

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Stephen C. Stidam,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

June 26, 2023

Court of Appeals Case No.
22A-CR-2930

Appeal from the Jackson Circuit
Court

The Honorable Richard W.
Poynter, Judge

Trial Court Cause No.
36C01-2105-F4-13

Memorandum Decision by Judge Brown
Judge Crone and Senior Judge Robb concur.

Brown, Judge.

[1] Stephen C. Stidam appeals his conviction for possession of a firearm as a serious violent felon as a level 4 felony. We affirm.

Facts and Procedural History

[2] On April 24, 2021, police searched for Stidam to serve an arrest warrant. After seeing Stidam's vehicle exit the driveway of an apartment complex, Jackson County Sheriff's Department Detective Clint Burcham followed his car in a fully marked Sheriff's vehicle, Stidam reached a stop sign and accelerated away at a high rate of speed, a pursuit ensued, Detective Burcham activated his lights and sirens, temporarily lost sight of him after Stidam crested a hill, and Stidam's car crashed in a field. Officers approached Stidam's vehicle and apprehended him. A few days later, law enforcement received a call from a citizen who reported that he had discovered a firearm holster on the side of the road that Stidam's car had taken during the pursuit. On April 28, 2021, officers searched near a hill in the area where the holster had been found and located a firearm approximately seven feet north of the roadway and fifty feet away from where the holster had been discovered.

[3] On May 14, 2021, the State of Indiana charged Stidam with: Count I, unlawful possession of a firearm by a serious violent felon as a level 4 felony; Count II, resisting law enforcement as a level 6 felony; and Count III, driving while suspended as a class A misdemeanor.

[4] On June 7, 2022, the court held a jury trial. Stidam admitted he had a prior felony conviction and stipulated that a recovered handgun was sent to a State

Police Crime Lab for fingerprint and DNA testing and contained no identifiable fingerprints or DNA.

[5] Jackson County Sheriff's Department Crime Scene Investigator Robert Lucas testified that he examined the recovered firearm, it was "definitely damaged," the damage was consistent with "throwing it hard" or "pushing it out of a vehicle," the damage would not be caused by simply dropping the firearm, and the damage indicated the firearm had been "[s]liding or tumbling," on "[c]oncrete or blacktop, an abrasive surface." Transcript Volume III at 92, 94.

[6] Detective Burcham testified that police collected Stidam's DNA on May 14, 2021, and during the process Stidam was "rambling" and stated, "I don't have firearms," to which Detective Burcham responded, "[w]ell one was found." *Id.* at 51. Stidam mentioned the name "Charlie Potter" and that a gun had been lost by him "about a week before," and Detective Burcham stated that records later revealed the recovered firearm was registered to Charlie Potter. State's Exhibit 25. Detective Burcham testified that a connection between Stidam and Potter was made due to phone calls Stidam placed while incarcerated, in which he referred to Potter's wife, Michelle Potter, as "Mom." Transcript Volume III at 145.

[7] The court admitted recordings of multiple video calls Stidam made from jail, and the following conversation occurred on April 28, 2021:

Susan Oswald: And it was on your dash.

Stidam: Okay. You know where Brandy lives? All right. Go back, listen, go back . . . take a left, the very first left, up the hill, on the right side of the hill. . . . You gotta hurry up and get there though. Like now.

State's Exhibit 58A. Detective Burcham stated that the other woman referenced in the video call previously resided near to where the chase occurred, and the directions given by Stidam would take one from that woman's residence to the location of the recovered firearm. He testified that Stidam appeared to be "trying to give directions to where to find" the firearm, and he "seem[ed] to be kind of urgent and want[ed] her to hurry." Transcript Volume III at 144.

