MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Armon D. Edwards,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

January 16, 2024

Court of Appeals Case No.
23A-CR-536

Appeal from the
Delaware Circuit Court

The Honorable
Thomas A. Cannon, Jr., Judge

Trial Court Cause No.
18C05-1810-MR-3

Memorandum Decision by Senior Judge Robb
Judges Pyle and Foley concur.

Robb, Senior Judge.

Statement of the Case

[1] Armon D. Edwards ambushed Jordan Rowe at a gas station and fatally shot him after telling him to surrender his gun. Edwards appeals his convictions of felony murder and Level 6 felony criminal recklessness, challenging the admissibility of his statements to police officers and the sufficiency of the evidence. Concluding Edwards has not shown reversible error, we affirm.

Issues

[2] Edwards raises three issues, which we restate as:

I. Whether the trial court erred in admitting into evidence Edwards' statements to the police.

II. Whether the State presented sufficient evidence to rebut Edwards' claim of self-defense.

III. Whether the State presented sufficient evidence to support Edwards' conviction of felony murder.

Facts and Procedural History

[3] Edwards and Rowe had a history of conflicts in the months preceding Rowe's death. Edwards lived with his grandmother, and he believed Rowe and others had fired shots at her house. Edwards acquired a firearm.

[4] On October 7, 2018, at 3 a.m., Tanisha Watkins and Edwards left a Muncie bar at closing time. Watkins drove Edwards to a nearby convenience store and gas station, where she parked on the side of the store. The store was open, and

several people, including Rowe, had gathered between the front door and the gas pumps.

[5] Watkins and Edwards left her vehicle and separated. Edwards walked up to Rowe with the hood of his jacket pulled up. While Rowe was looking in the opposite direction, Edwards pulled out a handgun and grabbed Rowe by his shirt. He pointed his gun at Rowe's head as they struggled. Edwards shoved Rowe onto the hood of a car and hit him with the handgun. Rowe drew a handgun and shot Edwards in the right side of his torso, under his arm. Next, Edwards knocked Rowe to the ground near the gas pumps and repeatedly shot him at close range. An autopsy later revealed Rowe had been shot six times and died from his gunshot wounds.

[6] Edwards ran back to Watkins' vehicle, holding his hood over his head as he ran, and got behind the wheel. Watkins entered the vehicle, and Edwards drove away. He drove to his grandmother's house, rejecting Watkins' suggestions that he immediately go to the hospital. Watkins heard Edwards tell his family, "he just shot somebody – he think [sic] he killed 'em and that – yeah. And he had got [sic] shot too." Tr. Vol. 2, p. 244. Edwards changed clothes and had a friend drive him to a hospital.

[7] In the meantime, Detective Brent Brown of the Muncie Police Department was the primary investigator for Rowe's death. He learned that Edwards, who had been identified as a suspect, had arrived at a hospital with a gunshot wound. A

police evidence technician visited Edwards at the hospital later on Oct. 7 to collect a DNA sample, and Edwards said he would speak with a detective.

[8] On October 8, the hospital discharged Edwards at around 3 p.m. Officer Ryan McCorkle met Edwards in his hospital room to take him to Detective Brown. Officer McCorkle was wearing a body camera, which recorded audio and video of his conversation with Edwards. The officer did not ask Edwards any questions about the October 7 shooting. To the contrary, as they conversed, Officer McCorkle told Edwards he could not ask him any questions about the incident. But Edwards described his history of disputes with Rowe. Edwards further said he saw Rowe first at the gas station and approached him, grabbing him "aggressively." Tr. Vol. 6, State's Ex. 85, at 4:13. Edwards told the officer, "I knew I had to get him before he got me." *Id*. at 2:56. He admitted Rowe "didn't see [him] coming." *Id*. at 8:30. Edwards described hitting Rowe in the head with his own gun at the outset of the struggle and ordering Rowe to turn over his gun. He then claimed Rowe shot him, causing him to shoot Rowe "once." *Id*. at 5:11.

