett repeatedly demonstrated his knowledge of “Steigleman’s” age, including when he exhibited concern about how “Steigleman’s” cousin would react to him, ostensibly because of the age difference between him and “Steigleman”, and when he observed that he did not “have a place 2 chill with 2 under age females[.]” (Exh. Vol. p. 57). While they were messaging after Nolley had arrived to meet with Garrett in Peru on June 4, 2022, “Steigleman” assured Garrett that she was not a fourteen-year-old police officer, and Garret playfully told her to “stop saying yer age.” (Exh. Vol. p. 75). After the first failed meetup, Garrett apologized and explained that he had panicked because “I never have chilled with some one as young as u[.]” (Exh. Vol. p. 87). During

the messaging to arrange the June 5, 2022, meetup, “Steigleman” again told Garrett her age, and Garrett explained that he had failed to appear for the previous evening’s rendezvous because he was afraid “Steigleman” looked like a fourteen-year-old girl. After being confronted by Nolley in person, Garrett acknowledged that he thought he was talking to a fourteen-year-old girl, which he knew was wrong and was “very illegal.” (Exh. 95R 7:10-7:15). In his police interview, Garrett admitted that “Steigleman” had told him her age, that he knew talking to her was wrong, and that he was “old enough to be [her] freaking dad.” (Exh. 98R 12:08-12:25).

[17] Based on this evidence, a reasonable factfinder could conclude that Garrett believed from the beginning to the end of his interactions with “Steigleman” that “Steigleman” was between fourteen and sixteen years old. Despite this abundant evidence of his belief regarding “Steigleman’s” age, Garrett draws our attention to evidence in the record that he had at times expressed skepticism about “Steigleman’s” age, that he thought “Steigleman” was setting him up, and that he knew “Steigleman” was lying about her age and that he was just playing along with her. Garrett also argues that he refused to answer “Steigleman’s” calls and refused to meet up with her so that she would stop talking to him. These arguments are unpersuasive because they call upon us to consider evidence that does not support the jury’s verdict and because they entail reassessing Garrett’s credibility, all of which is contrary to our standard of review. *See Owens*, 210 N.E.3d at 264 (holding that it is the jury’s province to weigh the evidence and to determine the credibility of the witnesses); *see also*

*Alpin v. State*, 889 N.E.2d 882, 886 (Ind. Ct. App. 2008) (affirming Alpin’s conviction for Class C felony child solicitation, where Alpin’s argument on appeal was “merely an invitation to reweigh the evidence”), *trans. denied*.

Garrett’s argument is also unpersuasive because the offense was complete when he suggested that he and “Steigleman” engage in sexual intercourse or other sexual conduct. *See Kuypers v. State*, 878 N.E.2d 896, 899 (Ind. Ct. App. 2008) (“There is no requirement that a solicitor actually complete the act of meeting with his or her victim to commit the crime of child solicitation.”), *trans. denied*. Accordingly, we do not disturb the jury’s verdict.

## CONCLUSION

[18] Based on the foregoing, we hold that the State proved beyond a reasonable doubt that Garrett believed the person he solicited was fourteen years old sufficient to sustain his conviction for Level 4 felony child solicitation.

[19] Affirmed.

Brown, J. and Foley, J. concur

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