

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Jalen Bonner,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

October 27, 2022
Court of Appeals Case No.
22A-CR-1187

Appeal from the St. Joseph
Superior Court
The Honorable Elizabeth C.
Hurley, Judge
Trial Court Cause No.
71D08-2009-F1-9

May, Judge.

[1] Jalen Bonner appeals following his conviction of Level 1 felony attempted murder.¹ He raises one issue on appeal, which we restate as whether the State presented sufficient evidence to sustain his conviction. We affirm.

Facts and Procedural History

[2] During the evening of July 25, 2020, Dennis Johnson Jr. attended a block party in South Bend and then drove to a local recreation center called the King Center. Johnson spent time with friends at the King Center and decided to leave during the early morning hours of July 26, 2020. As Johnson was driving along Maple Street, over a dozen shots were fired at his vehicle. Johnson's car jumped the curb and crashed into a fence. Johnson himself sustained five gunshot wounds. One of these wounds was to the head, which severely damaged the left side of Johnson's skull and required four craniotomy surgeries to repair. He was also shot in his left arm, left hand, left leg, and chest.

[3] The police received a ShotSpotter Alert,² and Officer Mollie Anton of the South Bend Police Department ("SBPD") responded to the scene shortly after 3:00 a.m. She found Johnson bleeding heavily in his car. Officer Anton thought Johnson was dead until she found a pulse. She then applied gauze and put

¹ Ind. Code § 35-42-1-1 (murder); Ind. Code § 35-41-5-1 (attempt).

² Officer Mollie Anton described this alert system as a program meant to detect gunfire in a particular area. When one of the antennas detects gunfire, "it indicates that a shot was fired in the area, in the vicinity, and is able to give us a general location of where that shot was fired to help get officers to the spot we need them." (Tr. Vol. II at 32.)

pressure on the wounds until an ambulance arrived. Once the ambulance arrived, Officer Anton secured the scene.

- [4] Officer Stephanie Northcutt and Officer Ronald Kaszas, two crime scene technicians with the SBPD, also responded to the scene. Officer Northcutt collected five shell casings from a 9-millimeter handgun and twelve casings from a .22 caliber handgun. Officer Kaszas photographed and collected evidence from Johnson's car. He determined several bullets impacted the vehicle along the driver's side and rear of the car. Officer Kaszas did not find any defects in the vehicle that would have resulted from someone shooting from inside the vehicle outward.
- [5] The police were still investigating Johnson's shooting in September 2020 when officers arrested Bonner on an unrelated charge. In the course of that arrest, officers discovered a 9-millimeter Smith & Wesson semi-automatic handgun in Bonner's pocket. The SBPD Crime Laboratory performed ballistic tests on the gun and the 9-millimeter shell casings Officer Northcutt found at the scene of the July 26, 2020, shooting. The crime lab determined the shell casings were fired from the gun found on Bonner. The crime lab also found all the .22 caliber shell casings were fired from the same gun.
- [6] On September 18, 2020, several law enforcement officers, including Detective John Comeau of the SBPD, interrogated Bonner. During the hours-long interrogation, Bonner gave inconsistent statements about when he acquired the gun, whether he ever shot the gun, and whether he ever lent his gun to other

people. However, Bonner eventually admitted shooting at Johnson's vehicle. Bonner explained he was with an individual named "C.J." from Chicago that night, and Bonner shot at Johnson after he heard shots fired because he thought someone was shooting at him. (State's Ex. 85.) Bonner stated that, at the time of the shooting, C.J. had Bonner's 9-millimeter handgun, and Bonner had C.J.'s .22-caliber handgun.

- [7] On September 21, 2020, the State charged Bonner with Level 1 felony attempted murder, Level 5 felony battery by means of a deadly weapon,³ and Level 6 felony criminal recklessness.⁴ The trial court held a three-day jury trial beginning on February 28, 2022. The jury returned a verdict of guilty on all counts, and the trial court entered judgment of conviction on only the attempted murder charge to avoid any double jeopardy violation. On May 4, 2022, the trial court sentenced Bonner to a thirty-seven-year term in the Indiana Department of Correction.

