

## 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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Terrance Lee Warren, Jr.,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

September 30, 2022

Court of Appeals Case No.  
22A-CR-215

Appeal from the Marion Superior  
Court

The Honorable Shatrese M.  
Flowers, Judge

Trial Court Cause No.  
49D28-1905-MR-20963

**Brown, Judge.**

- [1] Terrance Lee Warren, Jr., appeals his convictions for carrying a handgun without a license as a class A misdemeanor and two counts of murder and asserts that the evidence was insufficient to sustain his convictions. We affirm.

### ***Facts and Procedural History***

- [2] In the early morning hours of May 11, 2019, law enforcement officers were dispatched to Club Venus in Indianapolis on the report that two individuals had been shot. Law enforcement arrived at the scene and observed people scattering, one person lying on a sidewalk, and another person lying on the west end of the parking lot. Charles Reeves died as a result of two gunshot wounds to the head and chest, and William Walker died as a result of two gunshot wounds. Law enforcement obtained surveillance video from inside and outside of the club.
- [3] On May 23, 2019, Indianapolis Metropolitan Police Detective Chris Edwards interviewed Warren. Warren admitted that he was at Club Venus that day, acknowledged that he was seen in a photograph taken from the surveillance video of the interior of the club and was wearing shorts, and denied shooting anyone or owning a gun. He stated that he went to the strip club, had a couple of drinks, threw some money, and left.
- [4] On May 29, 2019, the State charged Warren with Count I, murder; Count II, murder; and Count III, carrying a handgun without a license as a class A

misdemeanor.<sup>1</sup> In November 2021, the court held a jury trial. The State presented the testimony of multiple witnesses including Indianapolis Metropolitan Police Officer Christopher Hester, crime scene specialist Kaylee Schellhaass, Stephanie Nolan, the manager of Club Venus in May 2019, Dr. Christopher Poulos, the chief forensic pathologist at the Marion County Coroner's Office, Detective Edwards, and forensic scientist Michael Putzek.

- [5] Nolan testified that she recognized a person wearing black pants and a black shirt with a stripe on the side of the shirt she knew as “Man-Man” in a photograph admitted as State’s Exhibit 93, which was taken from the surveillance video from inside the club. Transcript Volume II at 241. She also identified Man-Man in a photo array and indicated that he was a regular and “came in a couple of times a week briefly.” *Id.* at 244. She testified that Man-Man had been at the club that night for a few hours. After being refreshed by reading her prior statement to police, she testified that she saw him in the club at “[o]ne o’clock” and he and a few friends were “just having a couple of drinks and throwing money.” *Id.* at 246. On cross-examination, when asked if she saw the person she knew as Man-Man in the club when she was telling everybody to exit the club because she heard the shots outside, she answered affirmatively. On redirect examination, the prosecutor asked Nolan if it was fair to say a lot was going on when she heard the shots, she answered: “Oh

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<sup>1</sup> Count I related to the murder of Walker, and Count II related to the murder of Reeves. The State also filed an enhancement of Count III to a level 5 felony, but the enhancement was later dismissed.

yeah, oh yes.” *Id.* at 247. She also testified that there were 100 or 120 people in the bar that night and that it was chaotic when the shots were fired.

- [6] Detective Edwards testified that the person identified by Nolan as Man-Man was Warren. He testified that Warren identified himself in the photograph marked as State’s Exhibit 93.
  
- [7] Schellhaass, the crime scene specialist, testified regarding the fired cartridge cases found at the scene. Putzek, the forensic scientist, testified that “there was one firearm that fired the cartridge cases 40 S&W,” the “fired bullets were 40 caliber or parts of jackets from 40 caliber class bullets,” and “[t]hose were identified as having been fired from the same firearm.” Transcript Volume III at 84-85.
  
- [8] The State published a redacted version of Detective Edwards’s interview of Warren. It also published surveillance video of the interior and exterior of Club Venus as State’s Exhibit 69A. The video contains a view of the interior in which an individual is wearing dark shorts with red stripes down the sides, a dark short-sleeved shirt with lettering on the back and red stripes down the sleeves, and white and black shoes. It shows a gathering of individuals in the parking lot. At one point in the video, an individual in dark shorts with red stripes, a dark shirt with lettering on the back and red stripes down the sides, and black and white shoes, approaches the group. The video shows, sometime later, a group of individuals at the far end of the parking lot begin running. An

individual in dark shorts with red stripes and white and black shoes can be seen extending his arm and multiple flashes of light come from his extended arm.

