MEMORANDUM DECISION

IN THE

Court of Appeals of Indiana

Tyrone Twyan Reno,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 3, 2026

Court of Appeals Case No.
25A-CR-1701

Appeal from the Lake Superior Court

The Honorable Salvador Vasquez, Judge

Trial Court Cause No.
45G01-2311-MR-48

Memorandum Decision by Judge Mathias
Judges Vaidik and Pyle concur.

Mathias, Judge.

[1] The Lake Superior Court ordered Tyrone Twyan Reno to serve an aggregate seventy-year sentence after he was convicted of murder and committing the offense with a firearm. Reno appeals his sentence and argues that the trial court abused its discretion in its consideration of the aggravating circumstances and that his sentence is inappropriate in light of the nature of his offense and his character.

[2] We affirm.

Facts and Procedural History

[3] On November 15, 2021, Reno arrived at Quintez Johnson's apartment in Gary to purchase marijuana. Reno shot Johnson in his head twice, once in the back of his head and once near the back of his right ear. Johnson died immediately. Reno took Johnson's money, marijuana, and a handgun and left the apartment.

[4] Johnson's eight- and six-year-old children were present in the apartment during the shooting. The eight-year-old child placed a video call to a family friend and turned the camera around so the friend could see Johnson's body slouched over on the couch. Johnson was bleeding from his mouth. The child was frantic and hysterical. The family friend called 911, and the call occurred approximately two minutes after Reno had left Johnson's apartment building. The friend also called the children's mother. The children were still screaming and crying when their mother arrived at the apartment shortly thereafter.

[5] Law enforcement officers obtained surveillance video from the apartment complex, which provided images leading up to and after Johnson's murder. The video showed a black male entering Johnson's apartment. The black male was inside the apartment for approximately three minutes. He left carrying a black bag that was not in his possession when he entered the apartment.

[6] The State charged Reno with murder and with a firearm enhancement after he was identified as a suspect. Reno admitted to law enforcement officers that he had purchased marijuana from Johnson. He also admitted that he had been to Johnson's apartment on November 15, 2021, to purchase marijuana. But he denied shooting Johnson.

[7] Reno's three-day jury trial commenced on May 12, 2025. The jury found Reno guilty of murder. Reno waived his right to a jury trial on the firearm enhancement, and the trial court found him guilty of using a firearm in his commission of the offense.

[8] At sentencing, the trial court considered the following aggravating circumstances: Reno's prior criminal history and that Reno committed murder in the "general presence" of children. Tr. Vol. 6, pp. 56-57; Appellant's App. Vol. 3, p. 174. The court did not find any mitigating circumstances. The court ordered Reno to serve sixty years for the murder conviction and imposed a ten-year sentence for the firearm enhancement, for an aggregate seventy-year sentence.

[9] Reno now appeals his sentence.

The trial court did not abuse its discretion in its consideration of the aggravating circumstances.

[10] Reno claims the trial court abused its discretion in its consideration of both aggravating circumstances. Sentencing decisions rest within the sound discretion of the trial court and are reviewed on appeal only for an abuse of discretion. *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind.) (citing *Smallwood v. State*, 773 N.E.2d 259, 263 (Ind. 2002)), *clarified on reh'g*, 875 N.E.2d 218 (Ind. 2007). "An abuse occurs only if the decision is clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom." *Schuler v. State*, 132 N.E.3d 903, 904 (Ind. 2019) (citing *Rice v. State*, 6 N.E.3d 940, 943 (Ind. 2014)).

[11] A trial court can abuse its sentencing discretion in a number of ways, including:

> (1) "failing to enter a sentencing statement at all"; (2) entering a sentencing statement in which the aggravating and mitigating factors are not supported by the record; (3) entering a sentencing statement that does not include reasons that are clearly supported by the record and advanced for consideration; or (4) entering a sentencing statement in which the reasons provided in the statement are "improper as a matter of law."

Ackerman v. State, 51 N.E.3d 171, 193 (Ind. 2016) (quoting *Anglemyer*, 868 N.E.2d at 490-91).

[12] We presume that the trial court rendered its sentencing decision solely on the basis of relevant and probative evidence. *See Schuler*, 132 N.E.3d at 905. Even when an abuse of discretion occurs, "we will not remand for resentencing if we

can say with confidence the trial court would have imposed the same sentence had it not considered the purportedly erroneous aggravators." *Owen v. State*, 210 N.E.3d 256, 269 (Ind. 2023). And "[a] single aggravating circumstance may be sufficient to support an enhanced sentence." *Hayko v. State*, 211 N.E.3d 483, 487 n.1 (Ind. 2023).

[13] First, Reno argues that the record does not support the trial court's finding that he committed murder in the presence of children. However, Reno concedes that "two children were inside the apartment at the time of the murder . . . ." Appellant's Br. at 12. But he contends that there was no evidence presented to establish that Reno knew the children were in the apartment or that they witnessed the shooting.

