

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Richard Lee Alexander,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

June 15, 2023

Court of Appeals Case No.
22A-CR-1512

Appeal from the
St. Joseph Superior Court

The Honorable
Stephanie E. Steele, Judge

Trial Court Cause No.
71D01-2009-MR-13

Memorandum Decision by Judge Foley
Judges Vaidik and Tavitias concur.

Foley, Judge.

[1] Richard Lee Alexander (“Alexander”) pleaded guilty to Level 2 felony voluntary manslaughter¹ and to being a habitual offender.² The trial court sentenced Alexander to an aggregate sentence of fifty years executed. On appeal, Alexander claims that his sentence is inappropriate in light of the nature of the offense and his character. We affirm.

Facts and Procedural History

[2] Alexander and Catherine Minix (“Minix”) were in an on-again and off-again relationship for fourteen years. In the months prior to her killing, Minix was the victim in three separate cases filed against Alexander. On May 29, 2020, Alexander was convicted and “sentenced on Count [1, domestic battery as a Class A misdemeanor³ in Cause No. 71D04-2002-CM-000347] to 180 days county jail, suspended and consecutive to [his 365 days probation⁴ in for Class A misdemeanor invasion of privacy⁵ in Cause No. 71D03-2004-CM-001215,]” and a No Contact Order was issued prohibiting Alexander from having contact with Minix. Appellant’s App. Vol. 3 pp. 96–98. On September 10, 2020, Alexander was again charged with Class A misdemeanor invasion of privacy and alleged to have violated the no-contact order protecting Minix. A second

¹ Ind. Code § 35-42-1-3.

² I.C. § 35-50-2-8(i)(1).

³ I.C. § 35-42-2-1.3(a)(1).

⁴ Alexander’s probation period was set to run from May 29, 2020, to May 28, 2021. Appellant’s App. Vol. 3 p. 98

⁵ I.C. § 35-46-1-15.1(a)(11).

no contact order was issued and was to remain in effect until September of 2022.

[3] On September 12, 2020, surveillance video showed Alexander at Minix’s residence. Alexander and Minix argued and were last seen walking toward the alley behind Minix’s residence. At approximately 3:00 a.m. the next morning, Alexander stabbed Minix in the neck and severed her right jugular vein and carotid artery. Minix’s neighbor testified that she heard someone scream from the direction of the alley, “[h]elp me” about “eight [] times” at 3:00 a.m. Tr. Vol. 1 p. 108. After stabbing Minix, Alexander left her in the alley. About two hours later, Alexander asked his friend to call 911 for “a well[ness] check” on Minix because “[h]e was concerned about her.” *Id.* at 116. At around 5:26 a.m., the police conducted a wellness check and found a deceased Minix lying face down in the alley. Although the stab wound was the cause of her death, Minix also sustained abrasions, lacerations, and contusions on various parts of her body and face, including defensive wounds to her hands.

[4] On September 17, 2020, the State charged Alexander with: Count 1, murder as a felony;⁶ and Count 2, invasion of privacy as a Class A misdemeanor.⁷ On May 9, 2022, a jury trial began, but was discontinued when Alexander agreed to enter pleas of guilty to added Count 3, voluntary manslaughter as a Level 2

⁶ I.C. § 35-42-1-1(1).

⁷ I.C. § 35-46-1-15.1(a)(1).

felony and added Count 4, habitual offender. Alexander waived his right to appeal his convictions but preserved his right to appeal his sentence. The State dismissed Counts 1 and 2 and on June 13, 2022, Alexander was sentenced to an aggregate sentence of fifty years executed: thirty years for Count 3 plus a twenty-year habitual offender enhancement. Alexander now appeals.

Discussion and Decision

[5] The Indiana Constitution authorizes independent appellate review and revision of a trial court’s sentencing decision. *See* Ind. Const. art. 7, §§ 4, 6; *Jackson v. State*, 145 N.E.3d 783, 784 (Ind. 2020). Our Supreme Court has implemented this authority through Indiana Appellate Rule 7(B), which allows this court to revise a sentence when it is “inappropriate in light of the nature of the offense and the character of the offender.” Our review of a sentence under Appellate Rule 7(B) is not an act of second guessing the trial court’s sentence; rather, “[o]ur posture on appeal is [] deferential” to the trial court. *Bowman v. State*, 51 N.E.3d 1174, 1181 (Ind. 2016) (citing *Rice v. State*, 6 N.E.3d 940, 946 (Ind. 2014)). We exercise our authority under Appellate Rule 7(B) only in “exceptional cases, and this exercise ‘boils down to our collective sense of what is appropriate.’” *Mullins v. State*, 148 N.E.3d 986, 987 (Ind. 2020) (per curiam) (quoting *Faith v. State*, 131 N.E.3d 158, 160 (Ind. 2019)).

