

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Chase E. Adams,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

June 30, 2023

Court of Appeals Case No.
22A-CR-2859

Appeal from the Delaware Circuit
Court

The Honorable John M. Feick,
Judge

Trial Court Cause No.
18C04-2010-MR-7

Memorandum Decision by Judge Bradford

Judges Riley and Weissmann concur.

Bradford, Judge.

Case Summary

- [1] On October 3, 2020, residents of two adjacent homes in Muncie started fires in their respective back yards. At some point, Chase Adams (from one house) began arguing with Rex Morrison (from the other). Edward Dines, from the same house as Morrison, later noticed Adams near Morrison's vehicle in the back yard, and Dines and Morrison went outside, armed with baseball bats. At some point after Morrison ran toward Adams with his bat, Adams stabbed him three times in the head and back, wounds that ultimately proved fatal.
- [2] The State charged Adams with, *inter alia*, murder. At trial, Adams submitted a proposed final jury instruction on self-defense, but the trial court chose to deliver the pattern instruction instead. The jury found Adams guilty of murder and three other crimes. A few months later, Adams moved for a mistrial on the basis of alleged juror misconduct and produced an affidavit from the alternate juror to support it. The State moved to strike the affidavit, which motion the trial court granted before denying Adams's mistrial motion. Adams contends that the trial court abused its discretion in instructing the jury on self-defense and in allegedly refusing to allow him to make an offer of proof and that the State produced insufficient evidence to sustain a finding that he knowingly killed Morrison. We affirm.

Facts and Procedural History

- [3] On October 3, 2020, Adams lived at 2308 South Hackley Street in Muncie, and Dines, Alicia Atkinson, Katie Morrison, and Morrison lived next door. That night, the four started a fire behind their house, and Adams, his brother, and

Kendra Dodd started their own fire soon thereafter. At some point, Adams and Morrison began arguing. When Dines left the house intending to go to a liquor store, he noticed that his front tire had been slashed. Dines walked to the liquor store instead.

[4] When he returned, Dines checked his surveillance cameras and saw Adams behind his house near the back of Morrison's Ford Explorer. Dines yelled for Morrison and announced, "the neighbor is in the backyard messing with your Explorer." Tr. Vol. III p. 57. Dines put down his beer, grabbed his coat, picked up a baseball bat, and went outside. Dines did not see where Morrison had gone but saw Adams standing on Adams's back porch. Dines approached his property line and told Adams to "stay out of the yard[.]" Tr. Vol. III p. 59. When Adams threatened to stab him, Dines replied "whatever" and began smashing the windows on Adams's Dodge Durango. Tr. Vol. III p. 59.

[5] After breaking the windows, Dines heard Katie and Atkinson scream from inside the house. Dines ran inside and saw Morrison, who had also gone outside with a baseball bat, leaning against the kitchen counter. Morrison was bleeding from the back of his head and had been stabbed twice in the back. Morrison died of his wounds after being taken to a hospital, and the cause of death was later determined to be blood loss from one stab wound to the head and two to the torso.

[6] Muncie Police Detective Bryan Ashton interviewed Adams regarding Morrison's death. Adams explained that he, his brother, and Dodd had been drinking beer by the fire while Dines, Atkinson, Katie, and Morrison had been

doing the same thing next door. According to Adams, Morrison had spent a portion of the night calling him names. Adams told Detective Ashton that he had gone inside but had heard a noise outside and had known that his truck windows were being hit. Adams then related that he had decided to retaliate, had taken a knife from the kitchen, and had gone outside and slashed the tires on Morrison's vehicle. Finally, Adams told Detective Ashton that Morrison and Dines had come outside with baseball bats and that he had stabbed Morrison after he had run at him and tried to hit him with his bat.

[7] On October 9, 2020, the State charged Adams with murder, Level 6 felony obstruction of justice, and two counts of Class B misdemeanor criminal mischief. A jury trial commenced on April 4, 2022. After the presentation of evidence, the parties discussed the proposed final jury instructions. Adams proposed a final instruction on self-defense which read,

It is an issue whether the Accused acted in self-defense.

A person is justified in using deadly force, and does not have a duty to retreat, if he or she reasonably believes that deadly force is necessary to (1) prevent serious bodily injury to himself or a third person, (2) prevent the commission of a forcible felony, or (3) prevent or terminate an unlawful entry of or attack on an occupied motor vehicle.

A person is not justified in using force if (1) the person is committing a crime and (2) there is an immediate causal connection between the crime and the confrontation.

The State has the burden of proving beyond a reasonable doubt that the Accused did not act in self-defense or defense of others.

