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IN THE  
COURT OF APPEALS OF INDIANA

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Amy M. Grannan,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

August 13, 2021

Court of Appeals Case No.  
20A-CR-1907

Appeal from the Vanderburgh Circuit  
Court

The Honorable Kelli E. Fink,  
Magistrate

Trial Court Cause No.  
82C01-1709-F5-5765

**Shepard, Senior Judge.**

- [1] A jury found Amy Grannan guilty of criminal recklessness for shooting at her neighbor's home.
- [2] Grannan appeals on grounds that the evidence was insufficient to prove that the home was "inhabited" or that her actions "created a substantial risk of bodily injury," as required for a criminal recklessness conviction.

[3] We affirm the trial court's judgment.

## Facts and Procedural History

[4] Emily Blair lived with her two children in a residential area of Evansville. Grannan was her neighbor. The rear of Grannan's home faced the north side of Blair's home. Grannan's backyard was surrounded by a privacy fence, and Blair's driveway was located between the fence and the north side of Blair's home. Blair and Grannan used to be coworkers and close friends, but they had a falling out in early 2017 and ended all contact.

[5] On the night of May 2, 2017, Grannan called her friend Matthew McCracken. She was at a restaurant and asked McCracken for a ride home. Grannan had been drinking and was upset. McCracken picked up Grannan and drove her home. They sat on her back porch and talked for forty-five minutes.

[6] Meanwhile, Blair returned home at around 10 p.m. She saw McCracken's car at Grannan's house. McCracken, who also knew Blair, noticed her arrival. Grannan likewise saw Blair return home. When Blair got out of her car, she heard Grannan and McCracken talking in Grannan's backyard before going into her house. McCracken left soon afterwards and went home.

[7] An hour later, Blair let her dog out and sat on her back porch, talking with her boyfriend over the phone. At 11:20 p.m., she heard a gunshot coming from Grannan's property. The shot was so close to Blair that her ears were ringing.

- [8] Blair's boyfriend, who was a police officer, heard the shot over the phone. After confirming with Blair that it was a gunshot, he ended their call and contacted officers who were on patrol near Blair's home.
- [9] In the meantime, Blair called McCracken and spoke with him, asking about Grannan's welfare. McCracken told Blair he did not believe Grannan was suicidal but suggested that she call 911.
- [10] Deputies Toopes and Weiss of the Vanderburgh County Sheriff's Department arrived at Blair's house. They examined Blair's yard and house but they did not see anything of note due to the darkness. Next, the deputies spoke with Grannan at her house. She denied hearing a shot but admitted to owning a handgun. The deputies left the scene.
- [11] Two days later, on May 4, Blair noticed a bullet hole in the wall of her bathroom, on the north end of her house. There was a matching bullet hole in the bathroom's south wall. A closet was on the other side of that wall, and Blair found a bullet on the closet's floor. She called 911. Subsequent analysis revealed the bullet came from a nine-millimeter round.
- [12] On May 5, Detective Jason King, who was trained in bullet trajectory analysis, went to Blair's home, where he saw a hole in the siding on the exterior north wall. Using trajectory rods and laser sights, he determined the shot had been fired from on or near Grannan's back porch. Detective King heard the backdoor of Grannan's home open while he was working outside of Blair's

home. He and other officers went to Grannan's house, but no one answered the door, although two vehicles were parked on the property.

[13] King and other officers left to get a search warrant for Grannan's house. When they returned, one of the vehicles, a truck, was gone. Grannan drove up in the truck just as the officers approached her front door. As she got out of her truck, a round of ammunition fell from Grannan's lap onto the ground. She picked up the round and threw it back in her truck.

[14] The officers explained why they were there, and Grannan initially denied owning a gun. She then said that she had owned a handgun, but it had been stolen. Grannan showed them a closet in her master bedroom where she had kept the handgun. Detective King asked if she had any ammunition, and she claimed "it must have been taken with the gun." Tr. Vol. II, p. 120. Grannan had not reported the gun as stolen.

[15] The officers did not find a gun in Grannan's house, but they found a gun sight that was designed for use with a handgun, along with a proof of purchase document stating that Grannan had bought a nine-millimeter Smith & Wesson handgun. They next searched her truck, where they found a box of nine-millimeter ammunition and a gun lock. Detective King asked Grannan about the ammunition, and she denied knowing anything about it. An analyst later compared the ammunition with the bullet that Blair found in her closet and determined they were "very similar." *Id.* at 169.

[16] On May 8, Charles Wayman found a handgun in his yard while mowing the grass. It was on the ground, twenty-five feet from the nearest road and eight to ten feet away from a small lake on his property. Wayman turned it over to a sheriff's deputy. Wayman's property is approximately 1.2 miles from Grannan's house. The handgun was a nine-millimeter Smith & Wesson, and its serial number matched the number on the proof of purchase form officers had found in Grannan's home. An analyst later test-fired the gun and determined that it had fired the bullet that Blair found in her house.

[17] The State charged Grannan with criminal recklessness as a Level 5 felony.<sup>1</sup> A jury determined she was guilty, and the trial court imposed a sentence.<sup>2</sup> This appeal followed.

## Discussion and Decision

[18] To obtain a conviction of Level 5 felony criminal recklessness, the State was required to prove beyond a reasonable doubt that Grannan: (1) recklessly, knowingly, or intentionally (2) created a substantial risk of bodily injury (3) to another (4) by shooting a firearm into an inhabited dwelling or other building where people are likely to gather. *See* Ind. Code § 35-42-2-2.

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<sup>1</sup> Ind. Code § 35-42-2-2 (2014).

<sup>2</sup> The trial court sentenced Grannan to two years, with thirty days executed and the remainder to be served on a mixture of work release and probation.

[19] Grannan claims her conduct does not fall within the purview of the offense of criminal recklessness because Blair’s home was not inhabited when she fired the shot, as Blair was on her back porch and there is no evidence her children were home. We disagree. The plain language of the statute also applies to a building “where people are likely to gather,” and Blair’s home fits this definition. *See Tipton v. State*, 981 N.E.2d 103 (Ind. Ct. App. 2012) (affirming criminal recklessness conviction; offense applied to Tipton’s act of firing a shot into a house, even though the owners were not inside at the time), *trans. denied*.

[20] Next, Grannan argues there is insufficient evidence that she created a substantial risk of bodily injury. We do not reweigh the evidence or judge the credibility of the witnesses when reviewing a sufficiency claim. *Gleason v. State*, 965 N.E.2d 702 (Ind. Ct. App. 2012). We instead consider only the evidence most favorable to the verdict and the reasonable inferences drawn therefrom. *Id.* Reversal is appropriate only when a reasonable trier of fact would not be able to form inferences as to each material element of the offense. *Id.*

[21] Grannan shot at the house in which Blair and her two children lived. Grannan later admitted that she knew Blair had returned home.<sup>3</sup> This evidence is sufficient to establish that Grannan’s act posed a substantial risk of bodily injury. *See Woods v. State*, 768 N.E.2d 1024 (Ind. Ct. App. 2002) (affirming conviction for felony criminal recklessness; Woods created a substantial risk of

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<sup>3</sup> The record does not indicate whether Grannan knew Blair was on her back porch when she shot at Blair’s house.

bodily harm by shooting at a vacant house; the house was in a residential neighborhood and people were sitting on a nearby porch).

## Conclusion

[22] For the reasons stated above, we affirm the judgment of the trial court.

[23] Affirmed.

Pyle, J., and Altice, J., concur.