IN THE

Indiana Supreme Court

Supreme Court Case No. 20S-LW-00660

Johnetta Ruth Hall,
Appellant/Petitioner,

–v–

State of Indiana,
Appellee/Respondent.

Argued: October 7, 2021 | Decided: December 17, 2021

Appeal from the Jennings Circuit Court
No. 40C01-2003-MR-1
The Honorable Jonathan W. Webster, Judge

On Direct Appeal

Opinion by Justice David

Chief Justice Rush and Justices Massa, Slaughter, and Goff concur.

David, Justice.

A jury convicted Johnetta Ruth Hall of murder and conspiracy to commit murder. After finding the murder-for-hire statutory aggravator beyond a reasonable doubt, the jury recommended that Hall serve life imprisonment without the possibility of parole. The trial court adopted this recommendation, and sentenced Hall to life without parole ("LWOP") for her murder charge and thirty-five years for the conspiracy to commit murder charge to be served concurrently.

In this direct appeal, Hall makes four arguments. She challenges the sufficiency of the evidence for her convictions; the sufficiency of the evidence for her murder-for-hire aggravating circumstance; the admission and exclusion of certain testimony at trial; and asks this Court to revise her concurrent conspiracy sentence.

We affirm the trial court.

Facts and Procedural History

In early 2015, Bill Reynolds ("Reynolds") and his wife, Dalene Cates ("Cates") lived at their residence in Scott County on Slate Ford Road (the "Residence"). Throughout his life, Reynolds had amassed a substantial collection of NASCAR memorabilia, which was primarily located at the Residence.

Reynolds petitioned for divorce in June 2015 and moved out of the Residence temporarily. In August 2015, the divorce court issued a provisional order that awarded temporary possession of the Residence to Reynolds and ordered Cates to vacate the premises by September 20, 2015. The provisional order also included a restraining order preventing the parties from transferring or disposing of marital property, except in the usual course of business while the divorce was pending.

During this time following the divorce order, Cates, her daughter, Johnetta Ruth Hall ("Hall"), and Hall's daughter, Amaris Bunyard ("Bunyard"), began moving some of Reynolds' NASCAR memorabilia to a storage facility in North Vernon, Indiana. Hall and Bunyard also enlisted

the help of Kerry Heald ("Heald"), a family friend with whom Bunyard had an on-and-off again relationship. On at least two occasions when Heald was helping pack up the Residence, Hall mentioned to Heald that everything would be much easier if Reynolds were dead. She told Heald that she wanted Reynolds dead because she wanted Cates, her mother, to inherit Reynolds' property as his surviving spouse. During some of their discussions throughout the move, Hall offered Heald that she would provide payment or give him items to sell if Heald would kill Reynolds. Heald initially declined and did not believe that Hall was serious.

A short time later, Hall approached Heald again and asked what it would take for him to murder Reynolds. Heald answered that it would take $100,000. Hall explained to Heald that she had more than $600,000 worth of NASCAR memorabilia that could be sold. Hall offered that in exchange for Reynolds' murder, she could give Heald approximately between $50,000 and $100,000 worth of NASCAR memorabilia. She also offered Heald a third of Reynolds' $300,000 life insurance policy. Heald had also expressed interest in Hall's Nissan 300Z, and Hall agreed that Heald could have the Nissan in exchange for murdering Reynolds.[1]

Later, Heald expressed doubts to Hall about whether he would be able to kill Reynolds for money. With the apparent purpose to motivate Heald to follow through with the plan, Hall told Heald that Reynolds had physically abused Cates, physically abused Hall's quadriplegic son, and raped Bunyard. Following that conversation, Heald decided "at that moment" that he was going to kill Reynolds. *See* Tr. Vol. V, pp. 170-71.

Around a month before Reynolds was murdered, Hall and Bunyard invited Heald to Bunyard's apartment to discuss and plan Reynolds' murder. Heald arrived and brought his friend, Jacob Mathis ("Mathis"). During this time, Hall said she would pay Heald to murder Reynolds. They also discussed the possibility and means of obtaining a murder weapon and ammunition. Hall also offered to provide Mathis with some NASCAR memorabilia and to fix his car in exchange for Mathis assisting

[1] Hall also provided Heald $500 for repairs on the Nissan as payment for Reynolds' murder.

Heald in the murder-for-hire scheme. Hall, with Bunyard's assistance, later provided Heald with a handgun to commit the murder.