Appellant's App. Vol. II p. 226. Adams also proposed an instruction defining the term "immediate causal connection[.]" Appellant's App. Vol. II p. 227.

[8] The trial court chose instead to use the pattern jury instruction for self-defense, which provides as follows:

It is an issue whether the Defendant acted in self-defense. A person may use reasonable force against another person to protect himself from what the Defendant reasonably believes to be the imminent use of unlawful force.

A person is justified in using deadly force, and does not have a duty to retreat, only if he reasonably believes that deadly force is necessary to prevent serious bodily injury to himself or a third person.

However, a person may not use force if:

He is committing a crime that is directly and immediately connected to the confrontation. In other words, for the Defendant to lose the right of self-defense, the jury must find that, but for the Defendant's commission of a separate crime, the confrontation resulting in injury to Rex Morrison would not have occurred.

OR

He is escaping after the commission of a crime that is directly and immediately connected to the confrontation. In other words, for the Defendant to lose the right of self-defense, the jury must find that, but for the Defendant's escape from the commission of a separate crime, the confrontation resulting in injury to Rex Morrison would not have occurred.

OR

He provokes a fight with another person with intent to cause bodily injury to that person.

OR

He has willingly entered into a fight with another person or started the fight, unless he withdraws from the fight and communicates to the other person his intent to withdraw and the other person nevertheless continues or threatens to continue the fight.

The State has the burden of proving beyond a reasonable doubt that the Defendant did not act in self-defense.

Appellant's App. Vol. III p. 40. Adams objected to the pattern jury instruction and argued that it leaves too "broad of an exception" to self-defense. Tr. Vol. IV p. 181. The trial court overruled his objection. The jury found Adams guilty as charged.

[9] On April 25, 2022, Adams moved for a mistrial. Adams's counsel claimed that he had been contacted the morning after Adams's trial by an alternate juror who had informed him of alleged juror misconduct during deliberations. That same day, the State moved to strike an affidavit from the alternate juror and to summarily deny Adams's mistrial motion. A hearing was held on Adams's motion on November 2, 2022. After argument, the trial court granted the State's motion to strike the affidavit and denied Adams's motion for mistrial. Adams's counsel asked the trial court for permission to proceed with an offer of proof from the alternate juror to substantiate his claim that the jury was influenced by "extraneous prejudicial information" because the jurors viewed the surveillance footage admitted at trial by "fast forwarding and reversing and slowing it down and speeding it up[.]" Tr. Vol. V p. 7. The trial court denied his request to call the witness or admit his affidavit as an offer of proof. On November 23, 2022, the trial court sentenced Adams to an aggregate sentence of fifty years of incarceration.

Discussion and Decision

I. Jury Instruction on Self Defense

[10] Ordinarily, this Court reviews a trial court's manner of instructing the jury for an abuse of discretion. *Inman v. State*, 4 N.E.3d 190, 201 (Ind. 2014) (citing

Cline v. State, 726 N.E.2d 1249, 1256 (Ind. 2000)). When a defendant challenges a jury instruction as an incorrect statement of law, however, we apply a *de novo* standard of review. *Kane v. State*, 976 N.E.2d 1228, 1231 (Ind. 2012). If we find “the challenged instruction to be erroneous,” we will presume that the “error affected the verdict and will reverse the defendant’s conviction unless “the verdict would have been the same under a proper instruction.” *Gammons v. State*, 148 N.E.3d 301, 303 (Ind. 2020). In other words, instructional error is harmless “where a conviction is clearly sustained by the evidence and the jury could not properly have found otherwise” but “will result in reversal when the reviewing court cannot say with complete confidence that a reasonable jury would have rendered a guilty verdict had the instruction not been given.” *Dill v. State*, 741 N.E.2d 1230, 1233 (Ind. 2001) (citation and quotation marks omitted).

[11] Final instruction 12, provided, in relevant part, that a person may not claim self-defense if

[h]e is committing a crime that is directly and immediately connected to the confrontation. In other words, for the Defendant to lose the right of self-defense, the jury must find that, but for the Defendant’s commission of a separate crime, the confrontation resulting in injury to Rex Morrison would not have occurred.

Appellant’s App. Vol. III. p. 69. Adams argues that the final instruction is an imprecise statement of the law in light of the Indiana Supreme Court’s decision in *Gammons* and that the trial court’s use of the pattern jury instruction led to an unjust and absurd result. While we agree that final instruction 12 was an

imprecise statement of the law, we cannot agree that it led to an unjust and absurd result in this case.

