

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

April L. Wright,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

August 21, 2023

Court of Appeals Case No.
23A-CR-367

Appeal from the Lake Superior
Court

The Honorable Gina L. Jones,
Judge

Trial Court Cause No.
45G03-2010-MR-42, 45G03-1901-
F6-204

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

Altice, Chief Judge.

Case Summary

- [1] April Lynn Wright pleaded guilty to Level 1 felony neglect of a dependent resulting in death in exchange for the dismissal of several charges and a sentencing cap of thirty-five years. The trial court then imposed a sentence of thirty-five years executed in the Indiana Department of Corrections (DOC). On appeal, Wright argues that her sentence is inappropriate in light of the nature of the offense and her character.
- [2] We affirm.

Facts and Procedural History

- [3] On or about July 1, 2020, Wright and her wife, Rachel, took Wright's ten-year-old brother, Levi, into their Merrillville home. Wright and Levi's mother was in prison, and their grandmother could no longer care for Levi. Because of the COVID-19 pandemic, Levi seldom left the house and was not attending in-person school that fall.
- [4] While living in their home, Levi suffered repeated physical abuse at the hands of both Wright and Rachel and was ultimately killed sometime between the night of October 10 and October 12. He died after the women dislocated two of his cervical vertebrae and his mandible, possibly with a baseball bat. Levi would have been unable to move or talk after these injuries.

- [5] After killing Levi, Wright and Rachel took time to concoct a story that Levi had injured himself during a crash on his dirt bike, after which he allegedly complained of a headache. Makeup was also applied to his face to cover up injuries that were at different stages of healing. Rachel eventually called 911 on the evening of October 12 and reported finding Levi unconscious in his bed. Wright and Rachel each reported the well-rehearsed dirt bike story to police.
- [6] Emergency responders found Levi dead and cold to the touch, with rigor mortis already set in. Levi was covered in abrasions, lacerations, puncture wounds, and bruising “from the top of his head to the bottom of his feet.” *Transcript* at 33. Some injuries were weeks old and infected. In addition to his broken neck and jaw, Levi’s apparent and significant injuries of various ages included facial cuts and puncture wounds, a lacerated lower lip, bruised eyes, ulcers to the base of his penis along with bruising and swelling, cuts to his hands, swollen and bruised hands, numerous cuts all over his back, swollen ankles, infected toes, and lacerations and puncture wounds to the back of his ears.
- [7] On October 23, 2020, the State charged Wright with murder, Level 1 felony aggravated battery, Level 1 felony neglect of a dependent resulting in death, and Level 6 felony battery. The State later added an allegation that Wright was a habitual offender.
- [8] The parties entered into a negotiated plea agreement on November 14, 2022, by which Wright pleaded guilty to the Level 1 neglect charge and admitted to violating probation in a separate cause. In exchange, the State agreed to

dismiss the remaining charges, including the habitual offender allegation, and to a sentencing cap of thirty-five years. The parties also submitted a stipulated factual basis for the plea, which included Wright's admission that she voluntarily participated in the ongoing abuse of Levi, did not protect him from Rachel's abuse, and never sought medical assistance for any of his injuries over the months in question.

[9] At the sentencing hearing on January 19, 2023, the trial court found only one mitigating factor, Wright's guilty plea, which the court accorded minimal weight. The trial court found several aggravating factors, including Wright's criminal history, her probationary status at the time of the offense, the nature and circumstances of the offense, and Wright's position of trust over her ten-year-old brother. The trial court emphasized that the crime was "gruesome in execution, heinous overall, and shocks the conscious of any reasonable person." *Id.* at 90. It concluded that the aggravators substantially outweighed the mitigators and sentenced Wright to thirty-five years in the DOC.

[10] Wright now appeals. Additional information will be provided below as needed.

