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IN THE COURT OF APPEALS OF INDIANA

Melvin Eugene Hall, II,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

April 13, 2021

Court of Appeals Case No. 21A-CR-41

Appeal from the Marion Superior Court

The Honorable Sheila A. Carlisle, Judge

Trial Court Cause No. 49D29-2009-MR-27368

Crone, Judge.

Case Summary

[1] Melvin Eugene Hall, II, appeals the trial court's denial of his petition for release on bail following his arrest and charge for murder. He contends that the denial was an abuse of discretion because the State failed to carry its burden to show

that the proof of his guilt for murder is evident or the presumption of guilt is strong. Specifically, he argues that the State failed to rebut his claims that he acted in self-defense or sudden heat. We conclude that the trial court did not abuse its discretion in finding that the State carried its burden, and therefore we affirm.

Facts and Procedural History

[2] Late in the evening of August 27, 2020, Hall, Natisha Staffney, and Danielle Taylor were working as security guards at the Brentwood apartment complex in Indianapolis. This was a new contract with their security firm, and it was only their second day on the job. That night, as often happened, there was a large gathering of about thirty people standing in the yard and the parking area and street next to the apartments. The security guards asked the people "to disburse [sic] out of the middle of the street." Tr. Vol. 2 at 66. Some of the people complied. The security guards then left the area and patrolled the rest of the apartment complex. Later, they returned to the area and observed that some of the people had not moved. The guards again asked them to disperse from the street, and "some people moved, and some didn't." *Id.*

[3] Naytasia Williams, accompanied by her friend Liberty Carnell, drove her car to the Brentwood apartment complex. Williams parked her vehicle,[1] and Carnell

[1] The parties do not indicate, and the record does not clearly reveal, exactly where Williams's car was parked at this time in relation to the group of people gathered at the apartments.

moved to the back seat so that another of Williams's friends could sit in the front seat. When that friend exited the vehicle, Carnell remained sitting in the back seat. Williams pulled out of the parking space, did a U-turn, and parked on the side of the street near a "large crowd" of people, with the street on the driver's side and the curb on the passenger's side. *Id*. at 88. The security guards had returned to the area by this time. When Williams parked, Hall was standing near the guardrail on the side of the street a couple feet from the passenger's side of Williams's vehicle. Staffney and Taylor were present but were farther away. Maurice Parker, a former correctional officer who had grown up in the area and frequently visited the apartment complex, was also present in the crowd. Parker had never seen security guards at the Brentwood apartments before, but he was familiar with Hall because he had seen him working as a security guard at other apartments over the years. Parker was also somewhat familiar with Williams.

[4] Two women on the driver's side of Williams's car started "having words" with her, and Williams got out of the car and started to argue with them in the street. *Id*. Carnell, who was still in the back seat behind the driver's seat, observed that Williams's handgun was lying on the driver's seat. Williams and the other women started pointing at each other, yelling, cussing, and threatening to kill each other. Parker was not worried that the argument would lead to violence because he had often seen this type of behavior and knew that the women were just blowing off steam. *Id*. at 40. Staffney was not alarmed by the argument; she did not perceive any threat and thought that "[j]ust because you're saying

stuff don't mean you're going to do anything." *Id*. at 81. According to Parker, "[e]verybody was, like, 'Guys, just stop arguing.' Like, 'Just forget it,' everybody was just brushing it off like it was nothing." *Id*. at 57. At no time did Williams direct her anger at anyone other than the women she was arguing with on the driver's side of her vehicle. Hall remained on the passenger's side of her car. Hall did not say anything during the argument, try to stop the argument, or intervene in any way to defuse the situation. *Id*. at 60.

