

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



---

### ATTORNEY FOR APPELLANT

Kristin A. Mulholland  
Crown Point, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General of Indiana  
  
Jodi Kathryn Stein  
Deputy Attorney General  
Indianapolis, Indiana

---

## IN THE COURT OF APPEALS OF INDIANA

---

Rachel Rose Wright,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

August 23, 2023

Court of Appeals Case No.  
23A-CR-294

Appeal from the Lake Superior  
Court

The Honorable Gina L. Jones,  
Judge

Trial Court Cause No.  
45G03-2010-MR-43

**Memorandum Decision by Judge Riley.**  
Judges Bradford and Weissmann concur.

**Riley, Judge.**

## STATEMENT OF THE CASE

[1] Appellant-Defendant, Rachel Wright (Wright), appeals her sentence for neglect of a dependent resulting in death, a Level 1 felony, Ind. Code § 35-46-1-4(a)(2), (b)(3).

[2] We affirm.

## ISSUE

[3] Wright presents this court with one issue, which we restate as: Whether her sentence is inappropriate given the nature of the offense and her character.

## FACTS AND PROCEDURAL HISTORY

[4] Wright and her spouse, April Wright (April), married in 2019.<sup>1</sup> In 2020 Wright and April were living on Fillmore Court in Merrillville, Indiana, with April's three-year-old son, Avery, whom Wright had adopted. L.K., who is April's brother, came to live with the family sometime in 2020 after their mother, Tina Kuchta (Tina), was incarcerated on a drug charge and L.K.'s grandmother could no longer care for him. L.K., a physically slight child, was ten years old when he was sent to Wright and April's home.

[5] After L.K. came to live with Wright and April, Wright inflicted physical injuries on L.K., and Wright personally observed April inflict physical injuries

---

<sup>1</sup> For the facts pertaining to the offense, we rely partially on the stipulated facts Wright entered in support of her guilty plea.

upon L.K. Due to the COVID-19 pandemic, L.K. was not physically present in a school during the fall of 2020, and these injuries went unreported. On October 9, 2020, Tina spoke with L.K. and April on the telephone from prison. While April was present during the call, L.K. told his mother that he enjoyed living with Wright and April. However, after April left him alone to speak with his mother, L.K. told Tina repeatedly that he wanted to return to his grandmother's house. L.K. was adamant that Tina not inform Wright and April that he had made this request. Tina told L.K. that she would arrange for him to return to his grandmother's care.

[6] Between the October 9, 2020, telephone call with Tina and October 12, 2020, Wright and April killed L.K. by dislocating his mandible and two of his cervical vertebrae. The injury Wright and April inflicted on L.K. was catastrophic and would have likely killed him instantly. Wright, who was two classes away from obtaining her certification as a nursing assistant (CNA), did not immediately report L.K.'s injury or seek medical help for him. Rather, Wright and April staged L.K.'s body in his bedroom next to a partially eaten plate of food to make it seem that he had died in his sleep. Around 6:00 p.m. on October 12, 2020, Wright called 9-1-1 to report that L.K. was not breathing. Although L.K. had already been deceased for some time, Wright and April feigned surprise that they had just found L.K. unresponsive in his bed, and they went through the motions of attempting to resuscitate L.K.'s lifeless body, with Wright asking the 9-1-1 dispatcher whether April would injure L.K. by administering him chest compressions.

[7] When emergency responders arrived at Fillmore Court, they found that L.K.'s body was cold to the touch and already in the early stages of rigor mortis. First responders noted when they turned over L.K.'s body that his pants had not been pulled up in the back, indicating that he had not put on the pants himself. In addition to the injuries to his mandible and vertebrae, L.K. had a variety of wounds over his whole body in various stages of healing. L.K. had sustained cuts and puncture wounds to his face, lacerated and swollen lips caused by blunt force trauma, tears in his nostrils, bruised eyes, and lacerations and puncture wounds to the back of both of his ears. Make-up had been applied to some of L.K.'s facial wounds. L.K.'s hands and arms were swollen, bruised, and covered in infected abrasions. The three middle fingers of L.K.'s left hand were swollen to twice their normal size. The inside his left-hand pointer finger was sliced open in the middle almost down to the bone, and the tissue of the finger was necrotic. L.K.'s back was covered in cuts and puncture wounds. L.K.'s testicles were swollen and discolored from recent blunt force trauma, and his penis was severely swollen. The skin of L.K.'s penis was torn at the base and was infected and ulcerated. L.K.'s feet and ankles were also swollen and bruised, and his left foot's smallest toe was so severely injured and infected that it was necrotic.

