MEMORANDUM DECISION

APPELLANT, PRO SE

Anthony Martin
Carlisle, Indiana

ATTORNEYS FOR APPELLEES

J. Spencer Feighner
Faith Welch
Haller Colvin P.C.
Fort Wayne, Indiana

IN THE COURT OF APPEALS OF INDIANA

Anthony Martin,
Appellant-Plaintiff,

v.

Allen County Sheriff's Department, et al.,
Appellees-Defendants

March 20, 2023

Court of Appeals Case No. 22A-CT-1706

Appeal from the Allen Superior Court

The Honorable Jennifer L. DeGroote, Judge

Trial Court Cause No. 02D01-1304-CT-151

Memorandum Decision by Judge Vaidik
Judges Tavitas and Foley concur.

Vaidik, Judge.

[1] Anthony Martin, acting pro se, sued the Allen County Sheriff's Department and several other county parties ("County Defendants") and the Fort Wayne Police Department and several other city parties ("City Defendants"), claiming that officers used excessive force and violated his constitutional rights during and after the execution of an arrest warrant in January 2013. After years of litigation, the trial court granted summary judgment for the City Defendants in January 2020. Martin's claims against the County Defendants proceeded to a jury trial in June 2022. Martin, who was serving a sentence in the Department of Correction, appeared from prison via Zoom. The jury returned a verdict for the County Defendants.

[2] Martin, still acting pro se, now appeals. His Appellant's Brief is deficient in several respects. Among others, there is no Statement of Case, which is required to come after the statement of issues and "briefly describe the nature of the case, the course of the proceedings relevant to the issues presented for review, and the disposition of these issues by the trial court[.]" Ind. Appellate Rule 46(A)(5). The part of the brief labeled "Statement of Case" appears to be a statement of facts, but there are no citations to the record, in violation of Appellate Rule 46(A)(6)(a) ("The facts shall be supported by page references to the Record on Appeal or Appendix in accordance with Rule 22(C).").

[3] Most importantly, Martin purports to raise seven issues, but all his arguments except one are either unsupported by cogent reasoning or entirely conclusory.

For example, his first argument—that the trial court erred by granting summary judgment to the City Defendants—provides: "Appellant argues that he presented enough evidence to preclude summary judgment [Vol. III pg. 3-46] which it took the [City's] 3rd summary judgment motion that trial court granted its request." Appellant's Br. p. 9. And his last argument—that the trial court erred by denying his request for a directed verdict—provides: "Appellant argues that after his presentation of evidence, and Appellee's admission of searching his resident, admission of not having a warrant, and admission that Appellant was in 'custody' while the officers searched the resident was enough evidence to support a direct verdict. [Trial Tran Vol. III pg. 181-187]." *Id.* at 16. By failing to further develop his arguments, Martin waived them. *See* App. R. 46(A)(8)(a) ("The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning.").

[4] The only argument that is sufficiently developed is Martin's contention that the trial court should have granted a mistrial because the jury saw him in prison attire and restraints via Zoom. He asserts this knowledge prejudiced the jury against him and deprived him of due process. This claim fails for a few reasons. First, the only legal authority Martin cites addresses the appearance of an incarcerated person in a criminal trial, not a civil trial. *See Estelle v. Williams*, 425 U.S. 501 (1976); *Stephenson v. State*, 864 N.E.2d 1022 (Ind. 2007), *reh'g denied*; *French v. State*, 778 N.E.2d 816 (Ind. 2002). Second, Martin doesn't cite anything in the record suggesting that there was civilian clothing he could have worn instead of the prison attire, that he tried to obtain such clothing, or that he

asked the prison for permission to wear such clothing. And third, Martin intentionally displayed his restraints, which were otherwise hidden behind a table, to the jury and openly discussed them in the presence of the jury. *See* Tr. Vol. II pp. 19-23, 51-52. He cannot now be heard to complain that the jury knew about the restraints. We afford trial courts broad discretion in ruling on mistrial motions, *Allied Prop. and Cas. Ins. Co. v. Good*, 919 N.E.2d 144, 152 (Ind. Ct. App. 2009), *trans. denied*, and Martin has not shown an abuse of that discretion here.

[5] Affirmed.

Tavitas, J., and Foley, J., concur.