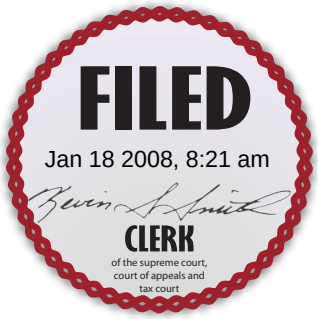


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# IN THE COURT OF APPEALS OF INDIANA

| | | |
|---|---|---|
| CASEY R. YOUNG, | ) | |
| | ) | |
| Appellant-Defendant, | ) | |
| | ) | |
| vs. | ) | No. 22A05-0706-CR-326 |
| | ) | |
| STATE OF INDIANA, | ) | |
| | ) | |
| Appellee-Plaintiff. | ) | |

APPEAL FROM THE FLOYD CIRCUIT COURT
The Honorable J. Terrence Cody, Judge
Cause No. 22C01-0410-MR-374

**January 18, 2008**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**VAIDIK, Judge**

## Case Summary

Casey R. Young[1] appeals his consecutive sixty-five-year sentences for the 2004 murders of his grandmother and her live-in boyfriend. Specifically, he contends that his 130-year sentence is inappropriate. In light of the brutality of these murders and Young's callous actions afterward, the maximum possible sentence is justified in this case. We therefore affirm the trial court.

## Facts and Procedural History

Young was born on October 5, 1978. Throughout his life, Young lived off and on with his maternal grandmother, Nancy Young ("Nancy"), in New Albany, Indiana. After Nancy's husband, also Young's grandfather, died, Nancy began dating Will Stone. Young was jealous of Stone, and as a result, Young, Nancy, and Stone had a "volatile" relationship. Tr. p. 169.[2] Because of this volatility, by October 2004, Nancy had decided to get Young out of her house. This was not soon enough.

On the morning of October 5, 2004, neighbors heard Young and Nancy arguing, followed by screams and moaning. On October 9, Nancy's sister, Brenda Slaughter, became worried when she had not heard from Nancy, so she went to Nancy's apartment to check on her. When the apartment door did not open, Slaughter called the police for assistance. Corporal Charles Lee Miller from the New Albany Police Department responded. He pounded on the door but got no response. As Corporal Miller was trying

[1] Young also uses the last name Brown.

[2] The transcript for Young's trial contains nearly 1000 pages in four volumes. It appears that Young has reproduced the entire transcript in his appendix. Indiana Appellate Rule 50(B)(1)(d) provides that the appellant's appendix "shall contain" "any other short excerpts from the Record on Appeal, in chronological order, such as pertinent pictures or *brief portions of the Transcript, that are important to a consideration of the issues raised on appeal*." (Emphasis added).

to remove a window screen, Young opened the front door. Slaughter asked Young where Nancy was, and Young responded that he did not know because he just got there. Young then invited them inside. Once inside, Corporal Miller immediately noticed that the front room was in disarray and that there were drag-type blood stains on the carpet, blood on the computer, and a large blood-soaked towel on the floor. When Corporal Miller entered the bedroom, he noticed a large pool of blood by the bed and then a bloody leg sticking out from under the bed. Corporal Miller secured Young and then called for backup.

Immediately thereafter, the decomposing, naked bodies of Nancy and Stone were found underneath the bed. Personal items were on top of the bed. The smell of "death" permeated the apartment, *id.* at 213, and powdered soap had been scattered near the bodies to apparently mask the odor. Nancy and Stone had been stabbed multiple times with a knife and meat fork. Nancy had been stabbed in the face, back, and neck, and Stone had been stabbed in the head, chest, back, and abdomen.

Young was taken to the police station for an interview. After waiving his *Miranda* rights, Young admitted that he had been living at home with the bodies. Specifically, Young said that he had been eating, showering, sleeping, and watching television in the apartment while the bodies were in the bedroom. When asked why he did not call 911, Young responded that "it's not his problem," *id.* at 235, 236, and that he had "moved on with [his] life," *id.* at 238-39.