On September 27, 2015, Heald sent a text message to Hall to let her know that he was going to "stop by the old house to talk to Bill," and then Heald would go "pick up things." Tr. Vol. VI, p. 36. Hall and Heald also had a phone call that lasted approximately two minutes. Meanwhile, Mathis met Heald in Clarksville, Indiana, and Heald drove himself and Mathis in Mathis' car to the Residence. On their way, Heald sent Hall a text stating, "on my way to Bill's." Tr. Vol. VI, p. 38. In response, Hall sent a text message to Heald that she would "get ready to go to storage." *Id.*

Once Heald and Mathis arrived at the Residence, Heald stepped out of the car and put a gun in his waistband and walked up to talk to Reynolds near a fence. Heald confirmed Reynolds' identity and told Reynolds that Heald was sent by Hall to kill Reynolds. Heald told Reynolds he had "ten seconds to get right with God," and then Heald drew the gun and shot Reynolds in the head. Tr. Vol. V, p. 228.

After Heald shot Reynolds, Heald and Mathis met Hall at a storage facility in Austin, Indiana to gather some of the promised NASCAR memorabilia. Once they arrived, Hall directed Mathis to the specific boxes that Heald and Mathis would be receiving, and Mathis loaded several boxes into his car. Hall then instructed Heald to put the gun in the car she was driving, and the three traveled to a nearby Circle K gas station where Hall withdrew some money.[2] After Heald collected some of the NASCAR memorabilia from Hall, Heald spoke with Bunyard, and told her that he had shot Reynolds. Two nights after Reynolds was murdered, Bunyard also saw boxes of NASCAR memorabilia at Heald's apartment.

During the afternoon on September 27, 2015, officers with the Scott County Sheriff's Department were dispatched to the Residence and discovered Reynolds' body lying in the driveway. An autopsy performed

[2] Videotapes later obtained by law enforcement from the Austin storage facility showed Mathis moving boxes from the units into his car. Law enforcement also obtained surveillance videos from the Circle K gas station showing Hall, Heald, and Mathis interacting.

the following day confirmed that Reynolds died from a gunshot wound to the head.

On October 5, 2015, the State charged Hall with murder, conspiracy to commit murder, and obstruction of justice. A mistrial was declared in the first trial during voir dire, and a change of venue from Scott County to Jennings County for the second trial was granted.

At the second trial, Mathis and Bunyard both testified as State's witnesses.[3] Heald was called as a witness, but he refused to testify even after the trial court ordered him to testify. The trial court then found Heald in contempt and ordered that his prior deposition from August 3, 2017 to be read into evidence, over Hall's objection. In overruling the objection, the trial court found that Heald was unavailable under Indiana Evidence Rule 804(a)(2).[4] In his deposition, Heald testified to Hall's several offers of compensation in the form of NASCAR memorabilia, life insurance proceeds, and the Nissan in exchange for the murder of Reynolds. Heald also testified that Hall provided the gun that he used to kill Reynolds. He also confessed that he lied in his September 29, 2015 statement to police. He further testified about Hall's persistence and encouragement to see her plan completed, testifying that Hall apparently falsely told Heald that Reynolds sexually assaulted Bunyard and physically abused Hall's quadriplegic son.

In her closing argument, Hall sought to introduce a copy of an interview Heald conducted with police on September 29, 2015, seeking to impeach Heald by prior inconsistent statements under Evidence Rule 613(B). However, the trial court, in its discretion, did not admit this interview for impeachment purposes.

The jury found Hall guilty of murder and conspiracy to commit murder. The jury also found a murder-for-hire aggravating circumstance

[3] Mathis and Bunyard each pleaded guilty to conspiracy to commit murder. Their plea agreements required their cooperation and truthful testimony in the State's case against Hall.

[4] "A declarant is considered to be unavailable as a witness if the declarant: . . . (2) refuses to testify about the subject matter despite a court order to do so[.]" Ind. Evid. R. 804(a)(2).

beyond a reasonable doubt and recommended an LWOP sentence for Hall. The court sentenced Hall to LWOP for the murder charge and a thirty-five-year concurrent sentence for the conspiracy to commit murder charge.

Hall brings her direct appeal to this Court.