[9] At the police station, Detective Brown advised Edwards of his *Miranda* rights, and Edwards signed a *Miranda* waiver form. During a recorded interview with Detective Brown, Edwards admitted he was armed with a forty-caliber handgun on the night of the shooting. He again described his history of disputes with Rowe. Edwards also said he saw Rowe first and he approached him with a handgun, intending to confront him. Edwards explained he had intended to take Rowe's gun, and he grabbed Rowe first. Finally, Edwards admitted he hit

Rowe on the head, knocking him to the ground, before shooting him. Edwards told the detective, "I was wrong for approaching him with that firearm . . . ." Tr. Vol. 6, Ex. 75, at 19:50.

[10] Officers searched Edwards' home, Watkins' vehicle, and the vehicle in which Edwards' friend transported him to the hospital, but they never found the handgun Edwards used or the clothes Edwards wore during the shooting.

[11] The State charged Edwards with Level 2 felony voluntary manslaughter; murder, a felony; felony murder; Level 3 felony attempted armed robbery; and Level 6 felony criminal recklessness. Edwards raised a claim of self-defense. The jury determined Edwards was not guilty of murder but was guilty of all other charges. The trial court ruled the manslaughter and attempted armed robbery convictions merged into the felony murder conviction. For his felony murder and criminal recklessness convictions, the trial court sentenced Edwards to an aggregate term of fifty years. This appeal followed.

Discussion and Decision

I. Admission of Edwards' Statements to Police

[12] Edwards claims the trial court erred in allowing the jury to see the recordings of his discussions with Officer McCorkle at the hospital and with Detective Brown

at the police station.[1] "The admissibility of evidence is within the sound discretion of the trial court." *Crocker v. State*, 989 N.E.2d 812, 818 (Ind. Ct. App. 2013), *trans. denied*. "An abuse of discretion may occur if the trial court's decision is clearly against the logic and effect of the facts and circumstances before the court, or if the court has misinterpreted the law." *Id*. We do not reweigh the evidence, and we consider the evidence most favorable to the trial court's ruling. *Id*.

[13] Edwards argues his statements to Officer McCorkle were inadmissible because the officer did not provide *Miranda* advisements before speaking with him. When police officers take a person into custody, the person must be advised of the right to remain silent and the right to the presence of an attorney before being subjected to interrogation. *See Loving v. State*, 647 N.E.2d 1123, 1125 (Ind. 1995) (discussing *Miranda* advisements). The person must also be warned that any statement they make may later be used as evidence against them. *Id*. But "[a]n officer is only required to give *Miranda* warnings when a defendant is both (1) in custody and (2) subject to interrogation." *Scanland v. State*, 139 N.E.3d 237, 242 (Ind. Ct. App. 2019).

[14] The State does not dispute Edwards was in custody when Officer McCorkle met him at the hospital. But the State claims Officer McCorkle did not

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[1] The State argues Edwards waived appellate review of the admissibility of his conversation with Officer McCorkle by failing to contemporaneously object. We disagree. The trial court stated it admitted the recording "over the objection of the defense." Tr. Vol. 3, p. 29.

interrogate Edwards and did not need to advise Edwards of his rights. We agree. "Under *Miranda,* 'interrogation' refers to 'either express questioning or its functional equivalent.'" *Hartman v. State*, 988 N.E.2d 785, 788 (Ind. 2013) (quoting Rhode Island v. Innis, 446 U.S. 291, 300-01, 100 S. Ct. 1682, 1689, 64 L. Ed. 2d 297 (1980)). "The Court has defined the functional equivalent of express questioning as 'any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect.'" *Id*. (quoting *Innis*, 446 U.S. at 301, 100 S. Ct. at 1689-90, 64 L. Ed. 2d 297).