- [9] The jury found Warren guilty as charged. The court sentenced Warren to fifty-five years for Counts I and II and one year for Count III. The court ordered that the sentences for Counts I and II be served consecutive to each other and concurrent with Count III.

### *Discussion*

- [10] Warren argues that the State failed to present any evidence that the person in the video was him “other than [him] being at the scene and possessing a similar appearance to the shooter.” Appellant’s Brief at 10. He also argues that Nolan testified that she saw him inside the club at the time of the shooting. The State asserts that Warren does not contest that the person seen shooting on the video committed the murders and that Warren’s argument about the identity of the shooter is simply a request to reweigh the evidence.

- [11] 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*. Rather, we look to the evidence and the reasonable inferences therefrom that support the verdict. *Id.* We will affirm the conviction if there exists evidence of probative value from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. *Id.* “Elements of offenses and identity may be established entirely by circumstantial evidence and logical inferences drawn therefrom.” *Bustamante v. State*, 557

N.E.2d 1313, 1317 (Ind. 1990). On appellate review of circumstantial evidence of guilt, this Court need not determine whether the circumstantial evidence is adequate to overcome every reasonable hypothesis of innocence, but rather whether inferences may be reasonably drawn from that evidence which support the verdict beyond a reasonable doubt. *Id.* at 1318. “Indiana appellate courts reviewing the sufficiency of evidence must apply the same deferential standard of review to video evidence as to other evidence, unless the video evidence indisputably contradicts the trial court’s findings.” *Love v. State*, 73 N.E.3d 693, 695 (Ind. 2017). “A video indisputably contradicts the trial court’s findings when no reasonable person can view the video and come to a different conclusion.” *Id.* “When determining whether the video evidence is undisputable, a court should assess the video quality including whether the video is grainy or otherwise obscured, the lighting, the angle, the audio and whether the video is a complete depiction of the events at issue, among other things.” *Id.* at 699. In cases where the video evidence is somehow not clear or complete or is subject to different interpretations, we defer to the fact finder’s interpretation. *Id.* at 699-700.

[12] Ind. Code § 35-42-1-1 provides that “[a] person who . . . knowingly or intentionally kills another human being . . . commits murder, a felony.” At the time of the offense, Ind. Code § 35-47-2-1 provided that “a person shall not carry a handgun in any vehicle or on or about the person’s body without being

licensed under this chapter to carry a handgun” and “[a] person who knowingly or intentionally violates this section commits a Class A misdemeanor.”<sup>2</sup>

[13] The record reveals that, during his interview with Detective Edwards, Warren admitted that he was at Club Venus on the day of the shooting and acknowledged that he was seen in a photograph taken from the surveillance video of the interior of the club. Nolan identified a person that she knew as “Man-Man” in a photograph admitted as State’s Exhibit 93, which was taken from the surveillance video from inside the club. Transcript Volume II at 241. Detective Edwards testified that the person identified by Nolan as Man-Man was Warren. While Nolan answered affirmatively when asked if she saw the person she knew as Man-Man in the club when she was telling everybody to exit the club because she heard the shots outside, she also indicated that it was fair to say “a lot was going on when she heard the shots,” there were 100 or 120 people in the bar that night, and it was chaotic when the shots were fired. *Id.* at 247.

[14] The State published State’s Exhibit 69A which contains surveillance video recordings of the interior and exterior of the club. It contains a recording of the interior which shows an individual wearing dark shorts with red stripes down the sides, a dark short-sleeved shirt with lettering on the back and red stripes down the sleeves, and white and black shoes. It also contains a recording

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<sup>2</sup> Subsequently amended by Pub. L. No. 175-2022, § 8 (eff. July 1, 2022).

showing an individual outside the club in dark shorts with red stripes and white and black shoes extending his arm and multiple flashes of light coming from the extended arm. We note the shooting occurs at the far end of the parking lot from the location of the surveillance camera and the footage is somewhat grainy. The jury was able to compare the depiction of Warren in the photograph in State's Exhibit 93 and the depiction of the shooter in the video in State's Exhibit 69A.

[15] We conclude that the video evidence does not indisputably contradict the jury's finding and that the State presented evidence of probative value from which a reasonable jury could have determined beyond a reasonable doubt that Warren was guilty of carrying a handgun without a license as a class A misdemeanor and two counts of murder.

[16] For the foregoing reasons, we affirm Warren's convictions.

[17] Affirmed.

Altice, J., and Tavitas, J., concur.