Discussion and Decision

Hall raises multiple issues in her direct appeal. Hall argues that there was insufficient evidence to convict her for both her murder and conspiracy to commit murder charges, as well as the statutory murder-for-hire aggravating circumstance. She also argues that the trial court abused its discretion in admitting Heald's prior deposition in violation of Evidence Rule 403, and she contends that it was an abuse of discretion to refuse to admit for impeachment purposes a prior inconsistent statement that Heald made to police. Lastly, Hall argues that her concurrent thirty-five-year sentence for conspiracy to commit murder is inappropriate. We will address each argument in turn.

I. The sufficiency of the evidence supports Hall's convictions for murder and conspiracy to commit murder.

For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). On sufficiency challenges, we will neither reweigh evidence nor judge witness credibility. *Love v. State*, 73 N.E.3d 693, 696 (Ind. 2017). We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

Indiana makes no distinction between the responsibility of a principal and an accomplice. *Wise v. State*, 719 N.E.2d 1192, 1198 (Ind. 1999). Accordingly, an accomplice commits the actual offense when a person knowingly or intentionally aids, induces, or causes another person to

commit an offense. Ind. Code § 35-41-2-4; *Johnson v. State*, 687 N.E.2d 345, 349 (Ind 1997). The "testimony of an accomplice, though subject to much scrutiny by the trier of fact, is alone enough to support a conviction." *Timberlake v. State*, 690 N.E.2d 243, 251 (Ind. 1997). For the murder charge, the State had the burden to show that Hall knowingly killed or intentionally aided, induced, or caused Heald to shoot and kill Reynolds. *See* Ind. Code § 35-41-2-4.

Hall specifically argues that the "purely circumstantial evidence" used to convict her for murder and conspiracy to commit murder was insufficient. *See* Appellant's Br. at 19–23. She alleges that Heald, Mathis, and Bunyard all had reason to potentially change and/or fabricate their testimony in exchange for more favorable sentencing. Through this, she argues that there is no "direct evidence that [Hall] was involved in the shooting of [Reynolds]." *Id.* at 22. But much of the evidence that Hall claims is "circumstantial evidence" *is* direct evidence. For example, Heald, Bunyard, and Mathis all testified from their personal knowledge regarding Hall's offers for compensation and the subsequent agreement to pay Heald for killing Reynolds, which would qualify as direct evidence.[5] Hall may have credibility concerns about this testimony,[6] but those concerns do not transform this testimony into circumstantial evidence. Regardless, Hall's attempt to distinguish direct versus circumstantial evidence is misplaced. Moreover, a defendant may be convicted for murder based alone on circumstantial evidence. *Green v. State*, 587 N.E.2d 1314, 1315 (Ind. 1992).

[5] Direct evidence is evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption. *Hampton v. State*, 961 N.E.2d 480, 489 (Ind. 2012). Circumstantial evidence is evidence based on inference and not on personal knowledge or observation. *Id.*

[6] "[J]udging the credibility of witnesses lies squarely within the province of the jury and we will not reassess its credibility determinations." *Stephenson v. State*, 742 N.E.2d 463, 497 (Ind. 2001). Here, the jury heard and viewed live testimony from Mathis and Bunyard and apparently believed them, based on the verdict.

Further, the evidence favorable to the judgment shows that Hall offered Heald NASCAR memorabilia, a portion of Reynolds' life insurance proceeds, and ownership of her Nissan in exchange for Heald to kill Reynolds. It also shows that Hall provided the murder weapon and ammunition. Mathis and Bunyard each provided live, in-court testimony describing Hall's role in the scheme to murder Reynolds, and Heald's deposition implicating Hall was also read in its entirety to the jury. The State also presented evidence that Hall exchanged text messages and other communications with Heald regarding Heald's status leading up to the murder, and the State also presented evidence that Hall coordinated a meeting with Heald after the murder to exchange payment. Given all this, a jury could reasonably infer that Hall sought to aid, induce, or cause Heald to shoot and kill Reynolds. *See* Ind. Code § 35-41-2-4. Accordingly, there was sufficient evidence to support Hall's murder conviction.

