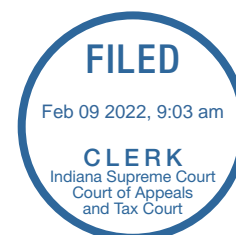


## MEMORANDUM DECISION

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.



---

### ATTORNEY FOR APPELLANT

Talisha Griffin  
Marion County Public Defender Agency  
Indianapolis, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General  
Megan M. Smith  
Deputy Attorney General  
Indianapolis, Indiana

---

## IN THE COURT OF APPEALS OF INDIANA

---

Tashawana Wilson,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

February 9, 2022

Court of Appeals Case No.  
21A-CR-1535

Appeal from the  
Marion Superior Court

The Honorable  
Barbara Crawford, Senior Judge

The Honorable  
Angela Dow Davis, Judge

Trial Court Cause No.  
49D27-1808-MR-27581

**Vaidik, Judge.**

## Case Summary

- [1] Tashawana Wilson appeals her conviction for voluntary manslaughter, arguing the State failed to rebut her self-defense claim. We affirm.

## Facts and Procedural History

- [2] On the late afternoon of August 19, 2018, Wilson, who has schizophrenia but was not taking her medicine, went to visit a friend at an apartment building on the corner of Boulevard Place and 21st Street in Indianapolis. The apartment building had surveillance cameras in the hallways. *See Ex. 73a* (collection of four videos, referred to as “ch06,” “ch08,” “ch09,” and “ch14”). When Wilson went to the apartment building that day, she was carrying her purse, which had a wine bottle inside, and wearing a hatchet around her waist. According to Wilson, she wore the hatchet to “protect herself” because she believed “people [were] out to kill her.” Tr. Vol. II p. 164.
- [3] As Wilson approached the back door to the apartment building, several people were standing outside, including Vickie Jackson, who was staying at her boyfriend’s apartment. Wilson did not know Jackson. An unidentified man walked into the building right in front of Wilson but then turned around and went back outside to get Jackson. *See Ex. 73a* at ch06. Jackson then entered the building, threw down her purse, and walked quickly toward Wilson. *See Ex. 73a* at ch06 & ch09. Wilson told Jackson to “get away.” Tr. Vol. II p. 73. Wilson thought Jackson was “the death angel” who had come to take her to

“Hell” because she had been drinking that day and “disobeyed God.” *Id.* at 161. Jackson pushed Wilson and slapped her on the head. *See* Ex. 73a at ch09. Wilson and Jackson then pushed, shoved, and hit each other as bystanders looked on. *See id.* Wilson’s hat and wig fell to the ground. As the two women continued to fight, Wilson retrieved the wine bottle from her purse and hit Jackson on the head with it, shattering the glass. *See id.* The wine bottle’s neck, which had broken off and had “jagged edges,” stayed in Wilson’s hand, *see* Ex. 12, Tr. Vol. II p. 196, and she stabbed Jackson in the face and neck with it, *see* Ex. 73a at ch09. Jackson started bleeding.

[4] Wilson started walking backwards down the hallway toward the main door, and Jackson followed her. *See id.* This was also the same direction as Jackson’s boyfriend’s apartment. Wilson stopped walking, and when Jackson neared her, Wilson again stabbed her in the face and neck with the broken-off bottle neck. *See id.* Wilson then pushed past Jackson, retrieved her hat and wig from the ground, turned around, pushed Jackson against the wall, and continued toward the main door with Jackson following behind her, leaning against the wall for support. *See id.*

[5] Wilson turned around, and the two women had a verbal exchange. *See id.* at ch14. Wilson then turned back around and continued toward the main door. *See id.* When Wilson was several steps ahead of Jackson, Wilson abruptly turned around, ran toward Jackson, and stabbed her again with the broken-off bottle neck. *See id.* Jackson pulled and tugged on Wilson’s clothing as if to steady herself and leaned against the wall for support as Wilson continued

stabbing her and blood spurted on the wall. *See id.* A bystander described Wilson as “absolutely going crazy.” Tr. Vol. II p. 80. Wilson dropped the bottle neck and walked out the main door. As she walked out, she said, “The death angel is real.” *Id.* at 96. According to the surveillance videos, Wilson was in the apartment building for three minutes, and the incident between her and Jackson lasted about eighty seconds. *See id.* at 117.

[6] After Wilson left the building, Jackson walked into her boyfriend’s apartment and sat down in a chair. A bystander got Jackson a towel because she was bleeding badly and “[you] could see her jawbone.” *Id.* at 77. Jackson then fell out of the chair. She was taken to the hospital, where she was pronounced dead. According to the forensic pathologist, Jackson died from “[m]ultiple sharp force injuries.” *Id.* at 138. Specifically, there were “forty-seven different sharp force injuries” “clustered on the upper extremity, neck and head.” *Id.* at 139. There were also some “minor blunt force injuries.” *Id.* Jackson’s “most significant” injury was a stab wound to her neck, which went “through the muscles . . . and into the jugular vein.” *Id.*

[7] The State charged Wilson with murder. Defense counsel filed a motion for a psychiatric examination to determine Wilson’s competency to stand trial and sanity at the time of the offense. *See Appellant’s App.* Vol. II p. 71. The trial court appointed a clinical psychologist and a clinical psychiatrist, who opined Wilson was competent to stand trial and not insane at the time of the offense.