[8] In another recording, Stidam stated about an unknown third party: "He said, 'somehow it disappeared.' I said, 'listen, b----. That's my Mom's s---. Get it to her right now. He said, 'bro, I have to find it. . . .' I had to put it out the window." State's Exhibit 58B. Detective Burcham testified he believed Stidam was referring to the recovered firearm. In a subsequent video call with Susan Oswald, Stidam stated that he "had to" resist arrest, and when asked if he in fact needed to resist arrest, he put up one hand with the thumb pointed up, the index and second finger extended, and the ring and fourth finger partially curled, and stated, "[y]eah, I had to." State's Exhibit 58C. Detective Burcham testified that Stidam was forming "a sign like a handgun." Transcript Volume III at 147.

[9] In a different video call, Stidam stated the police found a gun belonging to Charlie Potter, he had previously fired the firearm, Michelle Potter had lost the firearm on the side of the road, and he “tell[s] you guys how to find everything,” “if I tell you guys that, I’m orchestrating you guys on how to do everything,” and “I just can’t flat out tell you how to do everything, this is the law we’re talking about.” State’s Exhibit 58F.

[10] In another video call, he stated that a firearm had been stolen from his mother, he had seen a woman “throw it out” of the window of a car, and he had been following the people who had stolen the firearm and “had been trying to get back to it before [he] was arrested.” State’s Exhibit 58H. Detective Burcham testified that, in an audio call, Stidam appeared to try to convince an acquaintance “to get someone to lie” that they “went out there and put that gun out there.” Transcript Volume III at 154. Detective Burcham agreed that he believed that certain acquaintances of Stidam were “potentially conspiring to help . . . get rid of evidence or create a story for Calvin Stidam.” *Id.* at 176. The jury found Stidam guilty on all counts.

Discussion

[11] Stidam appeals his conviction for possession of a firearm by a serious violent felon and claims the evidence is insufficient to support his conviction. When reviewing claims of insufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. *Jordan v. State*, 656 N.E.2d 816, 817 (Ind. 1995), *reh’g denied*. We look to the evidence and the reasonable inferences therefrom that support the verdict. *Id.* The conviction will be

affirmed if there exists evidence of probative value from which a reasonable jury could find the defendant guilty beyond a reasonable doubt. *Id.* It is well established that “circumstantial evidence will be deemed sufficient if inferences may reasonably be drawn that enable the trier of fact to find the defendant guilty beyond a reasonable doubt.” *Pratt v. State*, 744 N.E.2d 434, 437 (Ind. 2001).

[12] Ind. Code § 35-47-4-5 provided at the time of the offense that a person who is a serious violent felon and who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon as a level 4 felony.¹

[13] The record reveals that, while having his DNA collected, Stidam volunteered that he did not possess firearms, Detective Burcham revealed they had discovered a firearm, Stidam mentioned Charlie Potter and asserted Potter had lost a firearm in that area, and the firearm located near the road had been previously purchased by Charlie Potter. Crime Scene Investigator Lucas testified the damage to the gun was consistent with being thrown from a car and sliding across an abrasive surface. In recorded calls made from the jail, Stidam appeared to refer to Charlie Potter’s wife, Michelle, as “Mom.” Transcript Volume III at 145. Across multiple calls, Stidam discussed contradictory explanations for how the firearm ended up on the side of the road. On April

¹ Subsequently amended by Pub. L. No. 28-2023, § 15 (eff. July 1, 2023).

28, 2021, Stidam gave directions to an acquaintance to the firearm's location and indicated visiting the area was urgent, and that same day, the firearm was discovered by law enforcement. In other calls, Stidam appeared to signal with his hand in the shape of a firearm, mentioned that he had shot the recovered firearm before, referred to throwing an item out a window, and appeared to be attempting to convince another person to state that someone else had placed the firearm on the side of the road.

[14] Based upon the record, we conclude the State presented evidence of a probative value from which a trier of fact could have found Stidam guilty beyond a reasonable doubt of knowingly or intentionally possessing a firearm.

[15] For the foregoing reasons, we affirm Stidam's conviction.

[16] Affirmed.

Crone, J., and Robb, Sr.J., concur.