[8] Starting in her 9-1-1 call on October 12, 2020, Wright claimed that L.K. had injured himself in a series of falls from a motorized dirt bike, a story that Wright repeated and embellished when speaking with investigators. Wright also reported that April never hit L.K., even as a form of punishment. Wright's

story was inconsistent with many facts discovered at the scene and during the ensuing investigation, including that L.K.'s pants had apparently been put on after his death, makeup had been applied to his face, neighbors told investigators that L.K. had never been seen riding a dirt bike, the dirt bike Wright claimed L.K. had been riding had not been used for quite some time before his death and was, in fact, inoperable, and that no traces of ibuprofen were found in L.K.'s body despite Wright's claims she and April had administered several doses to L.K. in the days prior to his death. During the investigation it was also discovered that Wright, April, and their three-year-old son had visited a professional photographer to have family photographs taken the day before L.K. was found dead.

[9] On October 23, 2020, the State filed an Information which it amended on August 13, 2021, charging Wright with murder, Level 1 felony aggravated battery, Level 1 felony neglect of a dependent resulting in death, Level 5 felony neglect of a dependent resulting in bodily injury, and Level 6 felony battery on a person less than fourteen years old. On October 6, 2022, the parties filed an agreement whereby Wright would plead guilty to Level 1 felony neglect of a dependent resulting in death. In exchange, the State agreed to dismiss the remaining charges against Wright and to recommend a twenty-five-year cap on Wright's sentence.

[10] Wright's presentence investigation report was filed on November 28, 2022. As a juvenile, Wright was adjudicated delinquent for battery resulting in bodily injury and for two Counts of criminal conversion. Wright's adult criminal

history consisted of a 2013 conviction for D felony resisting law enforcement, which was converted to a Class A misdemeanor upon her successful completion of probation, and 2013 convictions for battery resulting in bodily injury and invasion of privacy. Wright reported being hospitalized at the age of thirteen for suicidal thoughts and being diagnosed as a juvenile with ADHD, depression, and anxiety. Wright stated to her presentence report investigator that she did “not think it is okay to tell a lie, but [that she] will do it anyways.” (Appellant’s App. Vol. III, p. 96).

[11] On January 20, 2023, the trial court accepted Wright’s guilty plea and proceeded to sentencing. The State presented evidence at the hearing that Wright had incurred a disciplinary charge in jail for ignoring an officer’s command to hand over a note she was passing for another inmate and flushing the note down a toilet instead. Wright exercised her right of allocution and expressed sorrow that she did not “protect” L.K., but she did not address the fact that she had stipulated as part of her guilty plea that she herself had directly injured L.K. (Transcript p. 129).

[12] The trial court found as a mitigating circumstance that Wright had pleaded guilty, saving the Lake County taxpayers the expense and time of a trial. As aggravating circumstances the trial court found that the harm, injury, loss, or damage to L.K. was significant and greater than the elements necessary to prove the offense; Wright had a criminal history; Wright was in a position of care, custody, or control of L.K. when she committed the offense; and the nature and circumstances of the offense were “gruesome in the execution,

heinous overall, and shock[ing to] the conscious of any reasonable person.” (Appellant’s App. Vol. III, p. 118). The trial court found that the aggravating circumstances outweighed the lone mitigating circumstance and sentenced Wright to twenty-five years in the Department of Correction.<sup>2</sup>

[13] Wright now appeals. Additional facts will be provided as necessary.

## DISCUSSION AND DECISION

### I. *Standard of Review*

[14] Wright requests that we review her sentence, which she maintains is inappropriately harsh in light of the nature of the offense and her character. Pursuant to Indiana Appellate Rule 7(B), we

may revise a sentence authorized by statute if, after due consideration of the trial court’s decision, the [c]ourt finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.

The purpose of our review under Rule 7(B) is to attempt to leaven the outliers, not to achieve some perceived more-correct result. *Smith v. State*, 188 N.E.3d 63, 68 (Ind. Ct. App. 2022). In light of this purpose, in conducting our review, we do not determine whether another sentence is more appropriate; rather, we determine if the sentence imposed by the trial court is inappropriate. *Id.*

---

<sup>2</sup> On January 20, 2023, the trial court accepted April’s guilty plea to Level 1 felony neglect of a dependent resulting in death and sentenced April to thirty-five years in the Department of Correction.

