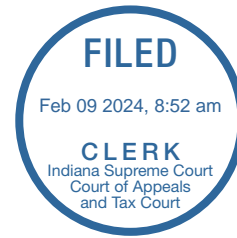


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



ATTORNEY FOR APPELLANT

Donald J. Frew
Fort Wayne, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General

Andrew A. Kobe
Section Chief, Criminal Appeals
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Errick Brown, Jr.,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

February 9, 2024

Court of Appeals Case No.
23A-CR-1380

Appeal from the
Allen Superior Court

The Honorable
Steven O. Godfrey, Judge

Trial Court Cause No.
02D04-2206-F6-718

Memorandum Decision by Judge Vaidik
Judges May and Kenworthy concur.

Vaidik, Judge.

Case Summary

- [1] Errick Brown, Jr., appeals his conviction for Level 6 felony theft, arguing that the trial court abused its discretion by excluding certain evidence. We disagree and affirm.

Facts and Procedural History

- [2] On June 5, 2022, Ryan Corkwell reported that a John Deere riding lawnmower had been stolen from his property in Wells County the previous night. Ten days later, he reported that he had seen the mower for sale on Facebook Marketplace. Detective Quinton Greer contacted the seller, Randall Kapatina, via Facebook about buying the mower. They arranged to meet at a house in Fort Wayne on June 16. When Detective Greer arrived, he was met by Brown and Kapatina. Brown said he bought the mower a year earlier (which he later admitted was a lie) from someone named “K.P.” for \$2,000. He said he bought the mower for a lawn-care business but had determined it was too big. Detective Greer noticed that the serial-number sticker was missing. He asked Brown if he had a bill of sale, and Brown said it was at his home. Detective Greer agreed to buy the mower for \$8,000 and said he would return with a trailer. After Detective Greer left, uniformed officers arrived and took Brown and Kapatina into custody.

- [3] The State charged Brown with Level 6 felony theft, and a bench trial was held. During cross-examination of Detective Greer, Brown moved to admit his Exhibit B, a copy of Detective Greer’s Facebook communication with Kapatina. The State made a hearsay objection, which the court sustained.
- [4] Brown testified that he bought the mower from Kenneth Porter, whom he had met in prison. He then entered into evidence, with no objection from the State, a bill of sale showing Porter as the seller (the document identifies the seller as “Keith Porter”). Ex. C. He testified that he didn’t have the bill of sale when he met with Detective Greer because the power had gone out at his house and he “couldn’t locate it inside the garage.” Tr. p. 48. Brown moved to admit his Exhibit D, a notification from his power company that the power was out. The State objected on hearsay and foundation grounds, and the court sustained the objection.
- [5] Brown also testified about the process of buying the mower from Porter. He moved to admit his Exhibit F, a copy of messages between him and Porter. The State made a hearsay objection, which the court sustained.
- [6] The court found Brown guilty and sentenced him to two years in the Department of Correction.
- [7] Brown now appeals.

Discussion and Decision

[8] Brown contends the trial court should have admitted Exhibits B, D, and F. Generally, trial courts have broad discretion in ruling on the admissibility of evidence, and we review only for an abuse of that discretion. *Chambless v. State*, 119 N.E.3d 182, 188 (Ind. Ct. App. 2019), *trans. denied*. An abuse of discretion occurs where the trial court’s decision is clearly against the logic and effect of the facts and circumstances. *Id.*

[9] The trial court ruled that Exhibits B, D, and F contained inadmissible hearsay (and also that Brown didn’t lay a proper foundation for Exhibit D). But Brown’s only argument on appeal is that the exhibits contained relevant information and would have bolstered his defense at trial. *See* Appellant’s Br. pp. 15-16. He doesn’t dispute that the exhibits contained hearsay, nor does he cite any hearsay exceptions. *See* Ind. Evidence Rules 801-804. The mere fact that the exhibits were related to the transactions at issue and might have aided Brown’s defense doesn’t make them admissible. *See Robinson v. State*, 720 N.E.2d 1269, 1271 (Ind. Ct. App. 1999) (“Although relevant evidence is generally admissible, relevance, standing alone, does not dictate admissibility.”). Because Brown hasn’t shown any abuse of discretion in the trial court’s hearsay rulings, we affirm his conviction.

[10] Affirmed.

May, J., and Kenworthy, J., concur.