A. Nature of the offense

[6] Alexander first contends that the nature of his offense did not warrant his sentence. When considering the nature of the offense, we first look to the

advisory sentence. *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007), *clarified on reh'g* 875 N.E.2d 218 (Ind. 2007). Indiana Code section 35-50-2-7 provides: “A person who commits a Level 2 felony . . . shall be imprisoned for a fixed term of between ten (10) and thirty (30) years, with the advisory sentence being seventeen and one-half (17 ½) years.” For a habitual offender convicted of a Level 2 felony, the court shall impose an additional fixed term between “six (6) years and twenty (20) years.” Ind. Code § 35-50-2-8(i)(1). The trial court sentenced Alexander to the maximum aggregate sentence of fifty years.

[7] Alexander argues that the nature of his offense does not justify his maximum sentence because he acted “in a fit of rage” and the stabbing “was not a preplanned well thought out action.” Appellant’s Br. p. 7. Alexander then asserts that his offense is not the “very worst offense” even though it was “serious and tragic.” Appellant’s Br. p. 7. “The nature of the offense is found in the details and circumstances of the offenses and the defendant’s participation therein.” *Madden v. State*, 162 N.E.3d 549, 564 (Ind. Ct. App. 2021).

[8] Alexander fails to account for the brutal nature of his attack on Minix. Alexander violently stabbed Minix in the neck and severed her right jugular vein and carotid artery.⁸ After fatally wounding Minix, Alexander left Minix to die in the alley behind her residence. The attack was unprovoked and Minix’s

⁸ The stab wound that Alexander inflicted to Minix’s neck was approximately “one an[d] a half inches long on the skin surface and . . . two and three quarters inch [sic] to three inches deep.” *Id.*

defensive wounds indicate she struggled and resisted the attack. In addition, Minix suffered blunt force injuries to her head and face, suggesting that Alexander beat her in addition to the fatal stabbing. Minix's screams were heard by a neighbor who called 911. However, to show that his sentence is inappropriate, Alexander must portray the nature of his offense in a positive light, "such as accompanied by restraint, regard, and lack of brutality" which he failed to do. *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015). Alexander's maximum sentence is not inappropriate.

B. Character of Offender

[9] Alexander next contends that his character makes his sentence inappropriate because "the majority of his felony convictions occurred a substantial time prior to his offense." Appellant's Br. p. 8. When considering the character of the offender, one relevant fact is the defendant's criminal history. *Johnson v. State*, 986 N.E.2d 852, 856 (Ind. Ct. App. 2013). The significance of the criminal history varies based on the gravity, nature, and number of prior offenses in relation to the current offense. *Id.* Alexander's first involvement with the juvenile system occurred when he was arrested at the age of ten, and he was arrested twenty-four more times after his first arrest as a juvenile. At the age of thirteen, Alexander had his first juvenile adjudication. Alexander's criminal behavior continued into adulthood where he racked up the following criminal convictions beginning in 1985: (1) burglary; (2) theft; (3) four battery convictions; (4) stalking; (5) criminal conversion; (6) two domestic battery

convictions; and (7) resisting law enforcement/use of vehicle to commit offense.

[10] When Alexander committed the instant offense, he was on probation for the following: (1) domestic battery; and (2) two invasion of privacy matters stemming from April 19, and July 22, of 2020. In each of those cases, Minix was the victim. In fact, in the July 22, 2020, matter, “a review of the Protection Order Registry indicated [that Alexander] ha[d] active No Contact Orders . . . protecting [] Minix until September 15, 2022.” Appellant’s App. Vol. 3 p. 98. Alexander fatally stabbed Minix less than three days after he was charged with the latest invasion of privacy case. As demonstrated by the record, Alexander’s blatant disregard for the court’s authority robbed Minix and her loved ones of the remainder of her life. Alexander’s pattern of domestic abuse of Minix and his continued failure to comply with the court’s orders of protection is a poor reflection on Alexander’s character. *Rutherford v. State*, 866 N.E.2d 867, 874 (Ind. Ct. App. 2007); *see also Connor v. State*, 58 N.E.3d 215, 221 (Ind. Ct. App. 2016) (continued crimes indicate a failure to take full responsibility for one’s actions). Consequently, we do not believe that Alexander met his burden to show “substantial virtuous traits or persistent examples of good character” such that his requested reduction of his sentence is warranted based on his character. *Stephenson*, 29 N.E.3d at 122. Alexander’s maximum sentence is not inappropriate based on his character. *See Bryant v. State*, 984 N.E.2d 240, 253 (Ind. Ct. App. 2013) (this court affirmed the maximum possible sentence of fifty years where defendant had “a lengthy criminal history of violent crimes and

prior, shorter sentences and terms of probation did not cause him to alter his behavior.”)

Conclusion

[11] Based on the foregoing, we conclude that Alexander’s sentence is not inappropriate in light of the nature of the offense and his character.

[12] Affirmed.

Vaidik, J., and Tavitas, J., concur.