On October 12, 2004, the State charged Young with two counts of Murder, a felony.[3] Following an eight-day jury trial in January-February 2007,[4] the jury found Young guilty as charged. Following a sentencing hearing, the trial court identified the following aggravators: (1) Young "was convicted of two (2) counts of murder which are crimes of violence under I.C. 35-50-1-2(a)(1)," (2) the murders were particularly brutal, (3) "[a]fter the murders the Defendant placed the bodies under the bed and placed all sorts of personal items over the bed to cover things up," and (4) "[s]everal days passed before the murders were discovered and Defendant had continued to live in the apartment with the bodies and he did nothing." Appellant's App. p. 22. The trial court found no mitigators. Young had argued at the sentencing hearing, though, that his IQ of 70 and diagnosis of mild mental retardation, as found by Dr. Heather Henderson-Galligan, should be a mitigator. The trial court acknowledged Dr. Henderson-Galligan's report, *see* Ex. p. 9-14, but nevertheless concluded, "there is no question that he knew right from wrong. And as I have said, it's what he didn't do after he committed these brutal crimes." Tr. p. 965. The trial court then concluded that the "maximum sentence" of sixty-five years for each count should be imposed, with the sentences to run consecutively. Appellant's App. p. 22. Young now appeals his 130-year sentence.

**Discussion and Decision**

Young contends that his 130-year sentence is inappropriate in light of his minimal criminal history and mental retardation. Although a trial court may have acted within its lawful discretion in imposing a sentence, Article VII, Sections 4 and 6 of the Indiana

[3] Ind. Code 35-50-1-2(a).

[4] There were several motions to continue the trial in this case.

Constitution authorize independent appellate review and revision of sentences through Indiana Appellate Rule 7(B), which provides that a court "may 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." *Reid v. State*, 876 N.E.2d 1114, 1116 (Ind. 2007) (citing *Anglemyer v. State*, 868 N.E.2d 482, 491 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218 (Ind. 2007)). The burden is on the defendant to persuade us that his sentence is inappropriate. *Id.* (citing *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006)).

The Indiana Supreme Court recently reiterated in *Reid* that "[t]he maximum possible sentences are generally most appropriate for the worst offenders." *Id.* Here, Young's offenses are for murder, for which the sentencing range at the time Young committed these crimes was forty-five to sixty-five years, with the presumptive sentence being fifty-five years.[5] Ind. Code § 35-50-2-3(a) (2004). Young received the maximum possible sentence. As for Young's character, it is true that Young, who turned twenty-six years old on the day of the murders, has only one prior conviction for Class A misdemeanor battery. Nevertheless, Young is a self-reported user of marijuana, cocaine, crack cocaine, LSD, and heroin, the latter being his drug of choice. Dr. Henderson-Galligan testified at the suppression hearing in this case that Young has an IQ of 70

[5] Although Young's trial was in 2007, he committed the crimes in 2004, before the Indiana General Assembly replaced the former presumptive sentencing scheme with the current advisory sentencing scheme. *See* P.L. 71-2005 (eff. Apr. 25, 2005). Nonetheless, because "the sentencing statute in effect at the time a crime is committed governs the sentence for that crime," *Gutermuth v. State*, 868 N.E.2d 427, 431 n.4 (Ind. 2007), we address Young's sentence under the former presumptive sentencing scheme.

(average score 100), which makes him mildly mentally retarded. Dr. Henderson-Galligan also submitted a report to the trial court, which the court considered before imposing sentence. According to the report, Young has no past psychiatric history, except for a hospitalization in 1999 for depression, and Dr. Henderson-Galligan found "no overt psychosis . . . upon interview." Ex. p. 10. Pursuant to the tests administered to Young, Dr. Henderson-Galligan concluded that he has "problems with adaptive functioning" and "endorsed items suggesting distress with depression, paranoia, and abnormal thinking." *Id.* at 13. However, there was evidence that Young was malingering during his sessions with Dr. Henderson-Galligan, which was discussed in depth at the suppression hearing.

Any mitigating value of Young's minimal criminal history and mild mental retardation, however, is eclipsed by the nature of the offenses. Young stabbed his grandmother and her live-in boyfriend numerous times with a knife and meat fork. After stabbing them, Young placed their bodies underneath a bed, covered the bed with personal belongings, and tried to mask the odor of their decomposing bodies by sprinkling powdered soap in the apartment. Young then remained in the apartment for the next four days, eating, sleeping, showering, and watching television while the bodies were in the bedroom. Young never attempted to contact the authorities, even anonymously. The bodies were only found four days later because Nancy's sister, Slaughter, became worried. But for Slaughter's actions, there is no telling when the bodies would have been discovered. And when asked during the police interview why he did not call the authorities about Nancy and Stone, Young merely said that it was not his

problem. Young is indeed one of the worst offenders, making the maximum possible sentence appropriate in this case.

Affirmed.

SHARPNACK, J., and BARNES, J., concur.