

## MEMORANDUM DECISION

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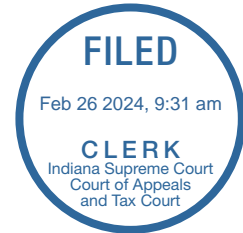


IN THE  
**Court of Appeals of Indiana**

James Castile,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*



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February 26, 2024

Court of Appeals Case No.  
23A-CR-1928

Appeal from the Marion Superior Court  
The Honorable Jeffrey L. Marchal, Judge

Trial Court Cause No.  
49G05-8405-CF-4783

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**Memorandum Decision by Judge Mathias**  
Judges Tavitas and Weissmann concur.

## **Mathias, Judge.**

- [1] James Castile, pro se, appeals the trial court’s denial of his petition to modify his sentence. Castile raises a single issue for our review, which we restate as whether the trial court abused its discretion when it denied his petition. We affirm.

### **Facts and Procedural History**

- [2] In 1985, the trial court entered judgment of conviction against Castile for five counts of attempted murder, attempted robbery, and robbery, and sentenced him to an aggregate term of 150 years, with 120 years executed in the Department of Correction.
- [3] In 2022, Castile requested the prosecutor’s consent to modify his sentence. The prosecutor did not consent to a modification of Castile’s sentence but did consent to Castile filing a petition for sentence modification with the trial court. Castile filed that petition in May 2023, and the State filed its response thereafter. On the same day the State filed its response, the trial court denied Castile’s petition to modify his sentence. This appeal ensued.<sup>1</sup>

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<sup>1</sup> Our motions panel granted Castile’s request to file a belated notice of appeal. In its brief to this writing panel, the State asks that we reconsider our motions panel’s decision. We decline to do so.

## Standard of Review

- [4] We review a trial court’s decision regarding modification of a sentence for an abuse of discretion. *Johnson v. State*, 36 N.E.3d 1130, 1133 (Ind. Ct. App. 2015), *trans. denied*. An abuse of discretion occurs when the trial court’s decision is clearly against the logic and effect of the facts and circumstances before the court, or when the court misinterprets the law. *Id.*

### **The trial court did not abuse its discretion or otherwise err when it denied Castile’s petition to modify his sentence.**

- [5] On appeal, Castile asserts that the trial court abused its discretion when it denied his petition because “[t]here is no evidence on the record that infers that Castile was challenging his original sentence.” Appellant’s Br. at 10. Castile’s assertion here is not an argument supported by cogent reasoning, and we do not consider it. *See Ind. Appellate Rule 46(A)(8)(a).*
- [6] He also asserts that he was eligible to request a modification of his sentence. Be that as it may, Castile does not demonstrate that the trial court erred when it denied his request.
- [7] Last, Castile states that we should apply de novo review to the trial court’s judgment based on the documentary evidence he presented to the trial court. Even if we were to do so—and, to be clear, we do not—it is still Castile’s burden to specifically identify some part of the record that demonstrates reversible error, which Castile does not do.

[8] Accordingly, for all of these reasons, we affirm the trial court's denial of Castile's petition to modify his sentence.

[9] Affirmed.

Tavitas, J., and Weissmann, J., concur.

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