[5] At one point, one of the women arguing with Williams said, "Don't get too close to the car. You know she got a gun." *Id*. at 92. Parker heard Williams yell more than once, "You lucky I ain't got no bullets." *Id*. at 42. Eventually, Williams said, "I'm going to spin the block," which according to Carnell meant "I'm going to leave." *Id*. at 89. The women continued to argue as Williams was getting back into her vehicle. Williams yelled, "Oh really? Oh really? …. That's how you motherfuckers feel? I got something for that ass. I'm about to do everybody." *Id*. at 110. Once back in the car, Williams continued to argue with the women through the open driver's side window. Williams put the car in drive to leave, and the car started to roll forward. Williams yelled out the window, "You ain't going to do nothing, woo, woo, woo," and the other women were pointing at her and yelling back. *Id*. at 46. At no point did Williams turn her head in Hall's direction. *Id*. at 60-61. Carnell saw Williams pick up the gun to move it "out of her way" and put it in the passenger's seat. *Id*. at 89. At that moment, Hall shined his flashlight into the vehicle through the passenger's window. *Id*. Hall said, "She has a gun. She has a gun," and

fired three gunshots through the passenger's window into the vehicle. *Id*. at 111. Williams threw up her hands and said, "I've been hit. I've been hit." *Id*. at 112. She got out of the car, and Hall ordered her, "Get the F on the ground. Get down. Get down." *Id*. at 47. Williams complied. Her vehicle was still in drive and rolled into the nearby guardrail. Parker came forward to help Williams, but Hall told him, "Get the F back. Get the F back …. I'll shoot you if you don't get back." *Id*. at 48. The police later found Williams's loaded gun lying in her car on the driver's seat.

[6] Williams was taken to the hospital, where she died an hour or so later. The autopsy revealed that she had been shot three times and had bullet wounds on her right arm, the right side of her upper body, and her left leg.

[7] In September 2020, the State charged Hall with murder. Hall filed a petition for release on bail. In November 2020, the trial court held a hearing on Hall's petition, at which the State submitted the testimony of witnesses Carnell, Staffney, Parker, and Indianapolis Metropolitan Police Department Detective Christopher Winter, as well as exhibits including body cam footage and crime scene and autopsy photographs. Taylor testified on behalf of Hall. Following the hearing, the parties submitted written arguments. Hall argued that he acted in self-defense or in sudden heat. On January 4, 2021, the trial court denied Hall's petition, finding that the State met its burden to show by a preponderance of the evidence that the proof is evident or the presumption strong that Hall committed the offense of murder. This appeal ensued.

Discussion and Decision

[8] The Indiana Constitution provides that "[o]ffenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong." IND. CONST. art. 1, § 17. In 2013, our supreme court reversed nearly 150 years of precedent and held that "when a criminal defendant is charged with murder or treason, whether by indictment or information, the burden lies with the State to show that the 'proof is evident, or the presumption strong,' if it seeks to deny bail to that defendant." *Fry v. State*, 990 N.E.2d 429, 443-44 (Ind. 2013); *Satterfield v. State*, 30 N.E.3d 1271, 1276 (Ind. Ct. App. 2015); *see also* Ind. Code § 35-33-8-2 ("Murder is not bailable if the state proves by a preponderance of the evidence that the proof is evident or the presumption strong. In all other cases, offenses are bailable."). To carry its burden, the State must demonstrate that the defendant is "more likely than not" guilty of murder or treason. *Fry*, 990 N.E.2d at 448. "Only if the State cannot make this minimal showing may the trial court establish monetary bail or other conditions of pre-trial release." *Id.* at 452 (Dickson, C.J., concurring opinion joined by Justice Rush). To make such a showing,

> the State must … present competent evidence either upon which those charging documents relied or upon which the State intends to rely at trial. Additionally the evidence cannot simply be statements by the prosecutor as to what the proof will–or might–be at trial. …. The magistrate must be shown information at the hearing from which he can make his own independent determination whether there is admissible evidence against an

> accused that adds up to strong or evident proof of guilt. [T]he evidence presented by the State must show culpability of the actual capital crime for which bail may be wholly denied–i.e. murder or treason–and not simply implicate a lesser-included offense such as voluntary or involuntary manslaughter.

Id. at 449 (citations and quotation marks omitted). In addition, another panel of this Court has held that the defendant has the right to present exculpatory evidence during a bail proceeding and the trial court has the duty to take this evidence into account when considering a request for bail. *Satterfield*, 30 N.E.3d at 1279. Such exculpatory evidence includes evidence of an affirmative defense, such as self-defense. *Id*.