There is also sufficient evidence to support Hall's conspiracy to commit murder conviction. A conspiracy charge requires the State to show the defendant had intent to commit a felony, an agreement with another person to commit the felony, and an overt act in furtherance of the agreement. Ind. Code § 35-41-5-2; *see Perkins v. State*, 483 N.E.2d 1379, 1385 (Ind. 1985). Here, reasonable inferences drawn from the evidence demonstrate that Hall agreed with Heald for Heald to murder Reynolds in exchange for compensation in the form of NASCAR memorabilia, life insurance proceeds, and the Nissan vehicle. Through this, Hall intended for, and later encouraged and motivated, Heald to kill Reynolds, which he eventually did, constituting an overt act in furtherance of the conspiracy. *See* Ind. Code § 35-41-5-2. Therefore, the evidence is sufficient such that a reasonable jury could find that Hall conspired with Heald to kill Reynolds.

II. There is sufficient evidence to support the jury's finding that Hall committed the statutory aggravator of murder-for-hire.

Under Indiana Code section 35-50-2-9(a), the State may seek an LWOP sentence by alleging at least one statutory aggravating circumstance. One of the aggravators is where the defendant "committed the murder by hiring another person to kill." Ind. Code § 35-50-2-9(b)(5). A murder-for-hire occurs when "one offers or promises compensation to another for performing a killing, and the other person commits the murder pursuant to or in response to this offer or promise." *Thacker v. State*, 556 N.E.2d 1315, 1326 (Ind. 1990). Before a trial court may impose an LWOP sentence, it must find that the State has proven the existence of an alleged aggravator beyond a reasonable doubt. *Conley v. State*, 972 N.E.2d 864, 873 (Ind. 2012). In determining whether an LWOP statutory aggravator is supported by sufficient evidence, the Court applies the same standard of review that governs other sufficiency claims. *Washington v. State*, 808 N.E.2d 617, 626 (Ind. 2004).

Hall makes the same sufficiency challenges regarding the murder for hire aggravator as she did for her murder and conspiracy to commit murder convictions. However, the evidence shows that Hall offered Heald a portion of Reynolds' life insurance proceeds and NASCAR memorabilia. Heald, Mathis, and Bunyard all provided testimony that Hall offered to compensate Heald in exchange for murdering Reynolds. Heald testified that he murdered Reynolds in response to Hall's compensation offers. There was corroborating video surveillance footage showing Mathis packing NASCAR memorabilia into his car in Heald and Hall's presence. Thus, the evidence was sufficient to support the jury's finding that Hall committed the statutory murder-for-hire aggravating circumstance.

III. The trial court did not abuse its discretion by admitting Heald's 2017 deposition and excluding his September 29, 2015 statement to police.

Hall argues that it was an abuse of discretion to admit a section of Heald's prior deposition testimony and also to exclude a prior statement that he made to police. A trial court has discretion regarding the admission of evidence and its decisions are reviewed only for abuse of discretion. *Lewis v. State*, 34 N.E.3d 240, 247 (Ind. 2015). We will reverse only if the trial court's ruling was clearly against the logic and effect of the facts and circumstances before it and errors affect a party's substantial rights. *Hall v. State*, 36 N.E.3d 459, 467 (Ind. 2015).

A. The trial court did not make any errors related to Heald's August 2017 deposition testimony.

Hall argues that Heald's deposition's admission was unduly prejudicial under Indiana Rule of Evidence 403. A court "may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice . . ." Ind. Evid. R. 403. "Unfair prejudice . . . looks to the capacity of the evidence to persuade by illegitimate means, or the tendency of the evidence to suggest decision on an improper basis." *Camm v. State*, 908 N.E.2d 215, 224 (Ind. 2009) (citations omitted). Trial courts are given wide latitude in weighing probative value against the danger of unfair prejudice, and we review that determination for abuse of discretion. *Dunlap v. State*, 761 N.E.2d 837, 842 (Ind. 2002).

In *Richmond v. State*, the defendant was charged with murder. 685 N.E.2d 54, 55 (Ind. 1997). At trial, several witnesses made brief comments

regarding the street gang that the defendant participated in.[7] *Id.* We underwent Rule 403 balancing regarding this testimony, and though we acknowledged that there was potential for unfair prejudice in admitting it, we explained that "all relevant evidence is 'inherently prejudicial' in a criminal prosecution, so the inquiry boils down to a balance of probative value against the likely unfair prejudicial impact that the evidence may have on the jury." *Id.* at 54-55 (citations omitted). Accordingly, we held that these references to the street gang were not unfairly prejudicial in balancing the probative value and unfair prejudice because they were not introduced to "exploit[] or inflame" the jury. *Id.* at 54-55.