[14] The children's presence in the apartment establishes that the murder was committed within their range of hearing. The children, who were eight- and six-years old, called a family friend immediately after the shooting when they saw their father bleeding with gunshot wounds to the head. The children were frantic and hysterical during the phone call, and they used the camera on the phone to show Johnson's body. Johnson was slouched on the couch with blood seeping from his mouth. The family friend then called 911, and that 911 call was placed approximately two minutes after Reno left Johnson's apartment building. This evidence supports the trial court's consideration of this aggravating circumstance.

[15] Reno also argues that the trial court's finding that he had multiple prior criminal convictions is not supported by the record. Reno has a 2017 Illinois conviction for possession of "[p]oss [b]lank/[c]ount [s]cript" as a Level 4 felony. Appellant's App. Vol. 3, p. 163. And, while serving his sentence for that offense, Reno violated his probation. Reno's PSI also lists a 2018 Illinois misdemeanor offense for criminal damage to property. Reno claims the court should not have considered this offense because he successfully completed twelve months of supervision (the Illinois' equivalent of pretrial diversion). Therefore, the court deferred the entry of judgment and the case had been dismissed. *See* Appellant's Br. at 13.

[16] The PSI does not support Reno's claim that the misdemeanor conviction was dismissed. *See* Appellant's App. Vol. 3, p. 163 (listing the misdemeanor charge, noting the sentence of twelve months of court supervision and stating "[s]upervision terminated/discharged"). And, at sentencing, his counsel stated that Reno had two prior convictions. Tr. Vol. 6, p. 42.

[17] Even if we accept Reno's argument that the charge was dismissed because he completed a pretrial diversion type program, the PSI establishes that Reno's criminal history consists of more than one criminal offense, and he served a sentence for that offense. Finally, the court did not focus on or emphasize the misdemeanor offense in its sentencing statement. Therefore, even if the court erred when it considered the misdemeanor offense, we are confident that Reno's sentence would remain unchanged.

Reno's aggregate seventy-year sentence is not inappropriate in light of the nature of his offense and his character.

[18] Reno also argues that his aggregate seventy-year sentence is inappropriate in light of the nature of his offense and his character. Under Indiana Appellate Rule 7(B), we may modify a sentence that we find is "inappropriate in light of the nature of the offense and the character of the offender." Making this determination "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).

[19] However, sentence modification under Rule 7(B) is reserved for "a rare and exceptional case." *Livingston v. State*, 113 N.E.3d 611, 612 (Ind. 2018) (*per curiam*). Thus, when conducting this review, we will defer to the sentence imposed by the trial court unless the defendant demonstrates compelling evidence that portrays the nature of the offenses and his character in a positive light, such as showing a lack of brutality in the offenses or showing substantial virtuous character traits. *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[20] Reno's sixty-year sentence for murder is five years less than the maximum sentence allowed. *See* Ind. Code § 35-50-2-3. The trial court was also authorized to impose an additional term between five and twenty years for the firearm enhancement. I.C. § 35-50-2-11(g). The trial court imposed an additional ten-year sentence. Therefore, Reno's aggregate sentence is seventy years.

[21] Concerning the nature of his offense, Reno relies on his argument that the record did not support the court's finding that he committed his crime in the presence of Johnson's children. While we agree that there is no evidence that Reno knew the children were inside the apartment, he conceded that Johnson's young children were present in the apartment. At sentencing, the trial court heard testimony concerning the children's continuing trauma from seeing their dead father just after he was shot. Tr. Vol. 6, pp. 36-37. The court was "horrified" that the young children had to call for help after seeing their father who had been shot twice in the head. *Id*. at 57.

[22] Moreover, nothing about the nature of Reno's offense supports his claim that his sentence was inappropriate. He shot Johnson twice in the back of the head and stole drugs, money, and a gun from Johnson's apartment. There is no evidence in the record that would portray his brutal offense in a positive light.

[23] Likewise, Johnson has not established any positive character attributes to support his claim that his sentence is inappropriate. We agree that his prior criminal history consists of nonviolent offenses and is relatively minor. Johnson also claims that he had "lived a law-abiding life for a significant period of time" between his 2017 conviction and the murder committed in this case, the murder "is an aberration of" his character. Appellant's Br. at 17. But Johnson's ability to live a law-abiding life for approximately four years is not a substantial virtuous character trait that supports his claim that his sentence is inappropriate.

[24] The trial court considered Johnson's offense and his character when it imposed an aggregate seventy-year sentence, which was fifteen years less than the maximum sentence the court was statutorily authorized to impose. For the reasons discussed above, Johnson has not met his burden of persuading us that his sentence is inappropriate in light of the nature of his offense and his character.

Conclusion

[25] The trial court did not abuse its discretion in its consideration of the aggravating circumstances and Johnson's aggregate seventy-year sentence is not inappropriate in light of the nature of his offense and his character.

[26] Affirmed.

Vaidik, J., and Pyle, J., concur.

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