[9] We will reverse a trial court's denial of bail in a murder case only upon an abuse of discretion. *Doroszko v. State*, 154 N.E.3d 874, 876 (Ind. Ct. App. 2020), trans. denied. An abuse of discretion occurs when the trial court's decision "is clearly against the logic and effect of the facts and circumstances." *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). In determining whether the trial court has abused its discretion, we will not reweigh the evidence, and we consider any conflicting evidence in favor of the trial court's ruling. *Collins v. State*, 822 N.E.2d 214, 218 (Ind. Ct. App. 2005), *trans. denied*. Further, it is the fact-finder's prerogative to judge the credibility of witnesses. *See Kimbrough v. State*, 911 N.E.2d 621, 636 (Ind. Ct. App. 2009) (stating that jury was not required to credit defendant's self-serving version of events).

[10] To carry its burden at the bail hearing, the State was required to show by a preponderance of the evidence that Hall knowingly or intentionally killed

Williams. Ind. Code § 35-42-1-1(1). "A person engages in conduct 'knowingly' if, when he engages in the conduct, he is aware of a high probability that he is doing so." Ind. Code § 35-41-2-2(b). "A person engages in conduct 'intentionally' if, when he engages in the conduct, it is his conscious objective to do so." Ind. Code § 35-41-2-2(a). "Intent to kill may be inferred from the use of a deadly weapon in a manner likely to cause death or great bodily injury." *Corbin v. State*, 840 N.E.2d 424, 429 (Ind. Ct. App. 2006). "[D]ischarging a weapon in the direction of a victim is substantial evidence from which the jury could infer intent to kill." *Id*. (citing *Leon v. State*, 525 N.E.2d 331, 332 (Ind. 1988)). A murder conviction may be sustained on circumstantial evidence alone. *Sallee v. State*, 51 N.E.3d 130, 134 (Ind. 2016).

[11] At the bail hearing, the State presented evidence showing that when Williams got into her car, Hall shined a flashlight in the car, said, "She's got a gun," and fired three shots at her. This is sufficient to show that Hall, more likely than not, knowingly or intentionally killed Williams. *See Webster v. State*, 699 N.E.2d 266, 268 (Ind. 1998) (evidence sufficient to support murder conviction where defendant fired gunshots into car where victim sat); *Coleman v. State*, 694 N.E.2d 269, 279 (Ind. 1998) ("Approaching the victim and firing two shots in his direction undoubtedly constitutes using a deadly weapon in a manner likely to cause death.").

[12] Hall, however, maintains that the State failed to carry its burden in light of his self-defense claim. "A valid claim of defense of oneself or another person is legal justification for an otherwise criminal act." *Wilson v. State*, 770 N.E.2d

799, 800 (Ind. 2002); Ind. Code § 35-41-3-2(a). With respect to self-defense claims, Indiana law distinguishes force from deadly force. Here, Hall used deadly force. To prevail on a claim of self-defense involving deadly force, the defendant is required to show that he or she "(1) was in a place where he had a right to be; (2) did not provoke, instigate, or participate willingly in the violence; and (3) had a reasonable fear of death or great bodily harm." *Id*. At trial, when a defendant raises a self-defense claim, the State must disprove at least one of these required elements beyond a reasonable doubt. *Id*. The State argues that at a bail hearing, the State's burden is to disprove a defendant's self-defense claim by a preponderance of the evidence because that burden is consistent with our supreme court's analysis in *Fry*.[2] *See Fry*, 990 N.E.2d at 445-449 (rejecting notion that State should be required to prove beyond a reasonable doubt that defendant committed murder or treason or even that the State's burden should be as high as clear and convincing evidence). We agree. We find further support to apply the preponderance-of-the-evidence standard in *Doroszko.* Although the *Doroszko* court addressed a slightly different self-defense issue, the court rejected the defendant's argument that in a bail hearing, the State was required to prove beyond a reasonable doubt that he had not acted in

[2] Hall presents no argument to the contrary.

self-defense.[3] 154 N.E.3d at 876. Accordingly, we will review whether the State disproved Hall's self-defense claim by a preponderance of the evidence.

