

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Jason Hinton,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

May 30, 2023

Court of Appeals Case No.
22A-CR-2520

Appeal from the Lake Superior
Court

The Honorable Samuel L. Capps,
Judge

Trial Court Cause No.
45G04-2101-MR-2

Memorandum Decision by Judge Brown
Judges Bailey and Weissmann concur.

Brown, Judge.

[1] Jason Hinton appeals his conviction for murder and claims the evidence is insufficient to sustain his conviction. We affirm.

Facts and Procedural History

[2] Devin Barron and Jazmin Garcia were in a relationship and had two children together. A couple of months before July 2020, Garcia and Jacquice Baylock began a romantic relationship. At some point, Barron discovered the relationship between Garcia and Baylock, and Barron and his friend broke Garcia's jaw. Garcia continued to talk to Baylock. On July 1, 2020, Garcia began walking to the home of Barron's mother, and Barron picked her up and drove her there. At his mother's home, Barron gave Garcia his mother's iPad while he had a gun in his hand and told her to text "him," Garcia asked who, and he said "You know who. Don't act stupid." Transcript Volume II at 137. Garcia texted Baylock, and Barron told her: "Get the kids and let's go. And if you f--- this up, I'll kill you and your kids." *Id.* at 138.

[3] Barron, Garcia, and their children drove to the home of Laquan Tolliver. Tolliver, Dwain Cunigan, Hinton, and "Jaylin" arrived wearing "[j]ust normal clothes" in a black car.¹ *Id.* at 139. Hinton and Tolliver went inside and came out wearing "all black." *Id.* at 140. They all then drove to the house of Cunigan's girlfriend in two vehicles. Barron told Garcia to "get the kids out,"

¹ Garcia testified that she knew Hinton as "Lafa" and he went by "Lafa Hines" on Facebook, and she referred to Hinton as Lafa at trial. Transcript Volume II at 124.

and Garcia sat them on the porch. *Id.* at 142. Barron talked to the men in the black car, and Cunigan said he “knew a spot.” *Id.* Barron, who had a black semi-automatic gun, told Garcia to follow them and entered the black car with the others. Garcia observed that Tolliver, Cunigan, Jaylin, and Hinton had guns.

[4] After they stopped at a gas station, Barron said “Drive there,” and Barron sent Garcia, who had Hinton’s phone, messages through Facebook using Cunigan’s phone. *Id.* at 144. Garcia drove to Baylock’s address as Hinton and the four other men followed her. When Garcia arrived at Baylock’s address, Baylock came outside, and Garcia picked him up and began driving but turned around because Baylock said he needed to grab something. When Garcia returned to Baylock’s house, Barron sent her the following message: “What the f--- are you doing? You better not f--- this up.” *Id.* at 148. Baylock exited the house again with a stack of money. Garcia drove Baylock to the location she was given in Gary and noticed some police in the area. Barron sent Garcia another address, and she drove to that location. When she arrived, Baylock exited the car to urinate. Barron sent Garcia a message telling her to exit the car. When Baylock returned to the car as Garcia was exiting, he asked Garcia where she was going. Garcia said “hold on” and walked toward the alley where Barron and Hinton were standing with guns in their hands. *Id.* at 150. Barron told Garcia to enter the black car, she did so, and Cunigan began driving. Garcia heard five shots and saw Hinton shoot Baylock in the back and Baylock fall to

the ground. Barron stood over Baylock and shot him.² Hinton picked up the money and yelled: “Hurry up.” *Id.* at 154. Barron and Hinton entered one of the vehicles, and they all drove away. While they were driving, Barron and Hinton were “flashing money” and laughing. *Id.* at 155. They arrived at “Gucci’s” house in Harvey, Illinois, the men were “all laughing,” and Gucci “told them how to wash the blood off the money.” *Id.* at 156. They then drove to another house where Barron paid “Day Day” to wipe down the car. *Id.* at 157. Later that night, Barron and Hinton were laughing, and Hinton said: “He tried to run, so I started filling his ass up.” *Id.* at 158. About two weeks later, Hinton said that Baylock tried to run “so he started shooting him.” *Id.* at 159.

[5] On July 6, 2020, Dr. Zhuo Wang, a forensic pathologist, performed an autopsy of Baylock and determined that he sustained eight gunshot wounds including one on the head, two on the back, two on the right arm, and three on the left chest.

[6] On January 8, 2021, the State charged Hinton with Count I, murder, and Count II, robbery resulting in serious bodily injury as a level 2 felony, and alleged a firearm enhancement to Count I.

[7] On August 9 and 10, 2022, the court held a bench trial. The State presented the testimony of multiple witnesses including Lake County Sheriff’s Crime Scene

² When asked how many times she saw Barron shoot, Garcia answered: “Like five.” Transcript Volume II at 154.

Investigator Christopher Jones who testified that twenty-one spent casings were collected from the scene. Lake County Sheriff's Captain Henry Hatch testified that State's Exhibit 36 included seven .45 auto caliber cartridge cases and fourteen 9mm cartridge cases. He looked at the microscopic marks on the cartridge cases and concluded that all of the .45 casings were fired from the same firearm and all of the 9mm casings were fired from the same firearm.

