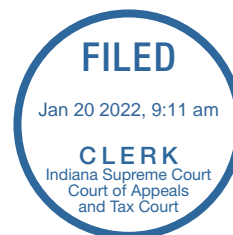


## MEMORANDUM DECISION

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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Lamar Thomas Showers,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

January 20, 2022  
Court of Appeals Case No.  
21A-CR-1494  
Appeal from the  
Lake Superior Court  
The Honorable  
Salvador Vasquez, Judge  
Trial Court Cause No.  
45G01-1904-MR-14

**Vaidik, Judge.**

## Case Summary

[1] Lamar Thomas Showers appeals his conviction for murder. We affirm.

### Facts and Procedural History

[2] Around 4:30 p.m. on April 17, 2019, Showers and his eight-month-pregnant girlfriend, Diamond Patrick, went to a gas station in Gary. The gas station had a surveillance camera outside, which captured the following events. *See Ex. 1A* (“ch15” file). Diamond, who was driving, parked at a gas pump and went inside the store to pay. Showers stayed in the car. When Diamond returned to the car, Showers got out and started pumping gas.

[3] At about the same time, nineteen-year-old Darienn Hill pulled up to a gas pump next to Diamond and Showers and walked into the store. After Showers finished pumping, he also walked into the store. Hill exited the store first and got in his car. Showers exited soon thereafter and got in his car. As Diamond prepared to drive away, Hill got out of his car again and walked back toward the store. Just as he was about to enter the store, Hill turned around and gestured toward Showers. Showers got out of his car and approached Hill with a gun in his right hand pointed toward the ground. Hill, who was unarmed, held open the left door to the store as the two men argued. After about twenty seconds, Diamond got out of the car and approached the men. Diamond grabbed Showers’s left arm and started pulling him back toward the car. As Hill let go of the left door, turned around, and walked in the store, Showers pulled

away from Diamond, turned around to face the store, raised his gun, and fired two shots (one shot went through the glass of the left door and the other shot went through the glass of the right door, *see* Exs. 29 & 30). The following still image shows Diamond trying to push Showers away as he fired the shots:



Ex. 66. One of the bullets entered the back of Hill's head and lodged in his brain, killing him. He collapsed inside the store, about a foot from the door.

[4] The State charged Showers with murder and a firearm enhancement. At trial, the jury was instructed on murder as well as the lesser-included offenses of voluntary manslaughter and reckless homicide. During closing argument, defense counsel asked the jury to find Showers guilty of reckless homicide, not

murder. *See* Tr. Vol. IV p. 142.<sup>1</sup> Defense counsel argued Showers fired a “wild shot” that ricocheted before entering the back of Hill’s head: “Did that bullet ricochet the upper left, the most likely bullet path to have struck and caused the fatal injury to Mr. Hill? I don’t know. Neither do they.” *Id.* at 136, 137.

[5] The jury found Showers guilty of murder. Showers then pled guilty to the firearm enhancement. The trial court sentenced Showers to fifty-five years for murder enhanced by five years for the use of the gun.

[6] Showers now appeals.

## Discussion and Decision

[7] Showers contends the evidence is insufficient to support his murder conviction. When reviewing such claims, we neither reweigh the evidence nor judge the credibility of witnesses. *Willis v. State*, 27 N.E.3d 1065, 1066 (Ind. 2015). We only consider the evidence supporting the verdict and any reasonable inferences that can be drawn from the evidence. *Id.* A conviction will be affirmed if there is substantial evidence of probative value to support each element of the offense such that a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.*

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<sup>1</sup> Two versions of the transcript were submitted. We use the version received on October 6, 2021.

[8] To convict Showers of murder, the State had to prove he knowingly or intentionally killed Hill. *See* Ind. Code § 35-42-1-1; Appellant’s App. Vol. II p. 20. As Showers acknowledges on appeal, a “knowing killing may be inferred from the use of a deadly weapon in a way likely to cause death.” *Young v. State*, 761 N.E.2d 387, 389 (Ind. 2002); *see also Coleman v. State*, 694 N.E.2d 269, 279 (Ind. 1998) (“Approaching the victim and firing two shots in his direction undoubtedly constitutes using a deadly weapon in a manner likely to cause death. The evidence was therefore sufficient for a reasonable trier of fact to conclude beyond a reasonable doubt that Appellant knowingly or intentionally killed William House.”). The fact that Showers approached Hill with a gun in his hand, argued with him, and then fired two shots through the front door of the gas station as Hill walked in the store was sufficient evidence for the jury to conclude Showers knowingly or intentionally killed Hill.

[9] Showers argues he acted recklessly—not knowingly or intentionally—because he fired an “errant” shot that “may” have ricocheted before entering the back of Hill’s head. Appellant’s Br. pp. 7, 10. Showers, however, presented this argument to the jury. The jury, after listening to the testimony of the witnesses and watching the surveillance video, rejected Showers’s claim that his shot was “errant” and convicted him of murder. We will not second guess the jury’s decision on appeal.

[10] Affirmed.

Najam, J., and Weissmann, J., concur.