

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Scott King
King & Murdaugh, LLC
Merrillville, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General
Alexandria Sons
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Lyman Spurlock,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

July 29, 2022

Court of Appeals Case No.
21A-CR-2135

Appeal from the Marion Superior
Court

The Honorable Angela Dow
Davis, Judge

Trial Court Cause No.
49D27-2001-MR-1178

Crone, Judge.

Case Summary

- [1] Lyman Spurlock appeals his murder conviction, arguing that the State failed to rebut his claim of self-defense beyond a reasonable doubt. Finding the evidence sufficient, we affirm.

Facts and Procedural History

- [2] In January 2020, Spurlock’s mother, Carlita Johnson, her niece Diana Harris, and Harris’s childhood friend Jasmine Brown shared a mobile home. Johnson’s minor daughter also lived there. Johnson, Harris, and Brown had an agreement that men were not allowed in the home when minor children were present. At some point and without prior notice to Brown, Johnson allowed Spurlock, his girlfriend Tiyana Lee, and their children to move into the home. This arrangement was not part of the women’s initial agreement when they decided to share the mobile home. Johnson began paying rent late, and Johnson and Brown’s relationship became “hostile.” Tr. Vol. 3 at 55. Harris also stopped paying rent. Harris and Brown’s friendship deteriorated. Tr. Vol. 2 at 239.
- [3] Brown worked at Amazon, and at one time, Harris had also worked there. At Amazon, they became friends with a coworker, Leeshawn Parker.¹ Tr. Vol. 3 at 79; Tr. Vol. 2 at 240. Eventually, Brown became romantically involved with Parker. Brown had Parker over to the home a couple times after informing

¹ The spelling of Leeshawn varies in the transcript; we have followed the spelling on the charging information. Appellant’s App. Vol. 2 at 19.

Harris and Johnson that he would be coming. Tr. Vol. 2 at 241. Parker's presence had not caused any problems on these occasions. *Id.* at 221. Brown did not believe that Parker had ever spoken to Spurlock. Tr. Vol. 3 at 82.

[4] On January 5, Brown invited Parker to the home because he needed a place to stay. Brown believed that all the other residents of the home would be absent because Harris had told her that they all would be visiting friends in Gary for the weekend. *Id.* at 83. That evening, Brown and Parker were in Brown's bedroom when they heard a car pull up, and Brown recognized Johnson's and Harris's voices. They had returned with Spurlock and the others. Brown heard them enter the home and go to their bedrooms.

[5] Parker was aware of the agreement regarding men not being in the home when minor children were present, and he and Brown decided to leave. *Id.* at 60. Brown needed something from her car, so she borrowed Parker's jacket to go outside to the car and then returned to her bedroom. Apparently, Johnson saw Brown and recognized Parker's jacket and began yelling at Harris to tell Brown that Parker needed to leave. Tr. Vol. 2 at 217; Tr. Vol. 3 at 60. Brown came out of the bedroom to talk to Johnson, but Johnson "was just so angry, she just started picking a fight." Tr. Vol. 3 at 61. Brown and Johnson began arguing, the argument became physical, and they started "tussling around." *Id.* at 62. Johnson swung at Brown, poked her in the eye, and put her in a headlock. Harris intervened and pulled the two apart.

[6] Brown returned to her room and closed the door, but Johnson and Harris “bu[r]st in the room and started yelling at [Parker].” *Id.* Brown “stood up” for Parker while he “gathered his stuff.” *Id.* at 63. Parker was “calm.” *Id.* at 88. As Parker put his shoes on, Johnson saw that Parker had a handgun on the floor by his feet. *Id.* at 224. Parker put his belongings, including the gun, in his bag. *Id.*; Tr. Vol. 2 at 226. Johnson was not concerned that Parker might use his gun, and she was not scared of him. Tr. Vol. 3 at 247. Parker did not point the weapon at anyone or threaten anyone. Tr. Vol. 2 at 226. Johnson did not tell anyone else in the house that Parker had a gun. Tr. Vol. 3 at 225. At this point, Spurlock was in a different bedroom and would not have known that Parker had a gun. Tr. Vol. 4 at 13.