[8] Wilson waived her right to a jury trial, and a bench trial was held in September 2020. The key piece of evidence at trial was the surveillance videos. Wilson testified, claiming she acted in self-defense. During closing arguments, defense counsel asked the trial court to find Wilson not guilty based on self-defense or, in the alternative, guilty of Level 2 felony voluntary manslaughter based on sudden heat. The court took the matter under advisement to review the surveillance videos again. The court later found Wilson not guilty of murder but guilty of voluntary manslaughter. The court sentenced her to fifteen years, with ten years in the Department of Correction in a therapeutic community for mental health and five years on community corrections with a mental-health component.

[9] Wilson now appeals her conviction.

## Discussion and Decision

[10] Wilson contends the State failed to rebut her self-defense claim. If a self-defense claim is raised and finds support in the evidence, the State has the burden of negating the claim beyond a reasonable doubt. *Wilson v. State*, 770 N.E.2d 799, 800-01 (Ind. 2002). “The State may meet this burden by rebutting the defense directly, by affirmatively showing the defendant did not act in self-defense, or by simply relying upon the sufficiency of its evidence in chief.” *Miller v. State*, 720 N.E.2d 696, 700 (Ind. 1999). When a defendant challenges the sufficiency of the State’s evidence in this regard, we will not reweigh the evidence or judge the credibility of witnesses. *Wilson*, 770 N.E.2d at 801. We will reverse “only if

no reasonable person could say that self-defense was negated by the State beyond a reasonable doubt.” *Id.* In other words, a trier of fact’s decision on a self-defense claim is generally entitled to considerable deference on appeal. *Taylor v. State*, 710 N.E.2d 921, 924 (Ind. 1999).

[11] A person is justified in using reasonable force against another person to protect herself from what she reasonably believes to be the imminent use of unlawful force. Ind. Code § 35-41-3-2(c). A person is justified in using deadly force and does not have a duty to retreat if she reasonably believes that deadly force is necessary to prevent serious bodily injury to herself or the commission of a forcible felony. *Id.* However, the amount of force a person uses to protect herself “must be proportionate to the urgency of the situation.” *Hall v. State*, 166 N.E.3d 406, 414 (Ind. Ct. App. 2021); *Harmon v. State*, 849 N.E.2d 726, 730-31 (Ind. Ct. App. 2006); *Hollowell v. State*, 707 N.E.2d 1014, 1021 (Ind. Ct. App. 1999). A claim of self-defense will fail if the person uses more force than is reasonably necessary under the circumstances. *Hall*, 166 N.E.3d at 414; *Weedman v. State*, 21 N.E.3d 873, 892 (Ind. Ct. App. 2014), *trans. denied*. “Where a person has used more force than necessary to repel an attack the right to self-defense is extinguished, and the ultimate result is that the victim then becomes the perpetrator.” *Weedman*, 21 N.E.3d at 892 (quotation omitted).

[12] Here, the evidence shows that Jackson, who was not armed, pushed, shoved, and slapped Wilson. Wilson removed a wine bottle from her purse and shattered it over Jackson’s head. Wilson then used the jagged bottle neck to stab Jackson numerous times. Jackson had “forty-seven different sharp force

injuries,” including one to her jugular vein. Based on the evidence presented at trial, including the surveillance videos and injuries to Jackson, the trier of fact could have reasonably concluded that Wilson used an unreasonable amount of force in response to Jackson’s attack. *See id.* (concluding the State presented “more than enough evidence that [the defendant] responded with more force than was reasonably necessary under the circumstances” when the victim swung at him and twisted his finger as doctors testified the victim’s “face was essentially flattened and that such injuries are typically seen in car accidents or falls from large heights”); *see also Orozco v. State*, 146 N.E.3d 1038, 1041 (Ind. Ct. App. 2020) (concluding that even if the defendant “had been justified in using some level of force, the jury could have reasonably determined that he used excessive force under the circumstances” by shooting the victim five times in the back and once in the side), *trans. denied*; *Hollowell*, 707 N.E.2d at 1021 (“Even though [the victim] struck [the defendant] in the mouth with his fist, we cannot accept his argument that being struck in the mouth was life-threatening enough to justify self-defense with a knife.”). The evidence presented at trial was sufficient to rebut Wilson’s self-defense claim. We therefore affirm her conviction for voluntary manslaughter.

[13] Affirmed.

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