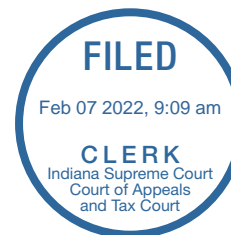


## MEMORANDUM DECISION

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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### ATTORNEY FOR APPELLANT

Anthony S. Churchward  
Anthony S. Churchward, P.C.  
Fort Wayne, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General of Indiana

Caroline G. Templeton  
Deputy Attorney General  
Indianapolis, Indiana

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## IN THE COURT OF APPEALS OF INDIANA

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Anshious B.D. Aron-Storey,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

February 7, 2022

Court of Appeals Case No.  
21A-CR-939

Appeal from the Allen Superior  
Court

The Honorable David M. Zent,  
Judge

Trial Court Cause No.  
02D06-2005-MR-15

**Najam, Judge.**

## Statement of the Case

- [1] Anshious B.D. Aron-Storey<sup>1</sup> appeals his conviction for murder, a felony, and an enhancement for the use of a firearm in the commission of a felony. Storey raises one issue for our review, namely, whether the State presented sufficient evidence to support his conviction.
- [2] We affirm.

## Facts and Procedural History

- [3] In the early morning hours of May 18, 2020, Quezella Storey, Storey's mother, asked Storey for \$200 for gas money since Storey had been driving her car. Ronnie Hall, who lived with Storey and Quezella, drove Storey to an ATM. At approximately 3:25 a.m., Hall twice attempted to withdraw money from the ATM, but his first attempt was denied for an incorrect PIN and his second was denied for insufficient funds.
- [4] A few minutes later, Gena Fryback, a resident of an apartment complex, heard the "rev of an engine" and then a "crash." Tr. Vol. 1 at 82. Fryback looked out her window, and she saw that a vehicle had "crashed into the building." *Id.* at 83. Fryback also saw the passenger exit the vehicle, "run around and bend

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<sup>1</sup> While Aron-Storey's last name is hyphenated, he asked the trial court to refer to him as "Storey," and that is how he refers to himself in his brief on appeal. *See* Tr. Vol. 1 at 7. Accordingly, we will also refer to him as "Storey."

down like he was looking at something,” and run away. *Id.* Fryback then called 9-1-1.

[5] At approximately 3:30 a.m., Officers with the Fort Wayne Police Department responded to the dispatch. When Officer Zachary Chapman arrived, he saw Hall lying face down on the ground outside of the vehicle. Medics observed that Hall had “a gunshot wound to the head” and that he was “not breathing.” *Id.* at 129-30. They also noticed that there were “some dark colorations” around Hall’s temple, that his left eye “was very swollen” and bleeding, and that his shoulder was “slightly deformed.” *Id.* at 130. Medics transported Hall to a medical center where he was pronounced dead.

[6] Crime scene technicians searched the vehicle and recovered four 9-millimeter shell casings from inside the car. While the officers were investigating the scene, Storey called 9-1-1 and “advised that he was just robbed” by Hall and that “he had shot [Hall] in self-defense.” *Id.* at 63. Officers responded to Storey’s location and detained him. Officers were unable to locate the firearm that Storey had used.

[7] At Hall’s autopsy, Doctor Scott Wagner, a forensic pathologist, discovered three gunshot wounds. One of the gunshot wounds was “a hard contact wound” to Hall’s right temple, one was to the right side of Hall’s head, and one was to the back of Hall’s right shoulder. *Tr. Vol. 2* at 52. Dr. Wagner concluded that Hall had died as a result of “multiple gunshot wounds.” *Id.* at 60.

[8] The State charged Storey with murder, a felony. The State also sought an enhancement based on Storey’s alleged use of a firearm in the commission of a felony. The court then held a bifurcated jury trial, at which Storey appeared *pro se*. During the first phase of the trial, Fort Wayne Police Detective Ricky Brumett testified that the shell casings recovered from Hall’s vehicle matched those fired from a Taurus G2C 9-millimeter handgun. In addition, the State presented evidence that Quezella had purchased a Taurus G2C 9-millimeter handgun “a week or two” before the incident. *Id.* at 68, *see also* Ex. at 201.<sup>2</sup> But Quezella testified that her gun was “missing” at the time of the offense. Tr. Vol. 2 at 68. In addition, the State presented as evidence a photograph that was taken on May 17 in which Storey was holding a Taurus G2C 9-millimeter handgun. *Id.* at 83, *see also* Ex. at 188. Officers found that photograph during a search of Storey’s phone.

