

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Mark William Coleman,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

March 6, 2023

Court of Appeals Case No.
22A-CR-1902

Appeal from the St. Joseph
Superior Court

The Honorable Elizabeth C.
Hurley, Judge

Trial Court Cause No.
71D08-2101-MR-4

Memorandum Decision by Judge Mathias
Judges May and Bradford concur.

Mathias, Judge.

- [1] Mark William Coleman was convicted in St. Joseph Superior Court of murder. He appeals and argues that the evidence is insufficient to support his conviction.
- [2] We affirm.

Facts and Procedural History

- [3] Coleman and Nina Sohlke were involved in a romantic relationship and lived together beginning in spring 2020. Nina had several medical issues and wore a prosthetic leg. In September 2020, Nina and Coleman moved into a rental home owned by Nina's friend Elizabeth Vancamp.
- [4] At the end of September, Vancamp attempted to contact Nina because the security alarm in the rental home was malfunctioning and sending false alarms to ADT. Nina did not respond to Vancamp, which was unusual. Therefore, on October 1, Vancamp went to the rental house for the purpose of fixing the alarm. Coleman refused Vancamp entry and told her that he and Nina were busy.
- [5] Nina's mother was also concerned about Nina's welfare and contacted Vancamp. On October 3, Nina's mother, several of Nina's friends, and Vancamp returned to the residence for the purpose of checking on Nina. Vancamp also asked the police to perform a welfare check. Coleman refused to allow Vancamp and Nina's friends and mother inside the house. Nina spoke to

her friends and family through an open window. She told them that she was fine and that the police should leave. Tr. Vol. 2, p. 31.

- [6] South Bend police officers conducted a second welfare check at Coleman and Nina's residence on October 11. The officers found that the front door of the house was barricaded shut. A washer and dryer were stacked outside the back door of the home. The back door was not locked, but two refrigerators were pushed up against the inside of the back door. The officers were able to remove the obstructions and entered the home.
- [7] When the officers opened the door to the upstairs bathroom, they smelled an odor they associated with a dead body. Pillows, cushions, and a mattress were stacked in the bathtub. When the officers removed those items, they discovered Nina's body in the bathtub.
- [8] The autopsy performed on Nina's body established that she died of multiple wounds that were caused by blunt force trauma. Nina suffered from broken ribs, a collapsed lung, a broken sternum, and a subdural hemorrhage. Coleman's DNA was discovered on Nina's nail clippings. Coleman's DNA and fingerprints were also found on other items collected from the bathroom.
- [9] Coleman voluntarily spoke to the police on October 11. When an officer told him that Nina was dead, Coleman responded, "how long have you known?" Ex. Vol. 5, State's Ex. 94.

- [10] Toward the end of October, Nina’s friend, Michael Carlo, saw Coleman at a Motel 6 in South Bend. Carlo and Coleman were meeting the same person at the hotel. Carlo heard Coleman state that he had hit Nina on her head. Tr. Vol. 2, p. 214. Coleman also stated, “that bitch got what she deserved,” and “I told her she would never leave me.” *Id.* Two days later, Carlo reported Coleman’s statements to the police. The fact that Nina had been struck in the head was not public knowledge when Carlo discussed Coleman’s statements with the police.
- [11] On January 29, 2021, the State charged Coleman with murder and Level 5 felony domestic battery resulting in serious bodily injury. While he was in jail awaiting trial, Coleman had a conversation with another inmate, Jeffrey Walters. Walters had lived with Coleman and Nina before they moved to Vancamp’s rental property. Coleman told Walters that he was in jail for murdering Nina. Walters asked Coleman if he killed Nina, and Coleman admitted that he murdered her. *Id.* at 64-65.
- [12] Coleman’s jury trial commenced on May 23, 2022, and the jury found him guilty of both charges. The trial court entered judgment of conviction on the murder charge and ordered Coleman to serve sixty-five years in the Department of Correction.
- [13] Coleman now appeals.