Contrary to Wright’s implication that we may disregard the trial court’s sentencing analysis, “we show the trial court considerable deference” when conducting Rule 7(B) review. *Oberhansley v. State*, 208 N.E.3d 1261, 1267 (Ind. 2023) (internal quote omitted). This deference should prevail in the face of a sentencing challenge absent compelling evidence portraying the nature of the offense and the defendant’s character in a positive light. *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

- [15] Whether we determine that a particular sentence is inappropriate “turns on our sense of the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case.” *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008). The defendant seeking review bears the burden of persuading us that the sentence imposed by the trial court is inappropriate. *Hall v. State*, 177 N.E.3d 1183, 1197 (Ind. 2021). We will find that burden met and revise the sentence under Rule 7(B) only in “exceptional cases[.]” *Hayko v. State*, 211 N.E.3d 483, 487 n.1 (Ind. 2023) (quoting *Faith v. State*, 131 N.E.3d 158, 160 (Ind. 2019)).

## II. *Appropriateness of Wright’s Sentence*

### A. *Nature of the Offense*

- [16] When considering the nature of the offense, we look to the advisory sentence as the starting point that the legislature has chosen as an appropriate sentence for the offense. *Skeens v. State*, 151 N.E.3d 1248, 1255 (Ind. Ct. App. 2020), *trans. denied*. Wright pleaded guilty to a Level 1 felony, which has an advisory



sentence of thirty years, with a sentencing range of twenty to forty years. I.C. § 35-50-2-4(b). Wright pleaded guilty pursuant to a plea agreement which capped her sentence at twenty-five years, and, therefore, according to the terms of her plea agreement, Wright has already received a sentence which is less than the advisory sentence for her offense.

[17] This was an extremely cruel offense. Wright's home should have been a place of refuge for L.K., a ten-year-old boy who essentially had nowhere else to go because his mother was in prison and his grandmother could no longer care for him. Wright did not display towards L.K., who was her spouse's own brother, the love and affection she showered on her adopted son, Avery. Rather, Wright actively took part in, and acquiesced to, the abuse of this vulnerable young boy over a period of time. L.K. sustained multiple puncture wounds on his face, arms, legs, and back. The back sides of both L.K.'s ears were riddled with a series of deep puncture wounds which, due to their spacing, appear to have been individually inflicted. The abuse to L.K.'s penis had rendered it almost unrecognizable as a male reproductive organ, and his testicles were grossly swollen. At the time of L.K.'s death, the fingers of his left hand were swollen to at least twice their normal size, and a wound on his left-hand pointer finger was so deep that the bone was almost visible. The tissue around that wound was black and had died, as had almost the entirety of tissue of the wound to the smallest toe of L.K.'s right foot. It is difficult to imagine the suffering L.K. experienced before Wright and April finally directed enough violence towards him to break his jaw and vertebrae, killing him, but the fear in L.K.'s voice was

evident as he begged his mother in their October 9, 2020, telephone conversation to send him back to his grandmother's and not to tell Wright and April of his request.

[18] Wright acknowledges that her offense was “disturbing” but argues that “the serious nature of the neglect and the resulting death are reflected in the legislature’s sentencing guidelines.” (Appellant’s Br. p. 11). However, Wright was sentenced within the legislature’s guidelines and according to the terms of her plea agreement, so Wright’s argument does not address or explain why the facts and circumstances of this particular offense render the sentence imposed here inappropriate. Wright essentially requests that we ignore the horrific circumstances of her offense, a request we refuse to honor. *See Barker v. State*, 994 N.E.2d 306, 315 (Ind. Ct. App. 2013) (declining to revise Barker’s sentence for neglect of a dependent resulting in death based on his argument that the serious consequences of the offense were already factored into its classification as a Class A felony, where the nature of his particular offense was heinous), *trans. denied*. Given the prolonged and gruesome abuse Wright heaped upon L.K. and the additional suffering it caused this child prior to his violent death, we conclude that Wright has failed to overcome the deference we provide to a trial court’s sentencing order with evidence portraying her offense in a positive light. *See Stephenson*, 29 N.E.3d at 122.