Much like in *Richmond*, the purpose of introducing Heald's testimony was not to "exploit[] or inflame the jury," but to have the jury hear testimony from the shooter in Hall's murder-for-hire scheme. Accordingly, Hall has failed to demonstrate that any prejudice resulting from Heald's deposition was *unfairly* prejudicial. *See* Ind. R. of Evid. 403. It seems that Hall's only argument regarding unfair prejudice is that because Heald refused to testify live at trial, it was unduly prejudicial to Hall to have Heald's prior deposition transcript read to the jury because they were unable to assess his demeanor and make proper credibility determinations.[8] We disagree.[9]

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[7] In *Richmond*, the defendant's objection was based on Evidence Rule 404(b). However, our Court also made an inquiry into Rule 403's "balance of probative value against the likely unfair prejudicial impact" in its analysis. *Richmond*, 685 N.E.2d at 55-56.

[8] Hall does not challenge the trial court's admission of Heald's prior deposition under Indiana Rule of Evidence 804(b)(1) (allowing the admission of a now unavailable witness's prior testimony in the same or different proceeding where the defendant had an opportunity and similar motive to develop the testimony).

[9] We note that Heald's deposition's admissibility and the relative weight the jury may assign to it after assessing its credibility are two separate determinations. In her unfair prejudice arguments, Hall appears to conflate the admissibility and the credibility determinations into one inquiry. However, the admission of evidence is within the discretion of the trial court. *Lewis v. State*, 34 N.E.3d 240, 247 (Ind. 2015). Meanwhile, "judging the credibility of witnesses lies squarely within the province of the jury and we will not reassess its credibility determinations." *Stephenson v. State*, 742 N.E.2d 463, 497 (Ind. 2001). Thus, we focus purely on the admissibility in our Rule 403 balancing and decline to reassess the jury's credibility determinations of Heald's deposition.

Heald's deposition has very high probative value, as he was the shooter in Hall's murder-for-hire scheme. In his deposition, Heald directly testified to Hall's several proposals to compensate him for killing Reynolds. Additionally, Hall had counsel present at Heald's deposition and had the opportunity to cross examine him. Though Heald's testimony would have prejudiced Hall, "all relevant evidence is 'inherently prejudicial' in a criminal prosecution," and such prejudice would not be unduly prejudicial against Hall given the deposition's very high probative value. *See Richmond*, 685 N.E.2d at 55. Further, Hall has failed to show how Heald's deposition sought to "persuade by illegitimate means," or how it would "suggest [a] decision on an improper basis." *Camm*, 908 N.E.2d at 255. Accordingly, Rule 403 balancing weighs in favor of admitting Heald's deposition because its probative value is not substantially outweighed by unfair prejudice. Consequently, the trial court did not abuse its discretion by admitting it.

Hall also alleges that it was reversible error to allow Heald's videotaped deposition testimony to be read into the record rather than showing the actual deposition video. However, this argument is waived. Generally, to preserve a claim for review, counsel must object to the trial court's ruling and state the reasons for that objection. *Durden v. State*, 99 N.E.3d 645, 651 (Ind. 2018). Moreover, an objection must be "sufficiently specific to alert the trial judge fully of the legal issue." *Tapia v. State*, 753 N.E.2d 581, 588 n.13 (Ind. 2001). At trial, Hall's counsel did not request that the jury watch the deposition videotape rather than have it read to the jury. Therefore, we specifically reject Hall's argument that her general Rule 403 objection to the deposition's admission preserved this specific argument regarding the form in which the deposition was communicated to the jury. Accordingly, Hall failed to preserve this challenge for appeal, and thus, it was waived.

Hall also argues that it was error to deny defense counsel's use of Heald's deposition's video footage in his closing argument. "Conduct during final argument is a matter within the sound discretion of the trial court, and a conviction will not be reversed unless there has been a clear

abuse of discretion resulting in prejudice to the accused." *Bowles v. State*, 737 N.E.2d 1150, 1154 (Ind. 2000).

Here, during closing arguments, Hall sought to introduce Heald's deposition's video footage for the first time. The State objected to Hall's proposal, arguing the footage was not shown during the guilt phase of the trial and its introduction during closing arguments would have been improper because the State could not rebut this new evidence. The trial court agreed with the State and declined to allow Hall to introduce the deposition's videotape at this time, explaining that the time for viewing the deposition would have been in lieu of reading it during the guilt phase, not during closing argument.

