

IN THE
INDIANA SUPREME COURT

No. 10S00-1507-PD-413

JEFFREY WEISHEIT,
Appellant-Petitioner,

v.

STATE OF INDIANA,
Appellee-Respondent.

Appeal from the
Clark Circuit Court,

No. 10S00-1507-PD-413

The Honorable Andrew Adams,
Judge.

STATE'S VERIFIED MOTION TO SET EXECUTION DATE

The State of Indiana respectfully requests that this Court set an execution date for Jeffrey Weisheit. In support, the State asserts as follows:

1. In the early morning hours of April 10, 2010, Weisheit hog-tied five-year-old Caleb Lynch and placed railroad flares in the child's underwear before igniting them and fleeing his home. *Weisheit v. State*, 26 N.E.3d 3, 6–7 (Ind. 2015), *reh'g denied*. When he did so, Caleb's eight-year-old sister Alyssa Lynch was inside of the house. *Id.* The flames spread, killing both children. *Id.* In the meantime, Weisheit had fled his home and Indiana, and he was eventually apprehended in Kentucky after leading police on a high-speed chase at the end of which he threw a knife at the apprehending officers. *Id.* at 7.

2. Weisheit was charged with two counts of murder and one count of arson resulting in serious bodily injury as a Class A felony. *Id.* The State also filed an information seeking the death penalty because he committed multiple murders and because Caleb and Alyssa were both younger than 12 years old when Weisheit murdered them. *Id.*; see Ind. Code § 35-50-2-9(b)(8), -9(b)(12) (2010). A jury found

him guilty of the criminal charges, found that the State proved the aggravating circumstances beyond a reasonable doubt, and recommended the imposition of the death sentence, which the trial court imposed. *Weisheit*, 26 N.E.3d at 7–8. Weisheit appealed, and this Court affirmed his convictions and sentence.

3. Weisheit sought post-conviction relief, which was denied by the post-conviction court, and this Court affirmed the denial of relief on November 7, 2018. *Weisheit v. State*, 109 N.E.3d 978 (Ind. 2018), *reh'g denied*.

4. Weisheit then turned to the federal courts and filed a petition for a writ of habeas corpus in the U.S. District Court for the Southern District of Indiana on January 17, 2020. *Weisheit v. Neal*, 2022 WL 16635294, at *4 (S.D. Ind. Nov. 2, 2022). That petition was denied on November 2, 2022. *Id.* Weisheit appealed the denial of habeas relief, but the Seventh Circuit affirmed on August 13, 2025, and denied a petition for rehearing on September 29, 2025. *Weisheit v. Neal*, 151 F.4th 855 (7th Cir. 2025), *reh'g denied*. He filed a petition for a writ of certiorari to the U.S. Supreme Court, which was denied on June 8, 2026. *Weisheit v. Neal*, No. 25-6947, 2026 WL 1640887 (U.S. June 8, 2026).

5. Weisheit has exhausted all available avenues for review of his convictions and sentence.

6. There is no active stay preventing Weisheit's execution.

7. This Court has the exclusive jurisdiction to stay the execution of a death sentence as well as the duty to order a new execution date when any stay is lifted. *See* I.C. § 35-50-2-9(h); Ind. Crim. Rule 6.1(G)(1). Because no active stay is

pending, this Court should perform its necessary “administrative task” to set an execution date. *Corcoran v. State*, No. 24S-SD-222, slip op. at 2 (Ind. Sept. 11, 2024); *see also Ward v. State*, No. 25S-SD-167, slip op. at 3 (Ind. Aug. 27, 2025) (“Being duly advised, the Court finds there is no stay of execution now in effect and we must complete our administrative task to set an execution date[.]”); *Ritchie v. State*, No. 24S-SD-342, slip op. at 2 (Ind. Apr. 15, 2025) (also describing this Court’s duty to set an execution date as an “administrative task”).

8. The State requests that this Court set Weisheit’s execution date between 30 to 45 days after the issuance of its order granting this motion.

The State respectfully requests that this Court set the date for Weisheit’s execution.

Respectfully submitted,

THEODORE E. ROKITA
Indiana Attorney General
Attorney No. 18857-49

/s/ Tyler Banks
Tyler Banks
Section Chief
Capital and Habeas Litigation
Attorney No. 30514-36

VERIFICATION

I hereby affirm, under the penalties for perjury, that the foregoing statements of fact are true and accurate to the best of my knowledge and belief.

/s/ Tyler Banks
Tyler Banks
Section Chief

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 17, 2026, I electronically filed the foregoing document using the Indiana E-Filing System (“IEFS”). I also certify that the foregoing document was served June 17, 2026, upon opposing counsel via IEFS:

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