

## MEMORANDUM DECISION

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# IN THE Court of Appeals of Indiana

Cy E. Alley,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*



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June 24, 2024

Court of Appeals Case No.  
23A-CR-2706

Appeal from the Delaware Circuit Court

The Honorable Judi L. Calhoun, Judge

The Honorable Marianne Vorhees, Senior Judge

Trial Court Cause No.  
18C01-2208-MR-10

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**Memorandum Decision by Judge Bailey**  
Chief Judge Altice and Judge Mathias concur.

**Bailey, Judge.**

## Case Summary

- [1] Cy Alley appeals his conviction for Murder, a felony.<sup>1</sup> Alley presents the sole issue of whether the trial court abused its discretion in admitting Alley's confession into evidence over Alley's objection that the confession was involuntary in light of his subsequent adjudication of incompetence to stand trial. We affirm.

## Facts and Procedural History

- [2] On August 22, 2022, Alley went to the home of his neighbor, Gary Copley, to confront Copley about Alley's suspicions that Copley was "hacking" Alley's phone and "causing stray voltage." (Tr. Vol. II, pgs. 233-34.) Alley claimed that he was acting at the behest of the United States military, who had contacted him by phone. After speaking with Copley for a few minutes, Alley left, but he returned twenty to forty-five minutes later with a shotgun.

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<sup>1</sup> Ind. Code § 35-42-1-1.

- [3] A third neighbor, Lindsey Honey, who was out for a walk with her infant, saw Copley and Alley in Copley’s driveway. She heard shots and took cover behind overgrown weeds. From her hiding place, Honey saw Alley walk around to the front of his truck and shoot Copley at close range. Alley fired a total of four shots, striking Copley in the chest, face, and back, ultimately killing him.
- [4] Alley fled the scene after retrieving three of his spent shotgun shells. Honey called 9-1-1 and officers were dispatched to the scene of the shooting and to the residence where Alley lived with his parents. Alley’s father advised the police that Alley was “possibly schizophrenic” and might be “out of it crazy.” (Tr. Vol. II, pg. 86.) A crisis negotiator spoke with Alley by cellphone and Alley agreed to surrender himself. After he was placed under arrest, Alley was given a *Miranda*<sup>2</sup> advisement. He signed a waiver of rights form and gave a statement to police, incriminating himself in the death of Copley, and stating that he intended that Copley die.
- [5] On August 24, 2022, the State charged Alley with Murder and alleged that a use-of-firearm enhancement was appropriate. Defense counsel successfully moved for competency and sanity evaluations; accordingly, a psychiatrist and a psychologist examined Alley. Dr. Craig Buckles and Dr. Bob Hatfield each opined that Alley was sane and could appreciate the wrongfulness of his conduct at the time of the crime; however, each of them also concluded that

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<sup>2</sup> See *Miranda v. Arizona*, 384 U.S. 436 (1966).

Alley was unable to adequately participate in his defense and needed competency restoration services. Dr. Buckles believed that Alley's thought processes included some delusional content, and that he did not understand the gravity of the charges against him. Dr. Hatfield opined that Alley exhibited some paranoia and that his possible delusional thinking could interfere with attorney-client communications. The trial court found Alley incompetent to stand trial and ordered his commitment to a facility to receive mental health services. After ninety days, the criminal proceedings resumed.

[6] Prior to trial, Alley filed a motion to suppress his confession. The trial court conducted a hearing, reviewed Alley's competency evaluations and police statement, and denied the motion to suppress. At trial, Alley's waiver of rights and confession was admitted over his objection that he did not "knowingly and intelligently waive his rights under the United States and Indiana Constitutions" due to "evidence concerning mental health." (*Id.* at 108.)

[7] Alley testified in his own defense. He acknowledged that he had told the police that he intended to kill Copley but repudiated his former statement in his trial testimony. Alley claimed that he had intended only to confront Copley but had been forced to act in self-defense.

[8] A jury rejected Alley's defenses of insanity and self-defense and found him guilty of Murder. The jury also found that he had used a firearm in the commission of the act. On October 16, 2023, the trial court sentenced Alley to

sixty years for Murder, enhanced by ten years for his use of a firearm. Alley now appeals.

## Discussion and Decision

[9] Alley contends that his statement to police was involuntary and thus the trial court abused its discretion in admitting the statement into evidence. He focuses upon the fact that he was found to be incompetent to stand trial prior to receiving mental health treatment to restore competency.