[13] We note that the State "may meet this burden by rebutting the defense directly, by affirmatively showing the person did not act in self-defense, or by relying upon the sufficiency of its evidence in chief." *Cole v. State*, 28 N.E.3d 1126, 1137 (Ind. Ct. App. 2015) (quoting *Miller v. State*, 720 N.E.2d 696, 700 (Ind. 19991)). "Whether a defendant acted in self-defense is generally a question of fact, and on appellate review the finder of fact's conclusion is entitled to considerable deference." *Griffin v. State*, 997 N.E.2d 375, 381 (Ind. Ct. App. 2013) (citing *Taylor v. State*, 710 N.E.2d 921, 924 (Ind. 1999)), *trans. denied* (2014). "The trier of fact is not precluded from finding that a person used unreasonable force simply because the victim was the initial aggressor." *McCullough v. State*, 985 N.E.2d 1135, 1138 (Ind. Ct. App. 2013), *trans. denied*.

[14] Hall asserts that he had a right and a professional obligation to be at the apartments that night, that the State has not alleged that he provoked, instigated, or participated willingly in any violence until he was confronted with

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[3] In *Doroszko*, the defendant sought to sell marijuana to a group of buyers. The buyers drew guns, fired a shot into Doroszko's vehicle, and attempted to wrestle the marijuana away from Doroszko, who shot and killed one of the buyers during the confrontation. The primary question there was whether a self-defense claim was available to Doroszko. 154 N.E.3d at 876; *see* Ind. Code § 35-41-3-2(g)(1) (providing that a person is not justified in using force if the person is committing a crime); *see also Mayes v. State*, 744 N.E.2d 390, 392 (Ind. 2001) (holding that self-defense is not available to person who is committing a crime where there is an immediate causal connection between the crime and the confrontation leading to the victim's death). The *Doroszko* court concluded that the State had shown by a preponderance of the evidence that there was an immediate causal connection between the contemporaneous crime Doroszko committed and the confrontation leading to the victim's death, thereby foreclosing the availability of a self-defense claim. 154 N.E.3d at 876.

a threatening individual with a firearm, and that he reasonably believed that force was necessary to prevent serious bodily injury to himself or others because Williams was threatening violence toward an antagonistic crowd and had a gun in her hand moving in his direction. Appellant's Br. at 13. The State argues that the evidence shows that Hall's actions were not a proportionate response to the situation and thus his self-defense claim fails. We agree with the State.

[15] "The amount of force that an individual may use to protect himself must be proportionate to the urgency of the situation. When a person uses more force than is reasonably necessary under the circumstances, the right of self-defense is extinguished." *Pinkston v. State*, 821 N.E.2d 830, 842 (Ind. Ct. App. 2004) (citing *Hollowell v. State*, 707 N.E.2d 1014, 1021 (Ind. Ct. App. 1999)), *trans. denied* (2005).

[16] We begin by noting that since *Fry* announced that the burden in a bail hearing in a murder case would be borne by the State rather than the defendant, there have been only two appeals of a trial court's denial of bail, and neither is helpful to the review required here. *See Doroszko*, 154 N.E.3d at 876 (discussed above); *Satterfield*, 30 N.E.3d at 1279 (concluding that defendant has right to present self-defense evidence and remanding for new hearing for trial court's consideration of such evidence). Thus, we find ourselves in new territory. The evidence at the bail hearing shows that while Williams may have been arguing and making threats, Staffney and Parker both testified that they did not find the

women's argument alarming.[4] Parker further testified that other people in the crowd were not frightened by the women's threats. Significantly, none of the three security guards present, including Hall, said anything to the women during the argument or did anything to try to stop it or defuse the situation. Williams never directed any anger and threats toward Hall.[5] Although Williams's gun was close by in her car, which was brought to everyone's attention, there is no evidence that she returned to her car, which could have indicated she was going to get her gun, until she stated that she was going to leave. Williams loudly proclaimed more than once that she did not have any bullets, and the fact that her gun was actually loaded cannot be used as a post-hoc justification for Hall's shooting. When Williams got back in her car, she picked up her gun to move it out of her way to the passenger seat. There is no evidence that she made any threatening gestures toward anyone or that she pointed her gun at Hall or even in his direction or at anyone else. Hall did not attempt to order Williams to put down the gun or stop, but immediately fired three shots at her. From this evidence, the trial court reasonably could have found that Hall, more likely than not, used deadly force that was not

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[4] Hall argues that it was his second night on the job, so he was not familiar with the area and would have taken Williams's argument and threats more seriously than Parker did. However, Hall's argument is undermined by Parker's testimony that Parker was familiar with Hall because he had seen him at other apartments and parties over the years. Tr. Vol. 2 at 35-36.