## B. *Character of the Offender*

[19] Wright also maintains that her character does not justify the less-than-advisory sentence imposed by the trial court. A review of the defendant's character for purposes of a Rule 7(B) sentencing review "involves a broad consideration of the defendant's qualities, life, and conduct." *Crabtree v. State*, 152 N.E.3d 687, 705 (Ind. Ct. App. 2020), *trans. denied*. In assessing Wright's character, we first observe that Wright's willingness to lie that she reported to her presentence investigator was fully on display in this case. After staging L.K.'s body in clean pajama pants next to a plate of food, Wright contacted 9-1-1, acted surprised at finding L.K. unresponsive, and related a cover story for L.K.'s death that had nothing to do with the violence and abuse she and April had inflicted upon him. Wright also lied to investigators when she told them she had never seen April strike L.K., even as a form of punishment. These untruthful words and deeds were not mere momentary lapses of judgment born out of panic; the fact that both women told the same, detailed false story about L.K.'s alleged falls from a motor bike indicates that Wright coordinated with April to evade responsibility for what they had done to L.K. We find it chillingly illustrative of Wright's character that she had nearly completed her training to become a CNA, an occupation dedicated to assisting the injured, sick, and vulnerable, yet she turned a blind eye to, and participated in, such heinous abuse of a child. The fact that Wright went with April and Avery to have family photographs taken the day before L.K. was reported dead demonstrates Wright's callous disregard for L.K.'s suffering. Wright also has a criminal record which,

although not extensive, consists partially of juvenile and adult battery offenses and which reflects poorly on her character. *See Madden v. State*, 162 N.E.3d 549, 565 (Ind. Ct. App. 2021) (noting that, even though Madden’s criminal history was not especially significant, “even a minor criminal record reflects poorly on a defendant’s character.”). Wright did not behave while in custody after her arrest in this matter, as she violated jail rules by flushing a contraband note down the toilet in direct violation of an officer’s order. This too reflects poorly on her character. *See Barker*, 994 N.E.2d at 315-16 (taking into account Barker’s troublemaking while incarcerated in declining to revise his sentence in light of his character).

[20] Wright contends that she suffers from bipolar disorder, schizophrenia, ADHD, depression, and anxiety and that her mental illnesses render her sentence inappropriate. We find this argument unpersuasive for at least two reasons. The record contains scant evidence regarding Wright’s mental health. To her presentence investigator Wright reported being diagnosed with ADHD, depression, and anxiety. The only mention of bipolar disorder and schizophrenia in the record was at Wright’s sentencing hearing when Wright’s mother affirmed these additional diagnoses in response to a leading question by Wright’s counsel. More importantly, Wright makes no effort to connect her mental health diagnoses to her offense. *See Taylor v. State*, 943 N.E.2d 414, 421 (Ind. Ct. App. 2011) (declining to revise Taylor’s sentence for burglary and other offenses where he had failed to establish any nexus between his mental illness and the commission of the offenses), *trans. denied*. Even where such a

nexus is established, severe mental illness does not automatically result in a reduced sentence. *See, e.g., Oberhansley*, 208 N.E.3d at 1272 (declining to find the defendant's sentence to life without parole inappropriate even though the court acknowledged that Oberhansley lived with a severe mental disorder that affected him at the time of his crimes).

[21] Wright also contends that her guilty plea and remorse merit a reduced sentence. The significance of a defendant's guilty plea as a mitigating factor for sentencing varies from case to case. *Anglemyer v. State*, 875 N.E.2d 218, 221 (Ind. 2007). Here, as a result of her plea, Wright received an extremely favorable sentencing recommendation that capped her sentence at less than the advisory sentence for the offense, and four additional felony charges against her were dismissed. In addition, Wright's expression of remorse at sentencing did not include taking responsibility for the harm she herself had inflicted on L.K. Due to these circumstances, we decline to reduce Wright's sentence even though she pleaded guilty. *See id.* (observing that a guilty plea may not be significantly mitigating "when it does not demonstrate the defendant's acceptance of responsibility . . . or when the defendant receives a substantial benefit in return for the plea").

[22] We also decline to recognize Wright's remorse as an independent reason for reducing her sentence. The trial court refused to recognize Wright's remorse as a mitigating factor. As a general matter, we defer to a trial court's determination of whether a defendant's remorse is a significant mitigating factor for sentencing because a trial court is in the best position to assess

whether the expressions of remorse are genuine. *Phelps v. State*, 969 N.E.2d 1009, 1020 (Ind. Ct. App. 2012), *trans. denied*. We can discern no reason to override the trial court's assessment of Wright's remorse, which did not include any acceptance of responsibility on her part for the harm she herself directly caused to L.K. In short, Wright has failed to present us with any compelling evidence of her positive character, and, thus, we decline to revise her sentence. *See Stephensen*, 29 N.E.3d at 122; *Hall*, 177 N.E.3d at 1197 (defendant bears the burden of persuading this court that her sentence is inappropriate).

## CONCLUSION

- [23] Based on the foregoing, we hold that Wright's twenty-five-year sentence for neglect resulting in L.K.'s death is not inappropriate given the nature of her offense and her character.
- [24] Affirmed.
- [25] Bradford, J. and Weissmann, J. concur