The Fifth Amendment's privilege against self-incrimination applies to the states through the Fourteenth Amendment. *Withrow v. Williams*, 507 U.S. 680, 689, 113 S. Ct. 1745, 123 L.Ed.2d 407 (1993). When a defendant challenges the voluntariness of a statement under the United States Constitution, the State must prove by a preponderance of the evidence that the statement was voluntarily given. *Pruitt v. State*, 834 N.E.2d 90, 114 (Ind. 2005). In addition, Article I, Section 14 of our Indiana Constitution provides that "[n]o person, in any criminal prosecution, shall be compelled to testify against himself." The Indiana Constitution requires the State to prove beyond a reasonable doubt that the defendant voluntarily waived his rights and that he voluntarily gave his statement. *Pruitt*, 834 N.E.2d at 114-15.

When reviewing a challenge to the trial court's decision to admit the defendant's statements or confession, we do not reweigh the evidence. *Moore v. State*, 143 N.E.3d 334, 340 (Ind. Ct. App. 2020). Rather, we examine the record for substantial probative evidence of voluntariness. *Id.* We examine the evidence most favorable to the State, together with the reasonable inferences that can be drawn therefrom. *Malloch v. State*, 980 N.E.2d 887, 901 (Ind. Ct. App. 2012), *trans. denied*. If there is substantial

evidence to support the trial court's conclusion, we will not set it aside. *Id.*

The voluntariness of a defendant's statement is determined by examining the totality of the circumstances. *Luckhart v. State*, 736 N.E.2d 227, 229 (Ind. 2000). Factors to be considered are “any element of police coercion; the length, location, and continuity of the interrogation; and the maturity, education, physical condition, and mental health of the defendant.” *Weisheit v. State*, 26 N.E.3d 3, 18 (Ind. 2015) (quoting *Wilkes v. State*, 917 N.E.2d 675, 680 (Ind. 2009)). “The critical inquiry is whether the defendant's statements were induced by violence, threats, promises or other improper influence.” *Ringo v. State*, 736 N.E.2d 1209, 1212-13 (Ind. 2000).

*Schneider v. State*, 155 N.E.3d 1268, 1278-79 (Ind. Ct. App. 2020), *trans. denied*.

[10] The entirety of Alley's argument of involuntariness is as follows:

It appears from the Court's order on the Motion to Suppress that the court focused on just the evidence presented in the hearing and not the totality of all the circumstances including the Court's ruling on the defendant's competency.

Here, under the Indiana Constitution, the fact that the Court found Mr. Alley to be incompetent to stand trial certainly creates reasonable doubt that he made a knowing, intelligent act in waiving his rights prior to the interview.

Appellant's Brief at 14.

[11] In sum, Alley's argument is that the adjudication of incompetence to stand trial precludes admission of his earlier confession. According to Dr. Buckles, Alley

was “possibly schizophrenic” but did not suffer from hallucinations. (Tr. Vol. III, pg. 13.) According to Dr. Hatfield, it was possible that Alley suffered from a schizoaffective disorder.

[12] In general, mental impairment “does not render a confession inadmissible in the absence of coercive police activity.” *Stephenson v. State*, 864 N.E.2d 1022, 1044 (Ind. 2007); *see also Rhodes v. State*, 698 N.E.2d 304, 308 (Ind. 1998) (recognizing that a defendant also must, in addition to his mental condition, “allege some misconduct on the part of the police.”). Here, there has been no suggestion of coercion on the part of the police, no “proof of threats, violence, promises, or use of improper influence.” *Pruitt*, 834 N.E.2d at 114. On the other hand, there was testimony that Alley was coherent and alert when he signed the waiver of rights form and provided a statement to police. Viewing the evidence most favorable to the State, Alley’s mental state did not undermine his ability to waive his rights and provide the police with a statement. The trial court did not err when determining that the State satisfied its burden to show voluntariness.

[13] Moreover, “[a] wrongful introduction of an involuntary confession is subject to a constitutional harmless error analysis.” *Coleman v. State*, 750 N.E.2d 370, 374 (Ind. 2001). Such error is harmless “if the conviction is supported by substantial independent evidence of guilt satisfying the reviewing court there is no substantial likelihood the challenged evidence contributed to the conviction.” *Turner v. State*, 953 N.E.2d 1039, 1059 (Ind. 2011). Here, the State presented substantial independent evidence of Alley’s guilt, including an

eyewitness together with DNA and ballistics evidence incriminating Alley in Copley's killing.

## Conclusion

[14] Alley has shown no abuse of the trial court's discretion in the admission of evidence.

[15] Affirmed.

Altice, C.J., and Mathias, J., concur.

### ATTORNEY FOR APPELLANT

Joseph P. Hunter  
Quirk and Hunter, P.C.  
Muncie, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Indiana Attorney General  
Robert M. Yoke  
Deputy Attorney General  
Indianapolis, Indiana