[15] In Edwards' case, McCorkle met him at his hospital room. McCorkle told Edwards he could not ask any questions about the incident and said Edwards should speak with the detective about the case. But Edwards voluntarily explained his history of disputes with Rowe and described his assault on Rowe at the gas station, including the fatal shooting. Officer McCorkle did not put handcuffs on Edwards until after he had finished talking about the incident and they were leaving the hospital room. Nothing about Officer McCorkle's statements or conduct amounted to the functional equivalent of interrogation. *See Scanland*, 139 N.E.3d at 244 (trial court did not err in admitting Scanland's incriminating statements to an officer; Scanland was in custody, but his statements were volunteered, with no prompting from the officer, and did not stem from interrogation).

[16] Next, Edwards argues his statements to both Officer McCorkle and Detective Brown are inadmissible because he was injured and under the effects of medication at the time, and he could not legitimately consent to speak with them. "The State bears the burden of proving beyond a reasonable doubt that the defendant voluntarily and intelligently waived his rights, and that the defendant's confession was voluntarily given." *Schmitt v. State*, 730 N.E.2d 147, 148 (Ind. 2000). On appeal, we consider "the totality of the circumstances" surrounding the defendant's statement, including the defendant's physical condition and mental health. *Miller v. State*, 770 N.E.2d 763, 767 (Ind. 2002).

[17] A doctor gave Edwards morphine for pain on October 7 and then early in the morning on October 8. But when Edwards was discharged at around 3 p.m. on October 8, the doctors directed him to take only acetaminophen and ibuprofen for pain. Officer McCorkle noted Edwards was "somewhat emotional but seemed pretty clear-headed as to what he was saying and was able to give details and dates." Tr. Vol. 3, p. 36. Edwards walked through the hospital with Officer McCorkle and out to the police car, unassisted. And at the police station, Detective Brown did not see any signs that Edwards was impaired or under the influence of anything. To the contrary, according to Detective Brown, Edwards appeared oriented to time and place, with coherent thought processes.

[18] Edwards points to his own testimony that he was given morphine and hydrocodone just before he was released from the hospital. This argument amounts to a request to reweigh the evidence, which our standard of review

forbids. *See Kahlenbeck v. State*, 719 N.E.2d 1213, 1217 (Ind. 1999) (no error in admitting Kahlenbeck's statement to police; testimony by police officer showed any intoxication on Kahlenbeck's part did not rise to the level of impairing his ability to understand the circumstances). In sum, the trial court did not abuse its discretion in admitting Edwards' statements to Officer McCorkle or Detective Brown.

II. Sufficiency of the Evidence – Self-Defense

[19] Edwards argues the State failed to disprove his claim of self-defense, stating the evidence showed he was "in fear or apprehension of death or great bodily injury" when he fatally shot Rowe. Appellant's Br. p. 13. As a result, he claims his convictions must be reversed.

[20] "A valid claim of defense of oneself or another person is legal justification for an otherwise criminal act." *Wilson v. State*, 770 N.E.2d 799, 800 (Ind. 2002). "When a defendant asserts self-defense, the burden shifts to the State to disprove one of the elements of self-defense beyond a reasonable doubt." *Mickens* v. State, 742 N.E.2d 927, 930 (Ind. 2001). "The standard for reviewing a challenge to the sufficiency of evidence to rebut a claim of self-defense is the same standard used for any claim of insufficient evidence." *Quinn v. State*, 126 N.E.3d 924, 927 (Ind. Ct. App. 2019). "We neither reweigh the evidence nor judge the credibility of witnesses." *Id*. "We will reverse a conviction only if no reasonable person could say that the State negated the defendant's self-defense claim beyond a reasonable doubt." *Id*.

[21] The Indiana General Assembly has provided:

> 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.

Ind. Code § 35-41-3-2(c) (2019).

[22] The General Assembly has further provided:

> [A] person is not justified in using force if . . . the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

Ind. Code § 35-41-3-2(g). In addition, the defendant must prove he or she: had a right to be at the place, acted without fault, and reasonably feared or apprehended death or great bodily harm. *Larkin v. State*, 173 N.E.3d 662, 670 (Ind. 2021) (quotation omitted).