[12] In *Gammons*, the defendant was charged with attempted murder and carrying a handgun without a license for shooting and killing another man with a gun “he acknowledged he was carrying illegally.” *Gammons*, 148 N.E.3d at 302. The trial court included an instruction on self-defense and included language from the pattern jury instruction that “a person may not use force if,” among other things, “he is committing a crime that is directly and immediately related to his confrontation[.]” *Id.* (quotation marks omitted). The Indiana Supreme Court considered the pattern jury instruction and recognized that, although the self-defense statute instructs that a person cannot use force defending himself if he is committing a crime, that “we do not strictly apply that statute” because “[the] legislature is presumed to have intended the language used in the statute to be applied logically and not to bring about an unjust or absurd result.” *Id.* at 304 (quoting *Mayes v. State*, 744 N.E.2d 390, 393 (Ind. 2001)). Instead, the *Gammons* Court concluded that there must be “an immediate causal connection” between the crime and the confrontation for a person to be stripped of his ability to assert self-defense. *Id.* (quoting *Mayes*, 744 N.E.2d at 394). By instructing the jury that the crime and confrontation need only be “directly and immediately related,” the instruction “could foreclose the defense in an instance where a defendant’s crime was tenuously connected with the confrontation[.]” *Id.* For example, a person could be stripped of their ability to claim self-defense when a deadly fight erupts if they happen to be illegally

gambling at the time or if they had failed to pay their income taxes earlier that year. *Id.* Or, as applied in *Gammons*, a person could be barred from asserting self-defense if they are in unlawful possession of a firearm when the need to defend themselves arises. For this reason, the *Gammons* Court reiterated that self-defense is “barred only when there is an ‘immediate causal connection between the crime and confrontation.’” *Id.* at 304–05 (quoting *Mayes*, 744 N.E.2d at 394).

[13] While Adams is correct that the Indiana Supreme Court has found the language of the pattern jury instruction to be “imprecise,” any error the trial court may have made in this regard can only be considered harmless. *See Dill*, 741 N.E.2d at 1233. There was ample evidence in the record to establish an immediate causal connection between the crime of criminal mischief Adams engaged in to further provoke the altercation he was having with Morrison and the confrontation that resulted in Morrison’s death. Adams admitted that he had grabbed the kitchen knife with the intention of going back outside—where he knew Dines and Morrison were—to “mess up their s[***.]” State’s Ex. 131 at 21:55–22:05. Adams also admitted that he had known that Dines and Morrison were not going to intervene without attempting to do something to stop him, and he had turned out to be correct. When Morrison saw that Adams was damaging his truck, Morrison responded by running after Adams with a baseball bat. Adams responded by stabbing Morrison three times in the head and back. If Adams had not entered Dines’s property to slash Morrison’s tires, the final—and fatal—confrontation between Adams and Morrison would not

have occurred. Because the record contains ample evidence of an immediate causal connection between his criminal mischief and his murder of Morrison, we are confident the jury would have reached the same conclusion had it been properly instructed.

II. Offer of Proof

[14] Adams contends that the trial court abused its discretion in granting the State's motion to strike an affidavit, arguing that its exclusion left the record insufficient to allow the trial court to adequately rule on his mistrial motion.

The purpose of an offer of proof is to convey the point of the witness's testimony and provide the trial judge the opportunity to reconsider the evidentiary ruling. *Baker v. State*, 750 N.E.2d 781, 785–86 (Ind. 2001) (quoting 1 *McCormick on Evidence* § 51, at 217 (John W. Strong et. al., 5th ed. 1999)). Equally important, it preserves the issue for review by the appellate court. *Id.* To accomplish these two purposes, an offer of proof must be sufficiently specific to allow the trial court to determine whether the evidence is admissible and to allow an appellate court to review the correctness of the trial court's ruling and whether any error was prejudicial. 1 *McCormick, supra*, at 218.

State v. Wilson, 836 N.E.2d 407, 409 (Ind. 2005).

[15] Here, we conclude that Adams's counsel's summary of its contents was an offer of proof sufficient to allow the trial court to rule on his mistrial motion. At the hearing on Adams's motion, his counsel stated the following:

The affidavits that, or excuse me, the single affidavit that has been filed in this matter, I believe, does meet the requirement for extraneous prejudicial information in that they allegedly manipulated the evidence that was given to them. This evidence was not entered into the state that they viewed it at trial, and by

fast forwarding and reversing and slowing it down and speeding it up, and enlarging the video evidence as they have allegedly done, according to this affidavit. We would state that that is extraneous prejudicial information.