Given the discretion we give our trial courts during closing arguments, Hall has failed to provide persuasive reasoning why this was a "clear abuse of discretion," or *how* the trial court's decision on this issue prejudiced Hall. *See Bowles*, 737 N.E.2d at 1154. Because the State would not have the opportunity to rebut this new mode for the jury to experience Heald's deposition, the trial court's decision declining the use of the video during closing arguments was not "clearly against the logic and effect of the facts and circumstances." *See Hall v. State*, 36 N.E.3d 459, 467 (Ind. 2015). Thus, we decline to find that the trial court abused its discretion in denying the use of Heald's deposition footage during closing arguments for the first time.

B. The trial court did not abuse its discretion by excluding Heald's prior statement to police for impeachment purposes.

Indiana Rule of Evidence 613(b) provides that "[e]xtrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires." Ind. Ev. R. 613(b). However, this requirement to explain or deny a prior inconsistent statement may be afforded to that witness at any

point during the proceedings, though it is preferable to confront the witness with the alleged statement before seeking to admit extrinsic impeachment evidence of that statement. *Griffith v. State*, 31 N.E.3d 965, 967 (Ind. 2015).

Trial courts are given broad discretion in excluding or admitting extrinsic evidence under Rule 613(b). *Id.* at 972. Trial courts may consider a variety of relevant factors in making the determination to admit or exclude extrinsic evidence, such as "the availability of the witness, the potential prejudice that may arise from recalling a witness only for impeachment purposes, the significance afforded to the credibility of the witness who is being impeached, and any other factors that are relevant to the interests of justice." *Id.* at 973. Additionally, our Court has found that "once a witness has admitted an inconsistent prior statement she has impeached herself and further evidence is unnecessary for impeachment purposes." *Appleton v. State*, 740 N.E.2d 122, 125 (Ind. 2001) (quoting *Pruitt v. State*, 622 N.E.2d 469, 473 (Ind. 1993)).

In *Pruitt v. State*, a witness had previously given an audiotaped statement to police. *Pruitt*, 622 N.E.2d at 473. At trial, this witness explained that she lied when she gave her prior statement to police and recanted this prior statement. *Id.* The State sought permission to play the audiotape to the jury for impeachment purposes, but the trial court declined this request because the witness had already recanted the statement and admitted she was untruthful in the first statement. *Id.* Though the witness' prior statement was later admitted for the limited purpose of demonstrating that the witness was not subjected to police duress, we held that the trial court properly prohibited the introduction of the prior audiotaped statement because the witness already admitted she was untruthful, and thus, further impeachment on this prior statement was unnecessary. *Id.*

Hall argues that the court erred when it refused to allow her to introduce Heald's September 29, 2015 statement to police to impeach Heald by prior inconsistent statement. Hall also argues that Indiana Rule of Evidence 613(b) required Heald to explain or deny his September 29,

2015 prior inconsistent statement that he made to police two days after Reynolds' murder.

However, Hall's arguments are unpersuasive. As a preliminary matter, we note that Rule 613(b) applies to "extrinsic evidence of a witness's prior inconsistent statement," where if such extrinsic evidence is introduced, the witness must be given an opportunity to explain or deny such prior inconsistent statement and an adverse party is given an opportunity to examine the witness about it. *See* Ind. Ev. R. 613(b). Here, the trial court *declined* to admit extrinsic evidence of Heald's September 29, 2015 statement, so Rule 613(b)'s requirement to give a witness an opportunity to explain or deny such prior inconsistent statement is inapplicable.

Regardless, much like in *Pruitt,* Hall's attempt to introduce extrinsic evidence to further impeach Heald was unnecessary. *See Pruitt*, 622 N.E.2d at 473. Here, the jury was read Heald's deposition in its entirety and could hear Heald admit that he lied because he didn't want to look like a "cold blooded killer." Tr. Vol. V, p. 248. Once the jury heard Heald admit and explain that he lied in his first statement to police, his impeachment on this prior statement was complete and further extrinsic evidence regarding his impeachment on this statement was unnecessary. *See Pruitt*, 622 N.E.2d at 473. Further, Heald did have an opportunity to explain or deny this inconsistent statement during his deposition, and he explained that he lied to avoid or lessen his potential culpability in Reynolds' murder. Given our precedent in *Pruitt*, the trial court's ruling excluding Heald's September 29, 2015 statement to police was not an abuse of discretion.

