MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Cameron B. Hallett,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

March 3, 2023

Court of Appeals Case No. 22A-CR-1859

Appeal from the Allen Superior Court

The Honorable Frances C. Gull, Judge

Trial Court Cause No. 02D05-2002-MR-5

Memorandum Decision by Judge Mathias
Judges May and Bradford concur.

Mathias, Judge.

[1] Cameron Hallett appeals his conviction for murder and raises three issues for our review:

I. Whether the trial court abused its discretion when it admitted certain testimony over his objection.

II. Whether the State presented sufficient evidence to support his conviction.

III. Whether his sentence is inappropriate in light of the nature of the offense and his character.

[2] We affirm.

Facts and Procedural History

[3] In January 2020, in a phone call, Hallett accused fifteen-year-old Eric McDonnell of having stolen something from him with Jamari Green's help. McDonnell denied the theft and laughed at Hallett. McDonnell's friend Kellee Mentzer heard the whole conversation, which was made on speaker phone. The following month, Hallett, also known as "Blako," blocked McDonnell, Green, and Mentzer on social media. Tr. Vol. 3, p. 38.

[4] On February 19, McDonnell, Green, and Mentzer were hanging out together at a friend's house. McDonnell had a conversation with Hallett's girlfriend, Trinity Lauck, over Snapchat before he left the house to sell her marijuana. Approximately one minute later, Green and Mentzer heard a gunshot outside the house, and they went out into an alley to investigate. Once outside the back

door of the house, Mentzer heard McDonnell say, "Hey, Siri, call Kellee." *Id.* at 45. Mentzer then saw McDonnell lying in the alley. McDonnell was "panicked" and Mentzer asked him, "What happened?" *Id.* at 47. McDonnell replied, "Blako shot me." *Id.* at 48. Someone called 9-1-1, and McDonnell was taken by ambulance to a local hospital, where he died.

[5] The next day, Fort Wayne Police Department Detective Matthew Cline obtained a warrant to get a DNA sample from Hallett. And on February 21, Detective Geoffrey Norton saw Hallett leave his house and drive off in his car. Detective Norton followed Hallett and initiated a traffic stop after he saw Hallett commit two traffic infractions. Other officers arrived to assist Detective Norton in detaining Hallett pursuant to the warrant, and they found the barrel of a handgun "tucked in his underwear." Tr. Vol. 2, p. 38. Officers then found "the lower part of a Glock handgun," known as the "receiver" or handle, under the driver's seat. *Id.* at 39; Tr. Vol. 3, p. 166. The serial number of the handgun had been "obliterated" from the receiver, and it "smelled very strongly of bleach." Tr. Vol. 3, p. 166.

[6] Officers also searched Hallett's house that day and recovered other components of a Glock handgun, including a magazine. Michelle Fletcher, a forensics firearms examiner with the Indiana State Police, was able to restore the serial number on the receiver, which matched the serial number on each of the other parts of the Glock handgun. Subsequent forensics testing showed that that Glock was used to shoot McDonnell. After Hallett was arrested and was in jail,

he made incriminating statements to Lauck in letters and during a phone call. And officers found video surveillance footage connecting Hallett to the murder.

[7] The State charged Hallett with murder and sought a sentence enhancement because Hallett used a gun to murder McDonnell. A jury found Hallett guilty of murder and found that he used a gun. The trial court sentenced Hallett to sixty years for murder with an additional twenty years for the firearm enhancement, for a total sentence of eighty years executed. This appeal ensued.

Discussion and Decision

Issue One: Hearsay Objection

[8] Hallett first contends that the trial court abused its discretion when it permitted Mentzer's testimony, over his objection, that Hallett had told her that "Blako" had shot him. *Id.* at 48. Our standard of review is well settled:

> "The trial court has broad discretion to rule on the admissibility of evidence." *Thomas v. State*, 81 N.E.3d 621, 624 (Ind. 2017). We review evidentiary rulings for an abuse of discretion, which occurs when the ruling is clearly against the logic and effect of the facts and circumstances. *Blount v. State*, 22 N.E.3d 559, 564 (Ind. 2014). Moreover, we may affirm an evidentiary ruling on any theory supported by the evidence. *Satterfield v. State*, 33 N.E.3d 344, 352 (Ind. 2015).

