

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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## IN THE COURT OF APPEALS OF INDIANA

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Dominique Raymond Carlisle,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

January 25, 2022

Court of Appeals Case No.  
21A-CR-1151

Appeal from the Marion Superior  
Court

The Honorable Angela Dow  
Davis, Judge

Trial Court Cause No.  
49D27-2003-F1-9261

**Pyle, Judge.**

## Statement of the Case

[1] Dominique Carlisle (“Carlisle”) appeals his convictions by jury of attempted murder,<sup>1</sup> burglary,<sup>2</sup> and auto theft.<sup>3</sup> Carlisle argues that there is insufficient evidence to support his convictions because the State failed to establish his identity beyond a reasonable doubt. Concluding that there was sufficient evidence of identity, we affirm the trial court’s judgment.

[2] We affirm.

## Issue

Whether there is sufficient evidence to support Carlisle’s convictions.

## Facts

[3] In February 2020, Carlisle and A.D. (“A.D.”) began messaging one another over social media. During the course of their online conversations, Carlisle asked A.D. if he drove and worked. A.D. told Carlisle he did not drive and did not answer Carlisle’s questions about his employment status. Thereafter, Carlisle and A.D. sent “sexual photos” to one another over Snapchat. (Tr. Vol. 2 at 174).

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<sup>1</sup> IND. CODE § 35-42-1-1.

<sup>2</sup> IND. CODE § 35-43-2-1.

<sup>3</sup> IND. CODE § 35-43-4-2(a).

[4] A few days later, Carlisle and A.D. agreed to meet at A.D.'s apartment. After Carlisle and A.D. had had a sexual encounter, A.D. offered to take Carlisle somewhere to eat in order to "get [Carlisle] out of [his] apartment and drop him off somewhere." (Tr. Vol. 2 at 176). While Carlisle and A.D. were in A.D.'s vehicle, Carlisle asked A.D. why he had lied about having a car. A.D. told Carlisle that he did not want to have to drive in order to pick up Carlisle. After Carlisle and A.D. had eaten together, A.D. dropped Carlisle off by the Circle Centre Mall.

[5] About a week later, Carlisle and A.D. planned to meet up again at A.D.'s apartment. A.D. told Carlisle that it would be their last time meeting up because he had a boyfriend. Carlisle arrived at A.D.'s apartment about an hour later than planned. When A.D. saw Carlisle from the peep hole in his door, he saw that Carlisle was looking back down the stairwell. When A.D. opened the door, he saw someone at the bottom of the stairs. Carlisle immediately stepped forward and began punching A.D. A.D. fell backwards from his doorway and landed on a couch a few feet back from the door. Carlisle entered A.D.'s apartment and began repeatedly punching A.D. A.D. used his hands to cover his face, but Carlisle continued to hit him until he fell to the floor. Carlisle then punched A.D. in his face, eye, and back. Next, Carlisle took a duffel bag strap and used it to tie A.D.'s hands together behind his back. Meanwhile, Carlisle's accomplice walked into the apartment and began looking around the apartment.

[6] While Carlisle watched A.D., Carlisle's accomplice began collecting items from A.D.'s apartment. Carlisle asked A.D. where his car keys were and where the vehicle was parked. After receiving that information, Carlisle's accomplice took A.D.'s car keys. Carlisle had his accomplice pull the vehicle up to the apartment's front door, and then the accomplice began taking items from A.D.'s apartment and loaded them into the vehicle. The accomplice took multiple televisions, shoes, clothes, an Apple watch, and an iPhone from A.D.'s apartment and person.

[7] A.D. remained on the ground but was able to free his hands. Carlisle stood next to A.D., who was lying on the ground on his stomach. Carlisle then "grabbed [A.D.'s] hair, pulled it back, and with his knife he slit [A.D.'s] throat." (Tr. Vol. 2 at 184). Immediately afterward, Carlisle whispered to A.D. that "[A.D.] should [have] never told him that [he] had a boyfriend." (Tr. Vol. 2 at 186). Carlisle also told A.D. multiple times that he "was going to kill [A.D.]" (Tr. Vol. 2 at 185). Immediately after A.D. had been cut by Carlisle, A.D. pressed his shirt up to his neck wound. Carlisle then lunged at A.D. with the knife, but A.D. was able to evade the attack. Carlisle and his accomplice then left A.D.'s apartment.