C. If there was any error related to the admission or exclusion of evidence, it was harmless error.

Even assuming that there was an error relating to the admission or exclusion of evidence, any error would be harmless. An error is harmless when it results in no prejudice to the "substantial rights" of a party.

Durden v. State, 99 N.E.3d 645, 652 (Ind. 2018). The harmless-error analysis is a practical one, embodying "the principle that courts should exercise judgment in preference to the automatic reversal for error and ignore errors that do not affect the essential fairness of the trial." *Id.* (quoting *United States v. Harbin*, 250 F.3d 532, 546 (7th Cir. 2001)). Factors considered in a harmless error analysis "include the presence or absence of other, corroborating evidence on material points; whether the impermissibly admitted evidence was cumulative; the overall strength of the prosecution's case; the importance of the impermissible evidence in the prosecution's case; and the extent of cross-examination or questioning on the impermissibly admitted evidence." *Zanders v. State*, 118 N.E.3d 736, 745–46 (Ind. 2019).

Here, the State presented cumulative and corroborating evidence implicating Hall in Reynolds' murder, and thus, any error in evidence admission would not have affected Hall's substantial rights. Mathis and Bunyard each provided live, in-court testimony regarding Hall's role in the scheme to kill Reynolds. They also testified about Hall's offers to compensate Heald for killing Reynolds, which would include NASCAR memorabilia, life insurance proceeds, and the Nissan. The State also presented video surveillance evidence of Hall, Mathis, and Heald transporting boxes full of NASCAR memorabilia from the storage unit to Mathis' car. There was also video evidence of Hall, Mathis, and Heald at the Circle K gas station after collecting the NASCAR memorabilia. Accordingly, even if we assume there was error in the admission or exclusion of evidence, it was harmless.

IV. Hall's sentence for conspiracy to commit murder does not warrant 7(B) revision.

Appellate Rule 7(B) enables this Court 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." Ind. App. R. 7(B). A trial court's findings of aggravators and mitigators does not limit this Court's review

under Rule 7(B). *State v. Stidham*, 157 N.E.3d 1185, 1195 (Ind. 2020). Further, "[t]he principal role of our review is to leaven outliers rather than achieving a perceived correct sentence." *Id*. (citing *Gibson v. State*, 51 N.E.3d 204, 215 (Ind. 2016)). The defendant bears the burden of persuading this Court that the sentence is inappropriate. *McCallister v. State*, 91 N.E.3d 554, 566 (Ind. 2018).

Hall only requests that this Court revise her sentence for conspiracy to commit murder and not her LWOP sentence. She specifically alleges that the thirty-five-year sentence is inappropriate because the trial court failed to consider all of her mitigating circumstances.

We find that Hall's thirty-five-year sentence is not inappropriate given the nature of the offense and her character. The nature of Hall's offense weighs heavily against a sentence revision. The record reveals that Hall agreed to provide value (in the form of NASCAR memorabilia, insurance proceeds, and the Nissan) to Heald in exchange for Heald to kill Reynolds. It appears that Hall began planning Reynolds' death at least a month before his eventual murder. There is also evidence that Hall provided the murder weapon for Heald to use. She sought to motivate Heald to kill Reynolds by apparently falsely telling Heald that Reynolds sexually assaulted Bunyard and physically abused Hall's quadriplegic son. Given the level of Hall's preparation and her persistence to see her plan come true, the nature of the offense weighs against 7(B) revision.

The character of the offender tends to weigh against 7(B) revision. Hall did not have any criminal history, she had a college diploma, and she had regularly been employed during her adult life. These would tend to reflect favorably on Hall under the character of the offender analysis. However, the trial court considered these as mitigating factors, but it ultimately found that the aggravating circumstances "somewhat outweigh" the mitigating factors, justifying the slightly aggravated sentence for the conspiracy charge. These aggravating circumstances included violating a protective order, that the victim was sixty-nine years old, and that Hall had significant time to withdraw from her plan. Given this, we see nothing about Hall's character that would warrant 7(B) revision.

Accordingly, Hall's conspiracy sentence is not an outlier appropriate for 7(B) revision.

Conclusion

We affirm the trial court.

Rush, C.J., and Massa, Slaughter, and Goff, JJ., concur.

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