

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

James Lee Campbell,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

April 12, 2022

Court of Appeals Case No.
21A-CR-2086

Appeal from the Starke Circuit
Court

The Honorable Kim E. Hall, Judge

Trial Court Cause No.
75C01-1912-MR-1

Mathias, Judge.

[1] James Lee Campbell (“Campbell”) was convicted in Starke Circuit Court of murder, with a firearm sentencing enhancement, and Level 6 felony resisting law enforcement. He appeals his aggregate seventy-two-year sentence, arguing that his

sentence is inappropriate in light of the nature of the offenses and the character of the offender. Concluding that he has not met his burden to establish that his sentence is inappropriate, we affirm.¹

Facts and Procedural History

- [2] On November 28, 2019, Randall and Frances Bailey were celebrating Randall's 75th birthday and preparing to go to a relative's home for Thanksgiving dinner. Tr. Vol. II pp. 203, 210. However, Campbell, Frances's nephew, arrived at the Baileys' home and requested Frances's help in contacting his half-sister. *Id.* at 205-06.
- [3] When Campbell arrived, Frances and Randall were inside their home. Their son, Horold Joseph Manns ("Joseph"), and two of Joseph's toddler-aged children, were also inside the home. Frances was in the kitchen, and Joseph was with his children in the front bedroom. Campbell entered the home, looked inside the nearby bedroom, and saw Joseph with his children. After a brief conversation between Campbell and Joseph, Campbell went into the kitchen to ask Frances for a cup of coffee and to contact his half-sister.² *Id.* at 206, 228.
- [4] Shortly thereafter, Randall, who had exited the home when Campbell arrived, re-entered the home and greeted Campbell in the kitchen. *Id.* at 207. Campbell asked

¹ We held oral argument on March 22, 2022, at Andrean High School in Merrillville, Indiana. We thank counsel for the quality of their oral and written advocacy, we thank the staff and administration at the high school for their hospitality, and we thank the students in the audience for their thoughtful post-argument questions.

² About the same time Campbell entered the kitchen, Hesper Manns (Joseph's wife), Layne Manns (Joseph's adult son), and Brenna Manns (Joseph's daughter), arrived at the house. Tr. Vol. 2 p. 226.

Randall if he still smoked cigars, and a short conversation ensued. *Id.* at 207-08. The conversation was initially civil, but Campbell then said to Randall: “You should be dead.” *Id.* at 208-09. Randall asked Campbell why he would say that, and Campbell pulled out a gun and shot Randall in the head. Randall fell to the floor. *Id.* Frances started screaming, and Joseph, who had been in the nearby utility room when the shot was fired, started to walk into the kitchen. *Id.* Campbell pointed his gun at Joseph and said, “I would shoot you, too, Joe.” *Id.* Joseph felt threatened by this statement. *Id.* at 232. Joseph’s wife pushed Joseph into the utility room and shut the door.

- [5] Campbell shot Randall in the head again while Randall was incapacitated and lying on the kitchen floor. Campbell then left the house and drove away in his vehicle. *Id.* at 208, 246. Randall’s grandson called 911. The police quickly identified Campbell’s vehicle, and a high-speed police chase across Starke County ensued. Tr. Vol. III pp. 128-29; Ex. Vol., State’s Ex. 17.
- [6] Campbell drove several miles, while pulling a trailer, at speeds of over 100 miles per hour. Eventually, Campbell stopped near a cornfield and continued to flee on foot. Tr. Vol. III pp. 31, 34. Officers caught up to Campbell and wrestled him to the ground, during which Campbell resisted arrest. *Id.* at 132. Officers had to use a taser and deploy a canine to subdue Campbell. *Id.* Campbell did not have the gun in his possession when he was arrested, but he was armed with a large knife. Randall died of three gunshot wounds to the head.

- [7] The State charged Campbell with murder and Level 6 felony resisting law enforcement. The State filed a firearm sentencing enhancement the same day. After a two-day trial, a jury found Campbell guilty as charged. Appellant's App. Vol. II p. 27.
- [8] The court held Campbell's sentencing hearing on August 25, 2019. Campbell refused to participate in the preparation of the pre-sentence investigation report.³ However, he reviewed it with his attorney prior to sentencing and the only change he requested was a correction to his height. For the murder charge, the court found the following aggravating circumstances: (1) the victim of the offense was at least 65 years of age at the time of the offense; (2) the crime of violence was knowingly committed in the presence or within the hearing of an individual who was not the victim but who was less than 18 years of age; (3) Campbell threatened harm to a witness and implied that he would harm the witness if they told anyone about the offense; and (4) Campbell shot the victim multiple times, and at least one of these shots occurred while the victim was on the ground and incapacitated. Tr. Vol. III pp. 195-97. For the resisting law enforcement charge, the trial court found as an aggravating circumstance that Campbell exceeded the elements necessary to prove the commission of the offense. *Id.* at 197. The trial court found one mitigating circumstance, namely, that Campbell did not have a prior criminal record. *Id.* at 196.

³ While the facts suggest the possibility that Campbell suffers from mental health issues, these issues were not raised at trial or during the sentencing hearing.

[9] After weighing the aggravating and mitigating circumstances, the trial court ordered Campbell to serve an aggregate sentence of seventy-two years, with sixty years on the murder conviction, two years for the resisting law enforcement conviction, and ten years for the firearm sentencing enhancement. Tr. Vol. III p. 194. Campbell appeals his sentence.