[8] A.D. left his apartment and saw Carlisle and his accomplice through the front glass door of the building where Carlisle and his accomplice were preparing to leave with A.D.'s car and possessions. A.D. then returned to his apartment and locked the door. After waiting for less than a minute, A.D. walked out of his

apartment, saw that Carlisle had left with his car, and began searching for help. A nearby neighbor allowed A.D. to use her phone and call 911.

[9] Officer Ivan Flick (“Officer Flick”) was dispatched to A.D.’s apartment. While receiving treatment for his wounds, A.D. explained to Officer Flick that Carlisle had punched him repeatedly in the face, cut him across the neck with a knife, and robbed him. He further explained to Officer Flick that Carlisle and his accomplice had used his car to flee the scene with his belongings. Afterward, an ambulance transported A.D. to the hospital. Detective John Dietz (“Detective Dietz”) met with A.D. at the hospital in order to collect a statement. A.D. provided the same account of the events to Detective Dietz.

[10] The next day, A.D.’s car was discovered. Detective Dietz notified A.D. that his car had been recovered. When A.D. met with Detective Dietz, Detective Dietz asked A.D. to identify Carlisle from a photo array. A.D. immediately identified Carlisle.

[11] The State charged Carlisle with Level 1 felony attempted murder, Level 1 felony burglary, Level 2 felony robbery resulting in serious bodily injury, and Level 6 felony auto theft. The trial court held a two-day jury trial in May 2021. The jury heard the evidence as set forth above. Additionally, A.D. testified that it had only taken him “a couple of seconds” to identify Carlisle in the photo array. (Tr. Vol. 2 at 193). A.D. also testified that he had “no doubt” and “[knew] it was [Carlisle]” who had been in his apartment, slit his throat, and

carried things out of his apartment. (Tr. Vol. 2 at 194). On cross examination, A.D. admitted that he had lied to Carlisle about having a boyfriend.

[12] The jury found Carlisle guilty of all charges. The trial court vacated the robbery conviction and reduced the burglary conviction to a Level 5 felony. The trial court sentenced Carlisle to an aggregate term of forty (40) years to be served in the Indiana Department of Correction.

[13] Carlisle now appeals.

## Decision

[14] Carlisle argues that there is insufficient evidence to support his convictions because the State failed to establish his identity beyond a reasonable doubt. Carlisle contends that there is insufficient evidence of identity because there was no forensic evidence linking Carlisle to the crime and because A.D. had admitted to lying to Carlisle.

[15] Our standard of review for sufficiency of the evidence claims is well settled. We 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 reweigh the evidence or judge witness credibility. *Id.* We will affirm the conviction unless no reasonable fact finder could find the elements of the crime proven beyond a reasonable doubt. *Id.* at 146-47. The evidence is sufficient if an inference may be reasonably drawn from it to support the verdict. *Id.* at 147. Moreover, “[i]t is well established that the testimony of a single eyewitness is

sufficient to sustain a conviction.” *Brasher v. State*, 746 N.E.2d 71, 72 (Ind. 2001).

[16] Here, the record reveals that when the police arrived on the scene, A.D. immediately identified Carlisle as the person who had punched him, slit his throat, robbed him, and left with his car. Later that day, A.D. told Detective Dietz the same narrative and made the same identification. A.D. only took “a couple of seconds” to identify Carlisle in the photo array Detective Dietz had presented to him a day later. (Tr. Vol. 2 at 193). At trial, A.D. also testified that he had “no doubt” and “[knew] it was [Carlisle]” that was in his apartment, slit his throat, and carried things out of his apartment. (Tr. Vol. 2 at 194).

[17] Carlisle also argues that A.D. is not a credible witness because he admitted to lying about owning a car and the existence of a boyfriend. The jury heard this testimony and believed that A.D.’s version of events and identification of Carlisle was credible. Carlisle’s argument amounts to a request to reweigh the evidence, which we will not do. *See Drane*, 867 N.E.2d at 146. The jury had sufficient evidence of identity beyond a reasonable doubt. Because the evidence was sufficient to support Carlisle’s convictions, we affirm his convictions. *See Goolsby v. State*, 517 N.E.2d 54, 58 (Ind. 1987) (evidence of identity was sufficient where victim clearly saw defendant during the attack, victim quickly identified defendant in a photo array and victim positively identified defendant at trial).

[18] Affirmed.

May, J., and Brown, J., concur.