Discussion and Decision

- [8] Bonner argues the State presented insufficient evidence that he intended to kill Johnson, and while Bonner admits firing a pistol, he contends he did so because

³ Ind. Code § 35-42-2-1(g).

⁴ Ind. Code § 35-42-2-2(b)(1).

he believed someone was shooting at him. Our standard of review for claims challenging the sufficiency of the evidence is well-settled:

Sufficiency-of-the-evidence claims . . . warrant a deferential standard, in which we neither reweigh the evidence nor judge witness credibility. Rather we consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence. We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt.

Powell v. State, 151 N.E.3d 256, 262-63 (Ind. 2020) (internal citations omitted). Moreover, we adhere to this same standard of review when a defendant argues the State presented insufficient evidence to rebut his claim of self-defense. *Ervin v. State*, 114 N.E.3d 888, 895 (Ind. Ct. App. 2018), *trans. denied*.

[9] Bonner notes there is no evidence he and Johnson knew each other before the shooting and argues he did not possess the necessary intent to kill. “To establish attempted murder, the State must prove beyond a reasonable doubt that (1) the defendant acted with the specific intent to kill; and (2) the defendant engaged in conduct constituting a substantial step toward commission of the crime.” *Osborne v. State*, 754 N.E.2d 916, 924 (Ind. 2001). “Intent to kill may be inferred from the deliberate use of a deadly weapon in a manner likely to cause death or serious injury.” *Tharpe v. State*, 955 N.E.2d 836, 844 (Ind. Ct. App. 2011), *trans. denied*. Here, Bonner repeatedly shot at the driver’s side of Johnson’s vehicle while Johnson was driving. It is axiomatic that shooting a gun at a vehicle is likely to cause death or serious injury to the vehicle’s

occupants, and thus, the State presented sufficient evidence Bonner possessed the requisite intent. *See id.* (“Discharging a weapon in the direction of a victim is substantial evidence from which a jury may infer intent to kill.”).

- [10] Bonner also points out that when officers interrogated him, he explained he was only returning fire when he shot at Johnson. Indiana Code section 35-41-3-2(c) states:

A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony.

- [11] “To prevail on a claim of self defense, the defendant must present evidence that he: (1) was in a place he had a right to be; (2) did not provoke, instigate, or participate willingly in the violence; and (3) had a reasonable fear of death or great bodily harm.” *Bryant v. State*, 984 N.E.2d 240, 250 (Ind. Ct. App. 2013), *trans. denied*. “Once a defendant raises a claim of self-defense, the State has the burden of negating at least one of the necessary elements.” *Quinn v. State*, 126 N.E.3d 924, 927 (Ind. Ct. App. 2019).

[12] The State presented evidence that contradicted Bonner’s claim that he merely returned fire. The police found no gun in Johnson’s vehicle. Officer Kaszas did not find any defects in Johnson’s vehicle that would have resulted from someone shooting from inside the vehicle outward, and Detective Comeau testified there was no evidence discovered during the investigation of gunfire coming from Johnson’s vehicle. This evidence rebuts Bonner’s claim that he had a reasonable fear of death or great bodily harm when he shot at Johnson. To the extent Bonner asks us to credit the statements he made during his interrogation, such a request is merely an invitation to reweigh the evidence, which we cannot do. *See Hobson v. State*, 795 N.E.2d 1118, 1122 (Ind. Ct. App. 2003) (holding State presented sufficient evidence to rebut defendant’s claim of self-defense and noting the defendant’s arguments “amount to an invitation that we reweigh the evidence and the credibility of witnesses, which we cannot do”), *trans. denied*.

Conclusion

[13] The State presented sufficient evidence to sustain Bonner’s conviction of attempted murder. Bonner admitted shooting at Johnson, and the State contradicted Bonner’s claim that he was merely returning fire by presenting evidence Johnson did not fire any shots from his vehicle. We accordingly affirm the trial court.

[14] Affirmed.

Crone, J., and Weissmann, J., concur.