[7] Brown told Johnson and Harris that she and Parker were not going to leave right away because she needed to pack her things and she did not want Parker to leave by himself. Tr. Vol. 3 at 88. Spurlock came into Brown’s bedroom and told Brown that she and Parker should leave. Spurlock became “heated” and began “yelling at everybody.” *Id.* at 67. The situation was “pretty much chaotic [...] because everybody[was] yelling at each other and nobody[was] listening.” *Id.* at 66.

[8] Parker was “ready to go.” *Id.* at 70. He stood up “to leave the room” with his bag in his hand. *Id.* at 241; Tr. Vol. 2 at 230. However, the doorway was blocked by Harris, Spurlock, and Johnson, and it was the only exit from the room. Tr. Vol. 3 at 68; Tr. Vol. 2 at 227. Spurlock was standing in the doorway. Tr. Vol. 3 at 69. Johnson was in the hallway behind Spurlock. Harris was

standing in the room facing Parker, and Brown was standing next to Parker. Harris pushed Spurlock away from the room and told him, “I know how you get.” Tr. Vol. 2 at 231-32. Harris thought Spurlock and Parker might get into a physical fight, so she turned toward Parker and started pushing him back. *Id.* at 231, 234. Parker had dropped his bag. As Harris pushed Parker, she looked right at him and saw that his hand was in his pocket. *Id.* at 233-34. Harris did not see a gun in Parker’s hand. *Id.* She did not see him pointing a gun at anyone. *Id.* Harris heard a gunshot behind her. *Id.* at 232. Spurlock had “pull[ed] out his gun” and “start[ed] firing.” Tr. Vol. 3 at 67. Spurlock shot Parker twice in the head. Tr. Vol. 2 at 232-33. Parker “tried to defend himself by pulling out his gun.”² Tr. Vol 3 at 67. Parker’s gun fell to the floor. Tr. Vol. 2 at 233. Brown saw Parker “on the floor and his gun next to him.” Tr. Vol 3 at 70. Parker never fired his gun. *Id.* at 92. Johnson never saw a gun in Parker’s hand. *Id.* at 241-42. Harris, Spurlock, and Johnson “ran” to the kitchen. *Id.* at 70. Brown stayed with Parker. Brown heard Johnson say, “[W]e’ll just say it was an act of self-defense.” *Id.* at 71. Brown heard them yelling “why did you do that and we got to call the police, and we’ll just tell them it was [...] self-defense.” *Id.* Johnson called 911.

[9] When police arrived at the scene, Parker was dead. Parker’s autopsy revealed two gunshot wounds to his head. One was an intermediate-range (a few inches

² Although prior testimony indicates that Parker put the gun in the bag, there is no testimony in the record as to when the handgun was removed from the bag or from where he pulled out his gun.

to a few feet), penetrating wound to the front of the head “approximately three inches below the top of the head, a quarter inch to the right of midline[,]” which left a portion of the fragmented bullet in his skull. *Id.* at 23-26. The second was a grazing wound on the surface of the skin of the right side of the head with no evidence of close-range or contact firing. *Id.* at 25.

[10] Spurlock was interviewed a few hours after the shooting. State’s Ex. 54. When asked if Parker threatened him, Spurlock said that Parker made him feel “nervous.” *Id.* at 46:02. When asked how he knew that Parker “wasn’t just leaving” the room through the doorway in which Spurlock was standing, Spurlock replied, “I guess I don’t.” *Id.* at 34:15-34:21.

[11] The State charged Spurlock with murder. A three-day jury trial was held. Spurlock claimed self-defense. Harris and Brown testified for the State. Johnson, Lee, and Spurlock testified for the defense. Spurlock testified that he saw Parker raising his gun in his right hand and taking steps toward the door. Tr. Vol. 4 at 74. Spurlock also testified that he believed that Parker was going to shoot him and “[t]hat’s the only reason [he] pulled [his] gun and shot.” *Id.* at 75-76. The jury found Spurlock guilty. The trial court sentenced him to an executed term of forty-five years. This appeal ensued.