Discussion and Decision

[10] Campbell argues that his aggregate seventy-two-year sentence is inappropriate under [Indiana Appellate Rule 7\(B\)](#).⁴ Under this rule, we may modify a sentence that is “inappropriate in light of the nature of the offense and the character of the offender.” [Ind. Appellate Rule 7\(B\)](#). The defendant bears the burden of persuading this Court that his sentence is inappropriate. [Childress v. State](#), 848 N.E.2d 1073, 1080 (Ind. 2006). This determination “turns on our sense of the culpability of the defendant, the severity of the crime, the damage to others, and myriad of other factors that come to light in a given case.” [Cardwell v. State](#), 895 N.E.2d 1219, 1224 (Ind. 2008). Sentence modification under [Rule 7\(B\)](#), however, is reserved for a “rare and exceptional case.” [Livingston v. State](#), 113 N.E.3d 611, 612 (Ind. 2018) (per curiam).

⁴ In his appellant’s brief, Campbell waived his argument by failing to argue that this sentence was inappropriate in light of the nature of the offense and the character of the offender. Instead, his argument focuses on the trial court’s consideration of the aggravating and mitigating circumstances, which are reviewed under the separate abuse of discretion standard. [Anglemyer v. State](#), 868 N.E.2d 482, 490-91 (Ind. 2007), *clarified on reh’g*, 875 N.E.2d 218. At oral argument, Campbell informed the court that the only issue he intended to raise was whether his sentence was inappropriate. We therefore exercise our judicial discretion and address his claim on its merits.

[11] When conducting this review, we generally defer to the sentence imposed by the trial court. *Conley v. State*, 972 N.E.2d 864, 876 (Ind. 2012). Our role is to “leaven the outliers,” not to achieve what may be perceived as the “correct” result. *Id.* Thus, we will not modify the court’s sentence unless the defendant produces compelling evidence portraying in a positive light the nature of the offense, such as showing restraint or a lack of brutality, and the defendant’s character, such as showing substantial virtuous traits or persistent examples of positive attributes. *Robinson v. State*, 91 N.E.3d 574, 577 (Ind. 2018); *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[12] Initially, we observe that Campbell did not receive the maximum possible sentence for both convictions and the sentencing enhancement. The range of sentence for murder is forty-five years to sixty-five years and the advisory sentence is fifty-five years. I.C. § 35-50-2-3. The range of sentence for a Level 6 felony conviction is six months to two years and six months. I.C. § 35-50-2-7(b). The State also proved that Campbell used a firearm in the commission of the offense and requested a firearm sentencing enhancement under Indiana Code section 35-50-2-11, which permits a trial court to impose an additional term of imprisonment in the range of five to twenty years.⁵ The court ordered Campbell to serve consecutive sentences of sixty years and two years for his murder and resisting law enforcement convictions,

⁵ Indiana Code section 35-50-2-11 allows the State to seek to have a person, who commits “a felony under IC 35-42 that resulted in death or serious bodily injury,” sentenced to “an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.”

respectively, and the trial court imposed an additional fixed term of ten years for the firearm sentencing enhancement.

[13] Nothing about the nature of Campbell's offenses warrant sentence modification.

Campbell killed Randall on his seventy-fifth birthday, which was also Thanksgiving, while members of Randall's family, including two children under the age of three,⁶ were inside the residence. Campbell and Randall were engaged in a civil conversation just prior to the unprovoked shooting. Campbell also threatened to shoot his cousin.⁷ And then he shot Randall in the head at least once while Randall was lying incapacitated on the kitchen floor as his aunt, Randall's wife, watched her husband die.

[14] Campbell then engaged law enforcement officers on a high-speed chase throughout Starke County exceeding speeds of 100 miles per hour while pulling a trailer. Officers also had to use a taser and had to deploy a canine to subdue Campbell after he left his vehicle and attempted to flee through a cornfield.

[15] As for Campbell's character, we acknowledge Campbell's lack of criminal history, which is a positive attribute. But his offenses demonstrate his disregard for human life and callousness toward his family members. Campbell also exhibited

⁶ The State did not prove that the children suffered any injury because they were present when Randall was shot. However, they very likely heard the shooting and their grandmother's screaming given their proximity to the shooting. And Campbell knew the children were inside the home when he shot Randall.

⁷ We do not agree that the record supports the trial court's conclusion that Campbell was attempting to compel Joseph's silence when he threatened to shoot him. However, the trial court did not abuse its discretion when it considered Campbell's threat to shoot Joseph as an aggravating circumstance during sentencing.

significant disregard for the authority of law enforcement officers and the safety of other motorists during the commission of his resisting law enforcement offense.

Thus, we cannot say that his seventy-two-year aggregate sentence is inappropriate in light of the nature of the offenses or Campbell's character.

Conclusion

[16] For all of these reasons, we conclude that this is not a “rare and exceptional case” warranting sentence modification under [Rule 7\(B\)](#). *Livingston*, 113 N.E.3d at 612. Campbell has not met his burden of demonstrating that his seventy-two-year aggregate sentence is inappropriate in light of the nature of the offense and the character of the offender.

[17] Affirmed.

Robb, J., and Tavitas, J., concur.