

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Curtis A. Patterson,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

July 20, 2023

Court of Appeals Case No.
22A-CR-2486

Appeal from the Marion Superior
Court

The Honorable James B. Osborn,
Judge

Trial Court Cause No.
49D21-2203-F3-7215

Memorandum Decision by Judge Crone
Judge Kenworthy and Senior Judge Robb concur.

Crone, Judge.

- [1] A jury found Curtis A. Patterson guilty of multiple handgun-related felonies. On appeal, he argues that the trial court erred in admitting evidence regarding the handgun because the handgun was collected as evidence in another criminal case against him. We find that argument waived and therefore affirm.
- [2] On March 16, 2022, the State charged Patterson with multiple offenses arising from his battery, intimidation, and confinement of his girlfriend with a handgun from February 9 through 12, 2022. On August 21, 2022, the day before his jury trial, Patterson filed a motion in limine that sought in pertinent part to exclude any reference to the handgun used to commit those crimes because it had been collected as evidence in another criminal case against him that was filed on February 16, 2022. Without citation to authority, Patterson asserted that “[t]he State cannot admit evidence from an unrelated case.” Appellant’s App. Vol. 2 at 99. The trial court denied that part of Patterson’s motion.
- [3] At trial, Patterson did not object to his girlfriend’s testimony that he used a handgun to batter, intimidate, and confine her. Nor did he object to a police officer’s testimony that Patterson was carrying a handgun shortly before he was arrested on February 12. But he did object to the admission of the handgun, a photograph of the handgun, and DNA evidence linking him to the handgun based on the argument raised in his motion in limine. The trial court overruled the objections. The jury found Patterson guilty of level 3 felony criminal confinement, level 5 felony domestic battery, level 5 felony carrying a handgun with a prior felony conviction, level 5 felony intimidation, level 6 felony

pointing a firearm, and two counts of level 6 felony domestic battery. The trial court sentenced him to nine years, with two years suspended to probation.

[4] On appeal, Patterson asserts that the trial court erred in admitting the handgun-related evidence, relying on the argument that he made in his motion in limine. He cited no authority for that argument below, and he cites no relevant authority for that argument now.¹ Accordingly, that argument is waived. *Waters v. State*, 65 N.E.3d 613, 618 n.2 (Ind. Ct. App. 2016). Moreover, the extensive testimony regarding the handgun, to which he did not object, renders any error harmless. *See Hogle v. State*, 962 N.E.2d 1230, 1238 (Ind. 2012) (stating that erroneous admission of evidence is harmless if “the conviction is supported by substantial independent evidence of guilt satisfying the reviewing court there is no substantial likelihood the challenged evidence contributed to the conviction” or if “same or similar evidence has been admitted without objection or contradiction”) (citation omitted). Therefore, we affirm his convictions.

[5] Affirmed.

Kenworthy, J., and Robb, Sr.J., concur.

¹ Patterson cites a decision regarding joinder of closely connected cases, an issue that was not raised below and that does not address the evidentiary question at hand.