

# MEMORANDUM DECISION ON REHEARING

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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# IN THE COURT OF APPEALS OF INDIANA

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Bonnie Katherine Joslin,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

June 21, 2022

Court of Appeals Case No.  
21A-CR-1356

Appeal from the Madison Circuit  
Court

The Honorable Angela Sims, Judge

Trial Court Cause No.  
48C01-1907-MR-1803

**May, Judge.**

[1] Bonnie Katherine Joslin requests rehearing and asks this court to address an issue omitted from our original opinion, *Joslin v. State*, 21A-CR-1356 (Ind. Ct. App. April 5, 2022). In Joslin’s appellate brief, she argued not only that the trial court abused its discretion when it did not consider certain mitigators and that her sentence was inappropriate based on the nature of her offenses and her character, but also that her sentence was disproportionate to the nature of her offense under Article 1, Section 16 of the Indiana Constitution.<sup>1</sup> We grant rehearing to address Joslin’s final argument regarding the proportionality of her sentence for her offense.

[2] In her brief, Joslin argued her sixty-five-year aggregate sentence for murder, Level 6 felony auto theft, Level 6 felony identity deception, and Class B misdemeanor false informing was disproportionate to the nature of her crime because she “acted not out of evil or premeditation but from a mentally ill and intoxicated state.” (Appellant’s Br. on Direct Appeal at 31.) We have explained: “A penalty is disproportional under article 1, section 16 of the Indiana Constitution only when the criminal penalty is not graduated and proportioned to the nature of the offense.” *Phelps v. State*, 969 N.E.2d 1009, 1021 (Ind. Ct. App. 2012), *trans. denied*. “A sentence, even under a valid statute, may be unconstitutional by reason of its length, if it is so severe and entirely out of proportion to the gravity of the offenses committed as ‘to shock

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<sup>1</sup> Section 16 states: “Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportional to the nature of the offense.” Ind. Const. Art. 1, § 16.

public sentiment and violate the judgment of a reasonable people.’” *Pritscher v. State*, 675 N.E.2d 727, 731 (Ind. Ct. App. 1996) (quoting *Cox v. State*, 203 Ind. 544, 549, 181 N.E. 469, 472 (1932)).

- [3] Joslin killed her mother, Mona Davis; left Davis’s body in Davis’s apartment for over two weeks while she impersonated Davis to friends; stole a car belonging to one of Davis’s friends; and attempted to remove evidence of the crime by putting Davis’s body into a trash bag and cleaning up all bodily fluids. *Joslin, slip op.* at \*6. Joslin also bragged to a cellmate that after she strangled her mother, she “sat there on the couch with [Davis] at her feet and made some phone calls from [Davis’s] phone.” *Id.* Joslin proffered as mitigators at sentencing her mental illness and her substance abuse. As noted in our original opinion:

“[I]n order for a [defendant’s] mental history to provide a basis for establishing a mitigating factor, there must be a nexus between the defendant’s mental health and the crime in question.” *Steinberg v. State*, 941 N.E.2d 515, 534 (Ind. Ct. App. 2011) (quoting *Corrales v. State*, 815 N.E.2d 1023, 1026 (Ind. Ct. App. 2004)), *trans. denied*.

*Id.* at \*5. Based on the evidence presented, we concluded “there is no evidence [Joslin’s] mental illness had any nexus to her crime[.]” *Id.* Additionally, regarding Joslin’s substance abuse, we held “Joslin’s voluntary intoxication cannot excuse her criminal behavior.” *Id.*

- [4] The same is true with regard to this challenge to her sentence. Joslin’s proffered mitigators of mental illness and voluntary intoxication do not call into question

the proportionality of her sentence. Joslin’s crime was particularly heinous. She strangled her mother and left her body to rot in the June heat. She stole a vehicle and impersonated her mother to her mother’s friends, co-workers, and the police, indicating that her mother had moved to Florida. She returned to the scene of the crime to fold her mother in half and place her in a trash bag, attempting to clean up the fluids leaking from her dead mother’s body with bleach and other cleaning supplies. When investigators arrived at the scene for a welfare check approximately two weeks after Joslin killed her mother, they noted that the deceased’s skin was “completely black.” *Id.* at \*2. Based thereon, we cannot say that Joslin’s sixty-five-year aggregate sentence was disproportionate to the nature of her disturbing crimes. *See Ramirez v. State*, 174 N.E.3d 181, 201 (Ind. 2021) (sentence of life without parole was proportionate to the nature of the crime when Ramirez routinely beat and tortured his victim, a toddler, until the child eventually died).

[5] We grant rehearing to address an issue we overlooked in our original opinion and affirm that opinion in all other respects.

[6] Affirmed.

Brown, J., and Pyle, J., concur.