Tr. Vol. V p. 7. Even without more particulars, it is clear that Adams conveyed that the affidavit regarded claims of alleged jury misconduct involving manipulation of video evidence, and our review of the record reveals that the trial court did not do or say anything to prevent Adams from summarizing it in greater detail.¹ Consequently, to the extent that Adams's summary of the affidavit may have been inadequate to convey its substance, that is his fault, not the trial court's. As it was conveyed, however, the summary was sufficient to convey the point of the affidavit and allow for the trial court's review of Adams's mistrial motion.²

III. Sufficiency of the Evidence

[16] Adams contends that the State failed to produce sufficient evidence to sustain a finding that he knowingly killed Morrison.³ “When reviewing the sufficiency of the evidence to support a conviction, appellate courts must consider only the

¹ There were six video exhibits admitted at trial: exhibit 11, surveillance footage taken from Dines's house; exhibits 28 and 29, body camera footage from Muncie Police Officers Nathan Coffey and Jonathan Powell, respectively; exhibit 42, surveillance footage from the Town Tavern in New Castle; exhibit 131, a video of Adams's police interview; and exhibit 135, a video deposition of a Dr. Kuxhausen. While it is not entirely clear which of these exhibits was allegedly manipulated by the jury (we assume it was Dines's surveillance footage), it has no bearing on our analysis.

² Adams does not contend that the trial court abused its discretion in denying his mistrial motion, only that it denied him the opportunity to make an offer of proof sufficient to allow the trial court to rule on the mistrial motion.

³ Adams does not challenge his convictions for Level 6 felony obstruction of justice and two counts of Class B misdemeanor criminal mischief.

probative evidence and reasonable inferences supporting the verdict.” *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We will neither assess witness credibility nor “weigh the evidence to determine whether it is sufficient to support a conviction.” *Id.* When presented with conflicting evidence, we “must consider it most favorably to the trial court’s ruling.” *Id.* We will affirm the conviction “unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Id.* “It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence.” *Id.* “The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.” *Id.* To convict Adams of murder, the State was required to prove that knowingly or intentionally killed Morrison. *See* Ind. Code § 35-42-1-1(1).

[17] Adams contends only that the State failed to produce sufficient evidence to prove that he knowingly killed Morrison. 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). “To kill knowingly is to engage in conduct with an awareness that the conduct had a high probability of resulting in death.” *Lyttle v. State*, 709 N.E.2d 1, 3 (Ind. 1999) (citing *Horan v. State*, 682 N.E.2d 502, 508 (Ind. 1997)). Because intent is a mental function, absent a confession, “it must be determined from a consideration of the conduct, and the natural consequences of the conduct.” *Laughlin v. State*, 101 N.E.3d 827, 829 (Ind. Ct. App. 2018) (quoting *Duren v. State*, 720 N.E.2d 1198, 1202 (Ind. Ct. App. 1999), *trans. denied*). Accordingly, intent often must be

proven by circumstantial evidence. *Id.* To that end, the trier of fact is entitled to infer intent from the surrounding circumstances. *White v. State*, 772 N.E.2d 408, 412 (Ind. 2002). A knowing killing may be inferred from the use of a deadly weapon in a manner likely to cause death. *Miles v. State*, 51 N.E.3d 305, 309 (Ind. Ct. App. 2016), *trans. denied*.

[18] Here, the jury reasonably concluded that Adams knowingly killed Morrison. Adams stabbed Morrison three times with a kitchen knife, which is a deadly weapon. *See* Ind. Code § 35-31.5-2-86(a)(2); *see also Miller v. State*, 106 N.E.3d 1067, 1074 (Ind. Ct. App. 2018) (concluding that a knife may be considered a deadly weapon), *trans. denied*. The jury was free to find that Adams was aware that repeatedly stabbing Morrison with a knife could result in Morrison’s death. *See, e.g., McEwen v. State*, 695 N.E.2d 79, 87 (Ind. 1998) (“[A]n assault [...] with a knife or similar sharp object—particularly in the chest or head region—rarely occurs without an awareness of a high probability that death will result.”); *Schneider v. State*, 155 N.E.3d 1268, 1284 (Ind. Ct. App. 2020) (“Stabbing a victim multiple times in the head and chest is evidence of an awareness of a high probability that the victim will be killed.”), *trans. denied*. Evidence that Adams stabbed Morrison three times in the head and back with a deadly weapon is sufficient to sustain a finding that he knowingly killed him.

[19] We affirm the judgment of the trial court.

Riley, J., and Weissmann, J., concur.