

## 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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Ryan M. Shea,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

August 24, 2022

Court of Appeals Case No.  
22A-CR-692

Appeal from the St. Joseph  
Superior Court

The Honorable Keith Doi,  
Magistrate

Trial Court Cause No.  
71D04-2108-CM-1703

**Bailey, Judge.**

## Case Summary

- [1] Ryan Shea appeals his conviction for carrying a handgun without a license, as a Class A misdemeanor.<sup>1</sup> Shea presents one issue for our review, namely, whether the State presented sufficient evidence to support his conviction. We affirm.

## Facts and Procedural History

- [2] On June 19, 2021, Shea was involved in a motor vehicle accident and sustained injuries. Officer Joel Paschen with the South Bend Police Department arrived at the scene and provided medical aid to Shea. Officer Paschen observed that Shea was “open carrying” a handgun on his hip. Tr. at 5. Officer Paschen removed the firearm and, for safety purposes, placed it in his car. Officer Paschen ran a computer check on Shea and discovered that Shea did not have a valid license to carry a handgun on that date.
- [3] The State charged Shea with carrying a handgun without a license, as a Class A misdemeanor. At his ensuing bench trial, the State presented evidence that Shea previously had a valid license to carry a handgun but that his license had been revoked on April 21, 2021. *See* Ex. at 5. Officer Paschen also testified that “there was a Protection Order in place that specifically states that [Shea is] not at this time allowed to have a handgun[.]” Tr. at 17. The court found Shea

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<sup>1</sup> Ind. Code § 35-47-2-1 (2021).

guilty as charged, entered judgment of conviction, and sentenced him to a suspended sentence of ninety days with one hundred and eighty days on probation. This appeal ensued.

## Discussion and Decision

- [4] Shea contends that the State presented insufficient evidence to support his conviction. As our Supreme Court has made clear:

For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. On sufficiency challenges, we will neither reweigh evidence nor judge witness credibility. We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.

*Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021) (internal citations omitted). It is not necessary that the evidence overcomes every reasonable hypothesis of innocence; rather, the evidence is sufficient if an inference may reasonably be drawn from it to support the conviction. See *Drane v. State*, 867 N.E.2d 144, 147 (Ind. 2007).

- [5] The State charged Shea with carrying a handgun without a license, as a Class A misdemeanor, pursuant to Indiana Code Section 35-47-2-1 (2021). At the time of the offense, that statute provided that, except as otherwise provided, “a person shall not carry a handgun in any vehicle or on or about the person’s body without being licensed under this chapter to carry a handgun.” Ind. Code

§ 34-47-2-1.<sup>2</sup> On appeal, Shea does not dispute that he carried the handgun on his person. Nor does he dispute that he did not have a valid license to carry a handgun at that time. Rather, he asserts that the State failed to present sufficient evidence to show that he knowingly or intentionally possessed a firearm without a license because there was no evidence to demonstrate that he knew that his license had been revoked.

[6] The State responds and contends that “knowledge is not an element for the charge of carrying a handgun without a license[.]” Appellee’s Br. at 8. But contrary to the State’s assertion, knowledge is an element of the offense. Indeed, the statute provides that “a person who knowingly or intentionally violates this section commits a Class A misdemeanor.” I.C. § 35-47-2-1(e). That statute is clear. It is not enough for a person to possess a firearm without a license. The person must have knowingly or intentionally possessed the firearm without a license. As such, we turn to Shea’s argument that he did not know that he no longer had a valid license.

[7] In particular, Shea contends that the “evidence showed only that the police record showed a suspension, but provided no information regarding whether or not Shea had been notified of that suspension.” Appellant’s Br. at 7. And he maintains that “there was no evidence that [he] ‘*knew or should have known*’ that

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<sup>2</sup> None of the exceptions are relevant to the instant case.

his previously valid permit to carry a handgun was invalid.” *Id.* (emphasis in original). We cannot agree.

[8] It is undisputed that Shea received a copy of the protective order and that he was aware of its terms. Indeed, Shea presented a copy of that order as evidence during his bench trial. And that order specifically indicated that Shea was “Brady disqualified” and that “it is a federal violation to purchase, receive or possess a firearm while subject to this order[.]” Ex. at 12, 16. Further, the protective order indicates that it was issued on October 26, 2020, and expired on October 2, 2022. That evidence demonstrates that Shea knew or should have known that he could not carry a firearm on June 19, 2021.

[9] Still, Shea contends that the protective order was ambiguous because it denied a request to have him surrender his firearms and because the advisement regarding federal law did not “mention his rights as an Indiana gun owner.” Appellant’s Br. at 7. However, whether Shea was required to surrender his firearms is not dispositive of whether he was legally allowed to carry one while the protective order was in place. As to the federal advisement, that statement is required to be included on protective orders pursuant to Indiana law. *See* I.C. § 34-26-5-3(c). And while it may not have specifically addressed his license to carry a handgun in Indiana, Shea knew or reasonably should have known that a federal prohibition against carrying a firearm would negatively impact his ability to carry one in Indiana. In other words, because he was aware that a federal law prohibited him from possessing a firearm pursuant to a duly issued Indiana protective order, Shea was, at a minimum, on notice that his Indiana

license to carry could be suspended or revoked. We therefore hold that a reasonable fact-finder could infer that Shea knew or should have known that his Indiana license to carry a handgun was not valid during the period that the protective order was in place.

## Conclusion

[10] In sum, the State presented sufficient evidence from which a reasonable fact-finder could infer that Shea knowingly carried a firearm without a license. We affirm Shea's conviction.

[11] Affirmed.

Bradford, C.J., and Brown, J., concur.