

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Gabriel Cornelius West, Jr.,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

August 31, 2022

Court of Appeals Case No.
21A-CR-2594

Appeal from the Marion Superior
Court

The Honorable Cynthia L. Oetjen,
Judge

Trial Court Cause No.
49D30-2003-MR-9835

Brown, Judge.

[1] Gabriel Cornelius West, Jr., appeals his convictions for murder and robbery resulting in serious bodily injury as a level 2 felony. West raises two issues which we revise and restate as the following:

- I. Whether the trial court erred in denying his motion for judgment on the evidence; and
- II. Whether the evidence is sufficient to sustain West's convictions.

We affirm.

Facts and Procedural History

[2] At 3:07 p.m. on November 21, 2019, Johnathan Quarles,¹ West, and a third man visited the house where Aaron Jones lived with his girlfriend, Marica Steinmeyer, and her four-year-old son, as shown in a video recording taken from a Ring doorbell camera. Jones sold clothing, accessories, shoes, and marijuana out of his basement. When they arrived, Quarles and West entered through the side door of the house. Quarles left the house with Jones's red and white Jordan backpack and went to his car. When Quarles and the third man, carrying a black bag, walked back toward the house at approximately 3:10 p.m., there was a gunshot.

[3] At approximately 3:36 p.m., Nathan Hummel and his father-in-law, James Wallace, arrived at Jones's residence for a pre-arranged purchase of shoes and a

¹ At trial, Quarles indicated that, although his name is spelled on his birth certificate and driver's license as "Johnthan," he prefers to spell his name with "a[n] A in it." Transcript Volume II at 239.

sweatshirt. Hummel attempted to call Jones on his cell phone multiple times after noticing the door and exterior gate of Jones’s house had been left open. Failing to reach Jones on the phone, Hummel and Wallace entered the house and discovered Jones on the floor in the basement, partially propped against the basement wall, and called 911.

[4] On March 9, 2020, the State charged West with: Count I, murder; Count II, felony murder; and Count III, robbery resulting in serious bodily injury as a level 2 felony.² In September 2021, the court held a two-day, joint jury trial with West and Quarles as co-defendants, in which Steinmeyer testified that, after she gained access to the Ring camera footage, she viewed the footage and sent the video to a detective. When shown still frames of the video, she identified her son and Jones entering the house at 1:45 p.m. and stated that Jones was carrying a Jordan backpack, that he did not permit others to use the backpack, and that he would store marijuana in the backpack. The State presented additional still frames which showed Quarles and West entering the house at 3:07 p.m., Quarles walking to his car with two backpacks, and Quarles and a third man walking back toward the house at 3:10 p.m. In referring to other subsequent still frames of the video recording, Steinmeyer confirmed that Quarles left the house at 3:10 p.m. with what appeared to be Jones’s Jordan backpack and another bag. She stated further that Jones “didn’t have a favorite

² Count III alleged that West “did knowingly take a backpack and/or marijuana from Aaron Jones” Appellant’s Appendix Volume II at 19.

bag,” and stated “no” in response to the question, “[d]id you ever see that Jordan bag leave your house with anyone other than Aaron in the entire time that you lived there with him?” Transcript Volume II at 163. On recross-examination, she agreed with the statements that, when she re-entered the house on November 21, 2019, she found marijuana, televisions, and gaming systems in the house.

[5] Indianapolis Metropolitan Police Department (“IMPD”) Detective Dustin Keedy explained the default settings for Ring doorbell cameras, stating that the cameras record for a preset amount of time, after which the camera takes some time to reset before it will record again. IMPD Detective Leslie VanBuskirk testified that she had viewed the Ring doorbell camera footage from November 21, 2019. The prosecutor introduced video footage and played the relevant sections starting at 1:45 p.m., approximately 3:07 p.m., 3:10 p.m., and 3:36 p.m. Detective VanBuskirk stated that, at the end of the 3:10 p.m. video, she heard gunshots. On cross-examination, she agreed that the videos showed two other individuals visiting and leaving the house from 1:14 p.m. until 1:54 p.m. and 2:16 p.m. until 2:38 p.m. On redirect examination, she testified that Jones can be seen at 3:07 p.m., when Quarles and West initially approach his house, but that no subsequent videos record Jones alive. She stated that, at the autopsy, Jones had a lighter, identification card, a wallet, debit cards, and \$597 dollars in cash on his person.

[6] Christopher Poulos, the chief forensic pathologist for the Marion County Coroner’s Office, testified that the results of Jones’s autopsy revealed that Jones

was shot nine times primarily from a distance between a few inches to a few feet, including in the head, chest, and hand. Jones also had multiple, superficial blunt force injuries. Amber Timmerman, a latent print examiner with the IMPD, and Trion Taylor, a crime scene specialist with the Indianapolis Marion County Forensic Services Agency, testified that a shoebox had been recovered from the scene with a print identified as belonging to Quarles.

[7] West and Quarles moved for judgment on the evidence after the State finished presenting its case-in-chief, and the court denied the motions. Quarles testified that he went to Jones's house to purchase marijuana and brought West and a third man he did not know. He stated that he spent five hundred and fifty dollars on marijuana, Jones placed the money in his back pocket, he took the marijuana outside in two bags, he heard a gunshot, he returned to the house and saw Jones and West fighting, he saw West with a gun, he ran back to his car, and West and the third man jumped in his car. He testified that West stated, “[g]et me away from this mother-----. I just (inaudible) this n-----,” and when he dropped off the two men, they took the two bags that Quarles had previously transferred to the car. Transcript Volume III at 105. On cross-examination, the State introduced pages from Quarles's notebook in which he had written the text of Indiana's robbery statute and rap lyrics, stating “my partna [sic] crossed the line.” Exhibits Volume II at 66.