[8] During the testimony of Dr. Wang, the State introduced and the court admitted State's Exhibit 37, which Dr. Wang testified was a diagram he created during the autopsy to show entrance and exit wounds. Dr. Wang indicated that he used capital uppercase letters to denote entrance wounds and lowercase letters for exit wounds. State's Exhibit 37 includes a diagram and the back of the body indicates three entry wounds identified as B, C, and D. Dr. Wang testified that a bullet injured the brain and "when the brain stem is severed, the victim usually die[s] instantly. So this is a fatal shooting." *Id.* at 67. When asked about "injury B," he answered: "So B is on the left upper back. So this bullet injured rib, heart with two-inch laceration and frontal rib on the right side and there's exit wound on the right chest wall." *Id.* at 69. When asked if that was a fatal or nonfatal wound, he answered: "The bullet injured the heart with massive bleeding, and this is a fatal shooting." *Id.* He testified that Baylock sustained four gunshot wounds on his back and four on his front and "it appeared that he turned around, so he sustained front shooting and back shooting as he turn[ed] around." *Id.* at 75-76. He testified: "There are two fatal shooting[s]. One injured the brain. One injured the heart." *Id.* at 76. He

described injuries D through H as nonfatal injuries. When asked about the cause of death, he answered: “The cause of death is multiple, eight, gunshot wounds.” *Id.* at 78.

[9] Garcia testified that she was charged in the murder of Baylock and she had entered into a plea agreement in which she pled guilty to aggravated battery in exchange for her testimony. She testified to the foregoing facts and stated that she saw Hinton shoot Baylock in the back and agreed that “it hit him in the shoulder.” *Id.* at 153.

[10] After the State rested, Hinton’s counsel moved for a directed verdict, and the court denied the motion. The court stated that it found Garcia’s testimony to be credible, found Hinton guilty of murder and robbery, and found him liable for the firearm enhancement. The court sentenced Hinton to sixty-three years for Count I, murder, enhanced by eighteen years for the firearm enhancement, for an aggregate sentence of eighty-one years, and stated: “The Court does not enter any sentence with regard to Count II, Robbery, find[s] that the facts and circumstances could possibly cause a connection to merge.” Appellant’s Appendix Volume III at 216.

Discussion

[11] Hinton does not deny that he shot Baylock but argues that it was never shown that he fired a fatal shot, the State did not present evidence establishing which weapon caused the fatal injuries, and “[t]he most that can be said is that [he]

connected with one shot to the shoulder which was non-fatal.” Appellant’s Brief at 11.

[12] When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess witness credibility or reweigh the evidence. *Id.* We consider conflicting evidence most favorably to the trial court’s ruling. *Id.* We affirm the conviction unless “no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Id.* (quoting *Jenkins v. State*, 726 N.E.2d 268, 270 (Ind. 2000)).

[13] Ind. Code § 35-42-1-1 provides that a person who knowingly or intentionally kills another human being commits murder. “A person engages in conduct ‘intentionally’ if, when he engages in the conduct, it is his conscious objective to do so.” Ind. Code § 35-41-2-2(a). “A person engages in conduct ‘knowingly’ if, when he engages in the conduct, he is aware of a high probability that he is doing so.” Ind. Code § 35-41-2-2(b).

[14] A conviction for murder may be sustained on circumstantial evidence alone. *Sallee v. State*, 51 N.E.3d 130, 134 (Ind. 2016) (citing *Green v. State*, 587 N.E.2d 1314, 1315 (Ind. 1992)). Elements of offenses and identity may be established entirely by circumstantial evidence and the logical inferences drawn therefrom. *Bustamante v. State*, 557 N.E.2d 1313, 1317 (Ind. 1990). It is not necessary that the evidence overcome every reasonable hypothesis of innocence. *Drane*, 867

N.E.2d at 147. The Indiana Supreme Court has held that it is not necessary for the State to prove that a defendant's acts are the sole cause of a decedent's death to sustain a conviction for murder. *Watson v. State*, 658 N.E.2d 579, 580 (Ind. 1995). Rather, the State merely needs to introduce sufficient evidence from which a reasonable trier of fact "could conclude beyond a reasonable doubt that the defendant's acts contributed, whether mediately or immediately, to the victim's death." *Id.* (citing *Bivins v. State*, 254 Ind. 184, 188-189, 258 N.E.2d 644, 646 (1970) (holding that defendant is responsible for decedent's death if the injury which he inflicted contributed to death, even if other causes also contributed); *Tynes v. State*, 650 N.E.2d 685, 686-687 (Ind. 1995)).³

[15] Hinton's arguments alleging he did not murder Baylock are invitations to reweigh the evidence, which we cannot do. On redirect examination, when asked who carried out the killing of Baylock, Garcia answered Barron and Hinton. When asked what Hinton did, she said: "Shot [Baylock] in his back." Transcript Volume II at 211. Garcia testified that Hinton said Baylock tried to run "so I started filling his ass up" and he later said that Baylock tried to run "so he started shooting him." *Id.* at 158-159. Dr. Wang testified: "There are

³ In *Tynes*, the Indiana Supreme Court held: "It is enough if the wound contributed to death; it need not have been fatal standing alone." 650 N.E.2d at 687. It also stated:

Furthermore, had the defendant, arguendo, not fired the killing shot, he would still be guilty of murder under an accomplice liability theory. An accomplice who acts in concert with another who actually committed the direct acts which constitute the elements of the crime is equally as liable as a principal for all acts which are a natural and probable consequence of the plan.

Id.

two fatal shooting[s]. One injured the brain. One injured the heart.” *Id.* at 76. When asked about the cause of death, he answered: “The cause of death is multiple, eight, gunshot wounds.” *Id.* at 78.

[16] Based upon the record, we conclude that evidence of probative value exists from which the court as the trier of fact could have found Hinton guilty beyond a reasonable doubt of murder.

[17] For the foregoing reasons, we affirm Hinton’s conviction.

[18] Affirmed.

Bailey, J., and Weissmann, J., concur.