Kress v. State, 133 N.E.3d 742, 746 (Ind. Ct. App. 2019), *trans. denied*.

[9] Hallett contends that the trial court abused its discretion when it allowed Mentzer's testimony as to what McDonnell had said to her after the shooting

because, according to Hallett, that testimony was inadmissible hearsay. "Hearsay is an out-of-court statement used to prove the truth of the matter asserted." *Hurt v. State*, 151 N.E.3d 809, 813 (Ind. Ct. App. 2020) (citing Ind. Evid. R. 801(c)). "Hearsay is inadmissible unless it falls under a hearsay exception." *Id.* (citing *Teague v. State*, 978 N.E.2d 1183, 1187 (Ind. Ct. App. 2012); Evid. R. 802).

[10] During trial, Hallett objected to that testimony, but the trial court allowed it under two exceptions to the hearsay rule, namely, as an excited utterance and as a statement made under the belief of imminent death. Indiana Evidence Rule 803(2) provides that "[a] statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused" is not excluded by the hearsay rule, even if the declarant is available as a witness.

> A hearsay statement may be admitted as an excited utterance where: (1) a startling event has occurred; (2) a statement was made by a declarant while under the stress of excitement caused by the event; and (3) the statement relates to the event. *Boatner v. State*, 934 N.E.2d 184, 186-87 (Ind. Ct. App. 2010). "This is not a mechanical test, and the admissibility of an allegedly excited utterance turns on whether the statement was inherently reliable because the witness was under the stress of the event and unlikely to make deliberate falsifications." *Id.* at 186. "The heart of the inquiry is whether the declarant was incapable of thoughtful reflection." *Id.* While the amount of time that has passed is not dispositive, "a statement that is made long after the startling event is usually less likely to be an excited utterance." *Id.*

Hurt, 151 N.E.3d at 813-14.

[11] Here, Mentzer and Green ran outside as soon as they heard the gunshot. Mentzer heard McDonnell asking Siri to call her on his phone. When she got to him and asked him what had happened, he told her, twice, "Blako shot me." Tr. Vol. 3, p. 48. McDonnell had just been shot, he was "panicked," and he died a short time later. *Id.* at 47. We hold that McDonnell's statements to Mentzer fall into the excited utterance exception to the rule against hearsay and, as such, the trial court did not abuse its discretion when it admitted Mentzer's testimony.

Issue Two: Sufficiency of the Evidence

[12] Hallett next contends that the State presented insufficient evidence to prove that he murdered McDonnell. As our Supreme Court has made clear:

> For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). On sufficiency challenges, we will neither reweigh evidence nor judge witness credibility. *Love v. State*, 73 N.E.3d 693, 696 (Ind. 2017). We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

Hall v. State, 177 N.E.3d 1183, 1191 (Ind. 2021). To prove that Hallett murdered McDonnell, the State had to show that Hallett knowingly or intentionally killed McDonnell. Ind. Code § 35-42-1-1 (2022).

[13] Hallett's contentions on appeal amount to a request that we reweigh the evidence, which we cannot do. The State presented testimony, surveillance

video, and forensic evidence proving that Hallett murdered McDonnell. Indeed, McDonnell told Mentzer that Hallett was the shooter. We hold that the State presented sufficient evidence to support Hallett's murder conviction.

Issue Three: Sentence

[14] Finally, Hallett contends that his sentence is inappropriate in light of the nature of the offense and his character. Under Indiana Appellate Rule 7(B), we may modify a sentence that we find is "inappropriate in light of the nature of the offense and the character of the offender." Making this determination "turns on our sense of the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case." *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008). Sentence modification under Rule 7(B), however, is reserved for "a rare and exceptional case." *Livingston v. State*, 113 N.E.3d 611, 612 (Ind. 2018) (per curiam).

[15] When conducting this review, we generally defer to the sentence imposed by the trial court. *Conley v. State*, 972 N.E.2d 864, 876 (Ind. 2012). Our role is to "leaven the outliers," not to achieve what may be perceived as the "correct" result. *Id.* Thus, deference to the trial court's sentence will prevail unless the defendant persuades us the sentence is inappropriate by producing compelling evidence portraying in a positive light the nature of the offense—such as showing restraint or a lack of brutality—and the defendant's character—such as showing substantial virtuous traits or persistent examples of positive attributes. *Robinson v. State*, 91 N.E.3d 574, 577 (Ind. 2018); *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[16] Initially, we note that Hallett did not receive the maximum sentence. Murder carries a sentencing range of forty-five to sixty-five years with an advisory sentence of fifty-five years. I.C. § 35-50-2-3(a). The trial court imposed a sixty-year sentence. However, the trial court did impose the maximum sentence of an additional twenty years for the firearm enhancement. *See* I.C. § 35-50-2-11(g).