Discussion and Decision

- [14] Appellate review of a claim of insufficient evidence is well settled. “When reviewing the sufficiency of the evidence needed to support a criminal

conviction, we neither reweigh evidence nor judge witness credibility.” *Bailey v. State*, 907 N.E.2d 1003, 1005 (Ind. 2009). We consider only the evidence supporting the verdict and any reasonable inferences that can be drawn from such evidence. *Henley v. State*, 881 N.E.2d 639, 652 (Ind. 2008). And “[w]e will affirm if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt.” *Bailey*, 907 N.E.2d at 1005.

[15] Relying on *Hampton v. State*, 961 N.E.2d 480 (Ind. 2012), Coleman argues that the State’s case was “entirely circumstantial” and the evidence was not “so conclusive as to exclude any ‘reasonable theory of innocence.’” Appellant’s Br. at 10. In *Hampton*, the court considered whether an appellate attorney rendered constitutionally ineffective assistance of counsel by failing to assert on direct appeal that the trial court erred when it refused to instruct the jury as follows: “‘where proof of guilt is by circumstantial evidence only, it must be so conclusive in character and point so surely and unerringly to the guilt of the accused as to exclude every reasonable theory of innocence.’” *Id.* at 483 (quoting Ind. Pattern Jury Instruction-Criminal 12.01 (Ind. Judges Assoc., 2ed. 1991)) (emphasis omitted).

[16] It is well-established that “[d]irect evidence means evidence that directly proves a fact, without an inference, and which in itself, if true, conclusively establishes that fact. Circumstantial evidence means evidence that proves a fact from which an inference of the existence of another fact may be drawn.” *Id.* at 489 (quoting *Gambill v. State*, 675 N.E.2d 668, 675 (1996)). After discussing the distinction

between direct and circumstantial evidence and recognizing that “juries in criminal cases should be reminded to use particular caution when considering whether to find guilt based solely on crucial circumstantial evidence,” the court held that

when the trial court determines that the defendant's conduct required for the commission of a charged offense, the actus reus, is established exclusively by circumstantial evidence, the jury should be instructed as follows: In determining whether the guilt of the accused is proven beyond a reasonable doubt, you should require that the proof be so conclusive and sure as to exclude every reasonable theory of innocence.”

Id. at 490-91.

[17] Coleman relies on the *Hampton* holding to argue that the State’s evidence was not so conclusive as to exclude every reasonable theory of innocence. In particular, he focuses on the fingerprint and DNA evidence presented at trial, which did not conclusively establish his guilt. Coleman’s DNA and fingerprints were discovered on objects collected from the upstairs bathroom, but DNA of unidentifiable individuals was found on those items as well. Further, Coleman observes that it is logical that his fingerprints and DNA would be found on items in the house where he resided. We agree that this DNA evidence is circumstantial and does not conclusively prove Coleman’s guilt.

[18] But contrary to Coleman’s argument, the evidence presented to establish that Coleman murdered Nina was not “entirely circumstantial.” Two witnesses testified that Coleman admitted to murdering Nina. See *Ivory v. State*, 141

N.E.3d 1273, 1283 (Ind. Ct. App. 2020) (stating that “[a] defendant’s confession of guilt to another person is direct evidence”), *trans. denied*. Coleman attempts to dismiss this testimony by challenging the witnesses’ credibility. As we have repeated, we do not reweigh the evidence or the credibility of witnesses on appeal.

[19] Indeed, Carlo told police officers that Coleman admitted to striking Nina in the head, a fact that was not public knowledge when he reported it to the police. The State presented evidence that Coleman’s and Nina’s relationship was volatile. Coleman prevented Nina’s friends and family from entering the house to check on Nina’s welfare. And a reasonable inference can be made that Coleman was responsible for barricading the front door and placing the obstacles on the outside and inside of the back door to try to prevent others from entering the home. Finally, a police officer testified that, upon informing Coleman of Nina’s murder, Coleman responded, “how long have you known?” Ex. Vol. 5, State’s Ex. 94.

[20] For the above-stated reasons, the State presented sufficient evidence to prove that Coleman killed Nina, and we affirm his murder conviction.

[21] Affirmed.

May, J., and Bradford, J., concur.