Discussion and Decision

[12] Spurlock claims that the State presented insufficient evidence to rebut his self-defense claim. “The standard of review for a challenge to the sufficiency of evidence to rebut a claim of self-defense is the same as the standard for any

sufficiency of the evidence claim.” *Wilson v. State*, 770 N.E.2d 799, 801 (Ind. 2002). “We neither reweigh the evidence nor judge the credibility of the witnesses.” *Id.* We will affirm the conviction “if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt.” *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005) (citation omitted).

[13] A person who knowingly or intentionally kills another human being commits murder. Ind. Code § 35-42-1-1. Here, Spurlock claimed that he killed Parker in self-defense. Self-defense is a legal justification for an otherwise criminal act. *Hall v. State*, 166 N.E.3d 406, 412 (Ind. Ct. App. 2021). A person is justified in using deadly force and does not have a duty to retreat “if the person *reasonably* believes that force is necessary to prevent serious bodily injury to the person[.]” Ind. Code § 35-41-3-2(c) (emphasis added). Reasonable belief as applied under Indiana’s self-defense statute “requires both subjective belief that force was necessary to prevent serious bodily injury, and that such actual belief was one that a reasonable person would have under the circumstances.” *Littler v. State*, 871 N.E.2d 276, 279 (Ind. 2007).

[14] Our courts have long held that to prevail on a self-defense claim, the defendant is required to show that he or she “was in a place where he [or she] had a right to be, acted without fault, and reasonably feared or apprehended death or great

bodily harm.”³ *Larkin v. State*, 173 N.E.3d 662, 670 (Ind. 2021) (citation and quotation marks omitted). To defeat a self-defense claim, the State is required to disprove at least one of these elements beyond a reasonable doubt. *Id.* 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.” *Hall*, 166 N.E.3d at 413 (quoting *Cole v. State*, 28 N.E.3d 1126, 1137 (Ind. Ct. App. 2015)). “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). If a defendant is convicted despite his claim of self-defense, we “will reverse only if no reasonable person could say that self-defense was negated by the State beyond a reasonable doubt.” *Wilson*, 770 N.E.2d at 800-01.

[15] Spurlock contends that the evidence established that he reasonably feared death or great bodily harm and the State’s evidence failed to rebut that element beyond a reasonable doubt. In support, he argues that both he and Harris testified that when Johnson first observed Parker’s gun on the floor, they heard Johnson say that Parker had a gun. He further notes that Lee testified that she

³ We have recently qualified the requirement that a person be in a place where he or she has a right to be, holding that “when a person is not in a place where he or she has a right to be, a self-defense claim is barred only if there is an immediate causal connection between the person’s presence in that place and the confrontation.” *Turner v. State*, 183 N.E.3d 346, 356 (Ind. Ct. App. 2022), *trans. denied*.

saw Parker pull out his gun and point it at Spurlock's face and that he also testified that he saw Parker raise his gun and feared that Parker would shoot him.

[16] As for whether Spurlock was aware that Parker had a gun, Johnson testified that she did not tell anyone else in the house that Parker had a gun. Lee testified that Spurlock was in a different bedroom and that he would not have known about the gun. Tr. Vol. 4 at 13. Furthermore, even though Johnson saw that Parker had a gun, she testified that she "wasn't concerned" about Parker using his gun and was not "scared" of him. Tr. Vol. 3 at 247. Harris testified that Parker did not threaten anyone. Tr. Vol. 2 at 226, 233. Brown testified that Parker did not threaten anyone or say "anything mildly wrong" and that he remained calm and tried to reason with people. Tr. Vol. 3 at 91.

[17] As for Lee's and Spurlock's testimony that Parker pulled his gun first, Lee was in the hallway, not in the bedroom, and Johnson was standing behind Spurlock, who was standing in the doorway. In contrast, Harris testified that she was right in front of Parker looking right at him and that his hand was in his pocket when she heard the shots fired behind her. Tr. Vol. 2 at 233. She did not see him point his gun at anyone. *Id.* Based on this evidence, a reasonable person could conclude that Spurlock did not have a reasonable belief that Parker was going to shoot him. Spurlock's argument is merely an invitation to reweigh the evidence and judge the credibility of witnesses, which we will not do. *See Wilson*, 770 N.E.2d at 801. Accordingly, we affirm his conviction for murder.

[18] Affirmed.

Vaidik, J., and Altice, J., concur.