Discussion and Decision

[11] Wright argues that her thirty-five-year sentence is inappropriate. Pursuant to Ind. Appellate Rule 7(b), this court may 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 character of the offender. Sentencing review under App. R. 7(b) is deferential to the trial court's decision,

and we avoid merely substituting our judgment for that of the trial court. *Golden v. State*, 862 N.E. 2d 1212, 1218 (Ind. Ct. App. 2007), *trans. denied*. The principal role of App. R. 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, but not to achieve the perceived ‘correct’ result in each case.” *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). The question is not whether another sentence is more appropriate; the question is whether the sentence imposed is inappropriate. *King v. State*, 894 N.E.2d 265, 268 (Ind. Ct. App. 2008). To persuade us that a sentence is inappropriate, the defendant must show that her sentence was inappropriate with “compelling evidence portraying in a positive light the nature of the offense (such as accompanied by restraint, regard, or 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).

[12] Here, the trial court imposed a thirty-five-year sentence, which is midway between the advisory and the maximum sentence. *See* Ind. Code § 35-50-2-4(b) (providing that a person who commits a Level 1 felony shall be imprisoned for a fixed term of between twenty and forty years, with the advisory sentence being thirty years).

[13] “The nature of the offense is found in the details and circumstances of the offenses and defendant’s participation therein.” *Madden v. State*, 162 N.E.3d 549, 564 (Ind. Ct. App 2021). While acknowledging the gruesomeness of the offense, Wright suggests that she played a lesser role in it and that Rachel was

more culpable. The stipulated facts do not bear this out. Wright, along with Rachel, tortured and abused Levi for months, made him live in squalor away from others, and ultimately killed him in a particularly violent manner. Then they left his lifeless body in his room for hours or even days as they plotted their story and covered his wounds with makeup. Wright showed no mercy to her young brother, who suffered unthinkable brutality in her home. Further, only days before the killing, she refused suggestions by her incarcerated mother to return Levi to their grandmother's home, a request Levi had secretly made to his mother. Nothing about the nature and circumstances suggest that a lesser sentence was appropriate here.

[14] As to Wright's character, we find her criminal history to be particularly notable. *See Rutherford v. State*, 866 N.E.2d 867, 874 (Ind. Ct. App. 2007) ("The significance of a criminal history in assessing a defendant's character and an appropriate sentence varies based on the gravity, nature, and number of prior offenses in relation to the current offense.") At the age of twenty-nine, Wright's history is extensive. She was adjudicated a delinquent child many times beginning at the age of thirteen and spent time in treatment facilities. Then at the age of seventeen she was convicted in adult court of two felonies (intimidation with a deadly weapon (a knife) and criminal recklessness) and sentenced to eight years in the DOC with four years suspended. Within days of being released to a community transition program in 2013, she cut off her GPS unit, resulting in a conviction for Class C felony escape and a four-year sentence to be served in the DOC. After a misdemeanor drug conviction in

2015, she committed Class A misdemeanor domestic battery in 2019 and was sentenced, in February 2020, to a year in jail, which was suspended to probation. She was on probation at the time of Levi's death. Additionally, during her pretrial confinement, Wright had several incident reports for fighting, possessing contraband, resisting correctional officers, and refusing to obey orders. In sum, the record reflects that Wright has a violent, dangerous character and has remained undeterred from ongoing criminal behavior since a young age.

[15] Wright also argues that her sentence is not fair in comparison to Rachel's, which was ten years less. We are not required to compare sentences of codefendants. *See Marley v. State*, 17 N.E.3d 335, 339 (Ind. Ct. App. 2014), *trans. denied*. Moreover, the different sentencing caps in the respective plea agreements can be easily explained, as Wright's criminal history was much more extensive than Rachel's, Wright faced a habitual offender enhancement that was dismissed, and Levi was Wright's brother. Rachel was also the first to plead guilty and agreed to cooperate in the prosecution of Wright.

[16] Neither Wright's character nor the nature of the offense renders her thirty-five-year executed sentence inappropriate.

[17] Judgment affirmed.

May, J. and Foley, J., concur.