

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Javonte J. Miles,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

February 12, 2024

Court of Appeals Case No.
23A-CR-1296

Appeal from the Lake Superior
Court

The Honorable Gina L. Jones,
Judge

Trial Court Cause No.
45G03-2007-F3-000105

Memorandum Decision by Judge Felix
Judges Bailey and May concur.

Felix, Judge.

Statement of the Case

[1] Javonte J. Miles pled guilty to robbery resulting in serious bodily injury and was sentenced to 20 years in the Indiana Department of Correction (“DOC”).

Miles argues on appeal that his sentence was inappropriate.

[2] We affirm.

Facts and Procedural History

[3] On July 24, 2020, Miles went to a car dealership under the pretense that he was going to buy a car. However, when salesman, Svetislav Djorovic, tried to help Miles look at a Ford Focus, Miles stole the car. When escaping the dealership, Miles ran over Djorovic with the car. Djorovic was seriously injured and required hospitalization.

[4] Law enforcement officers pursued Miles and were able to arrest him that day. The State charged Miles with multiple counts. Pursuant to a plea agreement, Miles pled guilty, but mentally ill, to robbery resulting in serious bodily, a Level 2 felony.¹ The agreement allowed the parties to argue their positions at sentencing. After a sentencing hearing, the trial court sentenced Miles to 20 years in the DOC. Miles now appeals his sentence.

¹ Ind. Code § 35-42-5-1(a)(2).

Discussion and Decision

- [5] Miles asks us to revise his sentence pursuant to Indiana Appellate Rule 7(B). Indiana Appellate Rule 7(B) allows us to “revise a sentence authorized by statute if, after due consideration of the trial court’s decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” “[T]he principal role of our review is to leaven outliers rather than achieving a perceived correct sentence.” *Hall v. State*, 177 N.E.3d 1183, 1197 (Ind. 2021) (quoting *State v. Stidham*, 157 N.E.3d 1185, 1195 (Ind. 2020)). The defendant has the burden of persuading us that the sentence is inappropriate. *Id.* (citing *McCallister v. State*, 91 N.E.3d 554, 566 (Ind. 2018)). We will affirm the trial court’s sentence unless it is “overcome by compelling evidence portraying in a positive light the nature of the offense . . . and the defendant’s character.” *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).
- [6] For the nature of the offense portion, we begin our analysis of inappropriateness with the advisory sentence. *Reis v. State*, 88 N.E.3d 1099, 1104 (Ind. Ct. App. 2017) (citing *Clara v. State*, 899 N.E.2d 733, 736 (Ind. Ct. App. 2009)). Miles was convicted of a Level 2 Felony, which carries a sentence between 10 to 30 years, with an advisory sentence of 17.5 years. I.C. § 35-50-2-4.5. Miles argues his 20-year sentence is inappropriate because it is “well above” the advisory sentence. Appellant’s Br. at 12. We are unpersuaded by this argument. When leaving the dealership, Miles hit Djorovic with the vehicle and then ran over Djorovic’s body. Djorovic sustained severe bruising and lacerations, and his

recovery, which took more than 18 months, required the use of a wheelchair and physical therapy. Thus, the sentence was not inappropriate in light of the nature of the offense.

- [7] Miles also asks us to find his sentence inappropriate in light of his character because he suffers from mental illness. We recognize the record shows that Miles suffers from serious mental health issues. However, a finding of mental illness alone does not make a sentence inappropriate. See *Oberhansley v. State*, 208 N.E.3d 1261, 1271–72 (Ind. 2023). We still must look at the individual’s entire character, and Miles’s “‘history of criminal conduct’ weighs against relief.” *Id.* at 1272 (quoting *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007)).
- [8] Miles’s criminal history spans many years and jurisdictions. Miles has juvenile adjudications for theft, theft from a person, and robbery. As an adult, Miles has been convicted of multiple offenses including, possession of burglary tools, operating an unregistered vehicle, driving without possessing a license, battery with a domestic abuse enhancer, theft, and resisting a police officer. Including the present offense, Miles’s criminal history spans six States. At the time of sentencing, Miles had two pending probation revocations in Arizona and Wisconsin with active warrants in Arizona, Wisconsin, Minnesota, and North Dakota. Miles has also failed to complete court-ordered mental health services related to his offenses. Miles has not come close to showing “substantial virtuous traits or persistent examples of good character,” *Stephenson*, 29 N.E.3d

at 122, and we conclude that his sentence is not inappropriate in light of the nature of his offense and his character.

[9] Affirmed

Bailey, J., and May, J., concur.