[8] The jury found West guilty on all counts. On October 27, 2021, the court vacated Count II. The court sentenced West to consecutive sentences of fifty-

five years for murder in the Indiana Department of Correction and three years of community corrections for robbery resulting in serious bodily injury.

Discussion

I.

[9] The first issue is whether the trial court abused its discretion by denying West's motion for judgment on the evidence. When a defendant moves for judgment on the evidence, the court is required to withdraw the issues from the jury if: (1) the record is devoid of evidence on one or more elements of the offense; or (2) the evidence presented is without conflict and subject to only one inference, which is favorable to the defendant. *Farris v. State*, 753 N.E.2d 641, 647 (Ind. 2001); (citing Ind. Trial Rule 50(A); *Cutter v. State*, 725 N.E.2d 401, 407 (Ind. 2000), *reh'g denied*). Our review of the denial of a motion for judgment on the evidence is essentially the same as review of a claim of insufficient evidence to support a conviction. *Pavlovich v. State*, 6 N.E.3d 969, 980 (Ind. Ct. App. 2014). We will neither reweigh evidence nor judge witness credibility and must consider only the evidence supporting the conviction and any reasonable inferences to be drawn therefrom. *Id.* We will affirm if there is substantial evidence of probative value from which a reasonable trier of fact could have concluded beyond a reasonable doubt that the defendant was guilty of the charged crime. *Id.*

[10] Ind. Code § 35-42-1-1(1) provides that murder occurs when a person knowingly or intentionally kills another human being. Ind. Code § 35-42-5-1(a) provides

that a person who knowingly or intentionally takes property from another person or from the presence of another person by using or threatening the use of force on any person commits robbery as a level 2 felony if it results in serious bodily injury to any person other than a defendant.

[11] West argues the State did not present “direct proof or inference that West was armed with a firearm or was responsible for Jones’s fatal wounds, let alone that West inflicted any such wounds knowingly or intentionally” and there was no proof “that property was taken from Jones or his presence by the use or threat of force.” Appellant’s Brief at 10. He further argues the error was not harmless because Quarles provided inculpatory testimony.

[12] The record reveals the State presented evidence that Quarles and West entered Jones’s house. A fingerprint belonging to Quarles was discovered on a shoebox in the basement. Quarles exited the house and went to the car with two backpacks, one of which was Jones’s red and white Jordan backpack which he ordinarily did not permit others to use, and Detective VanBuskirk testified that she heard gunshots on the video as Quarles and the third man, carrying a black bag, began walking back toward the house. At the time Detective VanBuskirk heard gunshots, only Jones, his dog, West, and Steinmeyer’s son remained in the house. Jones was shot nine times. Based on the evidence as set forth above and in the record, we conclude that the court did not err in denying West’s motion for judgment on the evidence.

II.

[13] The next issue is whether the evidence is sufficient to sustain West’s convictions for murder and robbery resulting in serious bodily injury. When reviewing claims of insufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. *Jordan v. State*, 656 N.E.2d 816, 817 (Ind. 1995), *reh’g denied*. We look to the evidence and the reasonable inferences therefrom that support the verdict. *Id.* The conviction will be affirmed if there exists evidence of probative value from which a reasonable jury could find the defendant guilty beyond a reasonable doubt. *Id.* It is well established that “circumstantial evidence will be deemed sufficient if inferences may reasonably be drawn that enable the trier of fact to find the defendant guilty beyond a reasonable doubt.” *Pratt v. State*, 744 N.E.2d 434, 437 (Ind. 2001).

[14] As noted above, Ind. Code § 35-42-1-1(1) provides that murder occurs when a person knowingly or intentionally kills another human being. Ind. Code § 35-42-5-1(a) provides that a person who knowingly or intentionally takes property from another person or from the presence of another person by using or threatening the use of force on any person commits robbery as a level 2 felony if it results in serious bodily injury to any person other than a defendant.

[15] West claims that the State presented “no basis to infer that West’s act of shooting Jones, even if true, was done with the requisite *mens rea* for proof of the crime of murder.” Appellant’s Brief at 13. He further argues that “there is no evidence in the [r]ecord that West took anything from Jones” and that there is insufficient evidence that he was an accomplice. *Id.* at 14. He asserts that the

evidence presented by the State, as well as Quarles's testimony, is not sufficient to support his convictions.

[16] The record reveals that Quarles left Jones's house with two bags, one of which was Jones's Jordan bag; Jones, West, and Steinmeyer's four-year-old son were the only people still in the house; and Jones suffered nine gunshot wounds. Quarles testified that he heard a gunshot while walking back toward the house, that he observed Jones and West fighting, saw West with a gun, heard gunshots, and that West later stated, "[g]et me away from this mother-----. I just (inaudible) this n-----." Transcript Volume III at 105. The prosecutor later introduced excerpts from Quarles's journal, in which he had written Indiana's robbery statute and self-composed lyrics, stating in part, "my partna [sic] crossed the line." Exhibits Volume II at 66.

[17] We conclude that evidence of probative value was presented from which a reasonable jury could find West guilty beyond a reasonable doubt of murder and robbery resulting in serious bodily injury as a level 2 felony.

[18] For the foregoing reasons, we affirm West's convictions.

[19] Affirmed.

Mathias, J., and Tavitas, J., concur.