[23] In Edwards' case, the State presented sufficient evidence to rebut his claim of self-defense beyond a reasonable doubt. By his own admission, Edwards approached Rowe at the store while armed and grabbed him by the shirt, catching him by surprise. Edwards could have avoided interacting with Rowe,

but he instead chose to ambush him. Under these circumstances, Edwards had no reason to believe Rowe was about to use unlawful force against him. In addition, Edwards was the aggressor and provoked the struggle. *See Quinn*, 126 N.E.3d at 927 (State's evidence sufficient to disprove Quinn's claim of self-defense; Quinn instigated the violence by approaching the victim's house with a gun drawn).

[24] In addition, Edwards' actions after the shooting contradict self-defense. He fled from the scene with his hood pulled up over his head, rather than waiting for the police. And Edwards changed clothes before going to the hospital. Further, Edwards never turned over his gun or clothes to the police. Finally, Edwards later admitted he was wrong for "approaching [Rowe] with that firearm . . . ." Tr. Vol. 6, Ex. 75, at 19:50. He argues he was afraid of Rowe due to their ongoing dispute, but his fear could not justify his aggression on October 7. We find no reversible error.

III. Sufficiency of the Evidence – Felony Murder

[25] Edwards asks us to reverse his felony murder conviction, claiming the State failed to prove he was committing a felony when he killed Rowe. When an appellant challenges the sufficiency of the evidence to support a conviction, "we neither reweigh the evidence nor judge witness credibility." *Powell v. State*, 151 N.E.3d 256, 262 (Ind. 2020). "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." *Id*. at 263.

[26] To obtain a conviction of felony murder as charged here, the State was required to prove beyond a reasonable doubt that Edwards (1) killed (2) Rowe (3) while committing or attempting to commit (4) armed robbery. Ind. Code § 35-42-1-1(2) (2018); *see* Appellant's App. Vol. 2, p. 6 (charging information). And the elements of armed robbery are (1) knowingly or intentionally (2) taking property from another person or from the presence of another person (3) by using or threatening the use of force on any person, or by putting any person in fear (4) while armed with a deadly weapon. Ind. Code § 35-42-5-1 (2017).

[27] Here, Edwards admitted to Officer McCorkle and Detective Brown that he wanted to seize Rowe's gun and ordered Rowe to surrender it. This evidence is sufficient to show beyond a reasonable doubt that Edwards intended to take Rowe's property. Edwards argues he merely intended to "defuse the situation" by taking Rowe's gun so that they could talk. Appellant's Br. p. 14. The jury was not required to accept Edwards' justification for attempting to take Rowe's gun. In any event, even a brief seizure of Rowe's property would have sufficed to complete the robbery, regardless of Rowe's justification. *See Lacy v. State*, 176 Ind. App. 428, 429-30, 375 N.E.2d 1133, 1134 (1978) (affirming conviction of robbery; Lacy completed offense of robbery by taking money from victim, even though he gave the money back after briefly handling it).

[28] Edwards further argues he could not have had the required mental state to commit attempted robbery because the jury found him guilty of voluntary manslaughter rather than murder, and he was thus "acting under sudden heat" when he accosted and shot Rowe. Appellant's Br. p. 15. He argues, in effect,

that the jury's verdicts are inconsistent. But the Indiana Supreme Court has held, "Jury verdicts in criminal cases are not subject to appellate review on grounds they are inconsistent, contradictory, or irreconcilable." *Beattie v. State*, 924 N.E.2d 643, 649 (Ind. 2010). We decline Edwards' request to examine the jury's possible reasons for its verdicts. There is sufficient evidence to sustain Edwards' conviction of felony murder.

Conclusion

[29] For the reasons stated above, we affirm the judgment of the trial court.

[30] Affirmed.

Pyle, J., and Foley, J., concur.