[5] Hall contends that the fact that Williams did not direct her anger toward him is irrelevant because he was acting as a security guard and it was his duty to protect and defend others. Such a contention might have merit under other circumstances, but here we believe that Hall's failure to act during the argument to defuse the situation and his argument that he reasonably believed deadly force was necessary because Williams was moving the gun toward him make this evidence relevant to whether he believed deadly force was necessary under the circumstances.

proportionate to the urgency of the situation. Hall's argument is merely a request to reweigh the evidence, which we must decline.

[17] Hall next asserts that the evidence shows that he likely committed voluntary manslaughter rather than murder because he was acting in sudden heat. *See Fry*, 990 N.E.2d at 449 (stating that State must show culpability for murder, not a lesser-included offense such as voluntary or involuntary manslaughter). Sudden heat is a mitigating factor that reduces what otherwise would be murder to voluntary manslaughter. Ind. Code § 35-42-1-3(b).

> Sudden heat is characterized as anger, rage, resentment, or terror sufficient to obscure the reason of an ordinary person, preventing deliberation and premeditation, excluding malice, and rendering a person incapable of cool reflection. Voluntary manslaughter involves an impetus to kill which suddenly overwhelms the actor. Use of insulting or taunting words does not alone provide sufficient provocation for reducing murder to manslaughter.
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> To obtain a conviction for murder, the State is under no obligation to negate the presence of sudden heat, because there is no implied element of the absence of sudden heat in the crime of murder. However, once a defendant places sudden heat into issue, the State bears the burden of negating the presence of sudden heat beyond a reasonable doubt. The State may meet this burden by rebutting the defendant's evidence or by affirmatively showing in the State's case-in-chief that the defendant was not acting in sudden heat when the killing occurred.
>
> …. Existence of sudden heat is a classic question of fact to be determined by the jury.

Griffin v. State, 963 N.E.2d 685, 689 (Ind. Ct. App. 2012) (citations and quotation marks omitted). As for the State's burden of proof in a bail hearing, we apply the preponderance-of-the-evidence standard for the same reasons that support the application of that standard to a defendant's self-defense claim.

[18] Hall claims that the State itself characterized the incident as one involving sudden heat as follows:

> [A]n unfortunate convergence of factors led [Hall] to make a split-second horrific decision. [Hall] was looking into the interior of a car through tinted windows in the middle of the night with only a flashlight for assistance. [Williams's] gun was all black in color. [Hall] caught a glimpse of the gun, not as it was being pointed at him, but rather as Williams moved it over to the passenger seat as described by [Carnell].
>
> His immediate reaction upon seeing a gun was to fire multiple times into the car.

Appellant's Br. at 15 (citing Appellant's App. Vol. 2 at 29).

[19] Hall's argument ignores the evidence supporting the trial court's rejection of his argument that he was acting in sudden heat. As described above, the evidence shows that the women's argument and threats did not seem to alarm anyone present. Certainly, none of the security guards felt the need to intervene. Williams did not direct any anger or threats toward Hall. Williams was leaving the scene when she picked up her gun to move it to the passenger's seat; in fact, her car had already started rolling forward. She did not make any threatening gestures or point the gun at anyone. Although this does appear to be a close

case, existence of sudden heat is a classic question of fact to be determined by the factfinder, and our standard of review requires us to consider any conflicting evidence in favor of the trial court's ruling and precludes us from reweighing the evidence. Given that there is evidence to support the trial court's ruling that the State carried its burden to show by a preponderance of the evidence that Hall committed murder, we cannot say that the trial court abused its discretion. Therefore, we affirm the denial of Hall's petition for release on bail.

[20] Affirmed.

Riley, J., and Mathias, J., concur.