[9] Dr. Wagner then testified about Hall’s injuries. Specifically, Dr. Wagner testified that the gunshot wound to Hall’s temple had a “muzzle stamp abrasion.” Tr. Vol. 2 at 54. Dr. Wagner also testified that the wound contained “soot and unburned gun powder particles.” *Id.* at 54-55. Dr. Wagner then testified that those factors indicated that the muzzle was “held tightly up against the skin” when the gun was fired. *Id.* at 54.

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<sup>2</sup> Our pagination of the Exhibits Volume refers to the .pdf pagination.

[10] During closing arguments, Storey argued that he had acted in self-defense. Specifically, he argued that Hall had “gotten mad” and attempted to rob him. *Id.* at 144. At the conclusion of the first phase, the jury found Storey guilty as charged, and the court proceeded to the second phase of the trial. The parties relied on the evidence presented during the first phase, and the jury found that Storey had used a firearm in the commission of a felony. The court entered judgment of conviction accordingly and sentenced Storey to an aggregate term of eighty years in the Department of Correction. This appeal ensued.

## Discussion and Decision

[11] Storey contends that the State failed to present sufficient evidence to support his conviction for murder. Our standard of review on a claim of insufficient evidence is well settled:

For a sufficiency of the evidence claim, we look only at the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 687 N.E.2d 144, 146 (Ind. 2007). We do not assess the credibility of witnesses or reweigh the evidence. We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

*Love v. State*, 73 N.E.3d 693, 696 (Ind. 2017).

[12] On appeal, Storey specifically asserts that the State failed to present sufficient evidence to rebut his claim of self-defense. “A valid claim of defense of oneself or another person is legal justification for an otherwise criminal act.” *Simpson v. State*, 915 N.E.2d 511, 514 (Ind. Ct. App. 2009) (quoting *Hobson v. State*, 795

N.E.2d 1118, 1121 (Ind. Ct. App. 2003)). To prevail on a claim of self-defense, the defendant must show that he was in a place where he had a right to be; did not provoke, instigate, or participate willingly in the violence; and had a reasonable fear of death or great bodily harm. *See id.*

[13] When a claim of self-defense is raised and finds support in the evidence, “the State has the burden of negating at least one of the necessary elements beyond a reasonable doubt.” *Id.* The State may meet its burden by either rebutting the defense directly or by relying on the sufficiency of the evidence in its case-in-chief. *Id.* Whether the State has met its burden is a question for the trier of fact. *Miller v. State*, 720 N.E.2d 696, 700 (Ind. 1999). We review a challenge to the sufficiency of the evidence to rebut such defenses using the same standard as for any claim of insufficient evidence. *Simpson*, 915 N.E.2d at 514.

[14] Here, Storey asserts that he was legally justified in shooting Hall because he was “in a place he had a right to be,” there was “no evidence that he did [any]thing to provoke or instigate” the altercation, and he “believed he was in immediate danger” as Hall “had tried to shoot” him. Appellant’s Br. at 12-13. Thus, Storey maintains that it was “necessary for him to react immediately in order to prevent serious bodily injury or death.” *Id.* at 13.

[15] However, the evidence most favorable to the trial court’s judgment demonstrates that Hall was shot by a Taurus G2C 9-millimeter. The evidence also demonstrates that Quezella had purchased a Taurus G2C 9-millimeter handgun “a week or two” prior to the incident but that it was missing on the

day of the offense. Tr. Vol. 2 at 68. And the State presented as evidence a photograph of Storey holding a Taurus G2C 9-millimeter handgun, which was taken the day before the offense. Ex. at 188. Based on that evidence, a reasonable jury could conclude that Storey was in possession of the firearm instead of Hall and, thus, that Storey did not have a reasonable fear of death or great bodily harm.

[16] Further, the State presented evidence that Storey fired four shots at Hall and ultimately hit him three times. It is well settled that “firing multiple shots undercuts a claim of self-defense.” *Randolph v. State*, 755 N.E.2d 572, 576 (Ind. 2001). In addition, the State presented as evidence Dr. Wagner’s testimony that the gunshot wound to Hall’s temple had a “muzzle stamp abrasion” and contained “soot and unburned gun powder particles,” which indicated that the muzzle was “held tightly up against the skin” when the gun was fired. Tr. at 54-55. In other words, the evidence demonstrates that Storey shot Hall multiple times and that, for one of the shots, Storey held the muzzle hard against Hall’s temple. A reasonable jury could infer from that evidence that Storey was not acting to defend himself but that he had provoked, instigated, or participated willingly in the violence.

[17] Storey’s argument on appeal is simply a request for this Court to reweigh the evidence, which we cannot do. The jury was not required to believe Storey’s version of the events from the 9-1-1 call. We hold that the State presented sufficient evidence to rebut Storey’s claim of self-defense. We therefore affirm his convictions.

[18] Affirmed.

Vaidik, J., and Weissmann, J., concur.