[17] At the conclusion of the sentencing hearing, the trial court stated as follows:

> Your attorney has asked that I consider mitigating circumstances. You have no felony conviction and that is a mitigating circumstance and I accept that. He's also asked that I consider that you have a limited criminal history as a mitigator. I decline, as you do have a criminal history, not a horrible criminal history, but you've got contact with the juvenile system and a misdemeanor conviction, which is an aggravating circumstance. He's asked that I consider your IRAS score as being a moderate risk. I decline to do that, most of that is self-reported and I don't find it to be terribly objective. He's also asked, finally, that I consider your history of substance abuse. I do consider that to be a minor mitigator, you have [a] history of substance use. You have failed in your efforts at rehabilitation through treatment, through the Drug Court Program, and your involvement with the juvenile court system, which I find to be aggravating circumstances. I further find as an aggravator the victim[']s age being 1[5]. You've got a pending charge in the state of Ohio. Your attorney has asked that I consider a sentence below the advisory, which I think would depreciate the seriousness of the offenses that you've committed. And the State has asked that I consider the nature and circumstances of your crimes as aggravators, which are aggravators. The jury was out about an hour in making a determination of guilt, which weighs very heavily in favor of the State that they presented a very strong case against you. It's therefore ordered that the Defendant be committed to the Indiana Department of Correction for

> classification and confinement for a period of 60 years on count one, enhanced by a term of 20 years on count two[.]

Tr. Vol. 4, p. 76.

[18] On appeal, with respect to his sixty-year sentence for murder, Hallett's sole contention is that his criminal history[1] shows that his "character did not justify an enhanced sentence[.]" Appellant's Br. at 31. However, the nature of the offense was particularly heinous. Hallett and another man ambushed McDonnell in an alley, beat him, and then Hallett shot him in the back. Hallett was twenty-two years old at the time, and McDonnell was only fifteen-years-old. Hallett makes no showing at all of facts that portray in a positive light the nature of the offense—such as showing restraint or a lack of brutality—and the defendant's character—such as showing substantial virtuous traits or persistent examples of positive attributes. *Robinson*, 91 N.E.3d at 577; *Stephenson*, 29 N.E.3d at 122. Accordingly, we cannot say that Hallett's sixty-year conviction for murder is inappropriate.

[19] With respect to the twenty-year sentence for the firearm enhancement, Hallett argues that "[i]mposing the maximum possible sentence is usually reserved for the 'worst offenders,'" and he maintains that he "is not within the worst class of

[1] Hallett had one juvenile adjudication in 2013 for "leaving home without permission." Tr. Vol. 4, p. 70. And in 2015, he was convicted of conversion, as a Class A misdemeanor.

offenders." Appellant's Br. at 29-30 (quoting *State v. Stidham*, 157 N.E.3d 1185, 1196 (Ind. 2020)). As our Supreme Court has explained,

> We have . . . observed that the maximum possible sentences are generally most appropriate for the worst offenders. This is not, however, a guideline to determine whether a worse offender could be imagined. Despite the nature of any particular offense and offender, it will always be possible to identify or hypothesize a significantly more despicable scenario. Although maximum sentences are ordinarily appropriate for the worst offenders, we refer generally to the class of offenses and offenders that warrant the maximum punishment. But such class encompasses a considerable variety of offenses and offenders.

Buchanan v. State, 767 N.E.2d 967, 973 (Ind. 2002) (internal quotation marks and citations omitted).

[20] Here, again, Hallett points to his criminal history as evidence of his good character. But Hallett does not challenge any of the aggravators identified by the trial court, including the nature and circumstances of the murder and McDonnell's young age. We cannot say that Hallett's twenty-year sentence enhancement is inappropriate. We affirm his aggregate eighty-year sentence.

Conclusion

[21] For all these reasons, we affirm Hallett's murder conviction and sentence.

[22] Affirmed.

May, J., and Bradford, J., concur.