In the
Indiana Supreme Court

Ayden I. Lee,
Appellant(s),

v.

State Of Indiana,
Appellee(s).

Court of Appeals Case No.
24A-CR-01801

Trial Court Case No.
02D05-2401-MR-5

Published Order

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction, filed pursuant to Indiana Appellate Rules 56(B) and 57, following the issuance of a decision by the Court of Appeals. The Court has reviewed the decision of the Court of Appeals, and the submitted record on appeal, all briefs filed in the Court of Appeals, and all materials filed in connection with the request to transfer jurisdiction have been made available to the Court for review. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices, and each participating member of the Court has voted on the petition.

Being duly advised, the Court DENIES the petition to transfer.

Done at Indianapolis, Indiana, on 9/4/2025.

FOR THE COURT

Loretta H. Rush
Chief Justice of Indiana

Massa, Slaughter, and Goff, JJ., concur.
Molter, J., dissents from the denial of transfer with separate opinion in which Rush, C.J., joins.

Molter, J., dissenting.

Ayden Lee was fourteen years old when he shot and killed another child while they were arguing. Lee was tried as an adult and claimed self-defense and sudden heat, but a jury disagreed and convicted him of murder. The trial court sentenced him to the advisory fifty-five-year sentence, and the Court of Appeals affirmed. Lee sought transfer to our Court challenging his conviction on several grounds and, alternatively, asking that we revise his sentence. Today our Court declines his transfer request, but I respectfully dissent because I conclude we should at least hold oral argument to consider his request for a sentence revision.

The Indiana Constitution empowers our Court to "review and revise" criminal sentences, Ind. Const. art. 7, § 4, and we exercise that authority through Appellate Rule 7(B), which provides that we "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." Among other things, this offers "a 'chance to review the matter in a climate more distant from local clamor' and work toward a goal of 'similar sentences' for 'perpetrators committing the same acts who have the same backgrounds.'" *Lane v. State*, 232 N.E.3d 119, 122–23 (Ind. 2024) (quoting *Serino v. State*, 798 N.E.2d 852, 854, 856–57 (Ind. 2003)). Through our review, we principally undertake two tasks: (1) we "attempt to leaven the outliers," and (2) we "identify some guiding principles for trial courts and those charged with improvement of the sentencing statutes," mindful that there is no one correct result in each case. *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008).

This case is especially well-suited for that second task, offering an opportunity to identify guiding principles for sentencing those convicted of committing murder in their youth. Currently, Indiana case law sends two conflicting messages. One message, which the Court of Appeals echoed here, is that sentencing adults who commit murder and sentencing youths who commit murder both begin at the same starting point: the fifty-five-year statutory advisory sentence. *Lee v. State*, No. 24A-CR-1801 at *5 (Ind. Ct. App. Apr. 8, 2025) (mem.). And because our courts are

"unlikely to consider an advisory sentence inappropriate," the defendant—whether they committed murder as a youth or as an adult—"bears a particularly heavy burden in persuading us that [a] sentence is inappropriate when the trial court imposes the advisory sentence." *Id.*

That heightened burden for young offenders conflicts with the second message: "Sentencing considerations for youthful offenders . . . are not coextensive with those for adults," so "both at initial sentencing and on appellate review it is necessary to consider an offender's youth and its attendant characteristics." *Brown v. State*, 10 N.E.3d 1, 6–7 (Ind. 2014). When explaining why we've exercised our authority under Appellate Rule 7(B) to revise sentences for juveniles convicted of murder, we've said that juveniles are typically less culpable and more likely to reform than adults. *See, e.g.*, *Fuller v. State*, 9 N.E.3d 653, 657–58 (Ind. 2014); *Brown*, 10 N.E.3d at 7; *State v. Stidham*, 157 N.E.3d 1185, 1194 (Ind. 2020). This is because "children lack maturity and have an underdeveloped sense of responsibility;" "they are more vulnerable to negative influences and pressures;" and "their character is less developed than that of adults." *Taylor v. State*, 86 N.E.3d 157, 166 (Ind. 2017) (quotations omitted).

But if that is so, and all else being equal, then presumably a fourteen-year-old like Lee would not receive the same sentence as, say, a forty-year-old, because they are not similarly situated. The corollary to the goal "of similar sentences for perpetrators committing the same acts who have the same backgrounds" is that sentences should be dissimilar for perpetrators committing the same acts but with dissimilar backgrounds and in dissimilar circumstances. *Lane*, 232 N.E.3d at 123 (quotations omitted). So while there should be a heightened burden for a forty-year-old to show that an advisory sentence is inappropriate, there should be a lesser burden for a juvenile like Lee to make that showing.

Our Court should therefore consider recalibrating our case law so that these strands of authority align. The legislature has determined that in circumstances like this case, a juvenile is subject to the same sentencing range for murder as an adult, but it has left it to the judiciary to determine where to sentence juveniles and adults within that range. The starting point for both adults and youths can remain the fifty-five-year advisory

sentence. But for youths there is a built-in, weighty mitigating factor that will typically warrant consideration at the lower end of the sentencing range. Courts must also consider other aggravating and mitigating circumstances in each case, so sometimes a sentence for a murder committed as a youth will warrant a sentence equal to or greater than the sentence in a case involving an adult who commits murder. But generally, a murder committed in youth does not call for the same sentence as a murder committed as an adult, all else being equal. Thus, we should consider adopting this as a guiding principle for cases like Lee's: While the advisory sentence is the starting point, youth status presumptively warrants a sentence lower in the statutory range, although aggravating circumstances may overcome the presumption.

When we undertake Appellate Rule 7(B) review, "crafting a consistent method should be . . . our primary task," and we should "give full weight to *Cardwell*'s charge not only to 'leaven the outliers,' but also to 'identify some guiding principles for trial courts and those charged with improvement of the sentencing statutes.'" *Wilson v. State*, 157 N.E.3d 1163, 1185 (Ind. 2020) (Slaughter, J., concurring in part, dissenting in part) (quoting *Cardwell*, 895 N.E.2d at 1225). This would have been a good opportunity to do that.

Rush, C.J., joins.