

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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Jeremy Farmer,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

December 22, 2023  
Court of Appeals Case No.  
23A-CR-1165  
Appeal from the  
Marion Superior Court  
The Honorable  
Jennifer Harrison, Judge  
Trial Court Cause No.  
49D20-2102-MR-4271

**Memorandum Decision by Judge Vaidik**  
Judges Bradford and Brown concur.

**Vaidik, Judge.**

## Case Summary

- [1] Jeremy Farmer appeals his conviction for murder, arguing the evidence is insufficient to rebut his claim of self-defense. We affirm.

## Facts and Procedural History

- [2] The evidence most favorable to the conviction is as follows. In April 2019, Farmer moved in with his father, Roger. Roger was a disabled veteran, and he walked with a limp and couldn't lift his right arm above his shoulder. After living together for a few months, Farmer and Roger started a landscaping business together. Roger secured a loan to buy a truck for the business, and they agreed Farmer would make the payments.
- [3] By November, Farmer had fallen behind on payments, and Roger told Farmer he planned to take the truck away. That same month, Roger disappeared. When asked, Farmer said Roger was away on a hunting trip. Roger's family and friends kept getting text messages from his phone, but they suspected Roger wasn't the one sending the texts because the messages "just didn't sound like him." Tr. Vol. II p. 158. Between November and December, Roger's family and friends grew increasingly suspicious of Farmer's explanation that Roger was on a hunting trip because he had been gone for several weeks and "things just weren't adding up." *Id.* at 155. Roger's daughter ultimately filed a missing-

person report after he didn't come home for Christmas. Detective Larry Craciunoiu was assigned to the missing-person case as lead investigator.

[4] Police searched Roger's house in January 2020. There were cleaning supplies throughout the house, and part of the carpet in Farmer's bedroom had been torn up. Detective Craciunoiu interviewed Farmer that same month, and Farmer maintained his story that Roger left to go on a hunting trip in November. As he continued the investigation, Detective Craciunoiu learned that Farmer pawned Roger's crossbow, the email address and phone number on Roger's bank account had been changed to Farmer's, and Farmer impersonated Roger to get money from his account. Detective Craciunoiu obtained surveillance footage of Farmer purchasing several items from Lowe's, including a 96-gallon trash bin. Police also retrieved location data from Farmer's and Roger's cell phones, which showed that the phones were consistently in the same area throughout November and December 2019.

[5] By February, Detective Craciunoiu "believe[ed] that Roger was probably not alive any longer," and Farmer was the suspect. Tr. Vol. III p. 135. Detective Craciunoiu brought Farmer in for another interview, but Farmer asked for a lawyer before answering any questions. A year later, in February 2021, Farmer was charged with murder and taken into custody.

[6] In May 2021, eighteen months after Roger went missing, an employee of Ameri-Stor contacted police because there was a "[s]mell of something dead" coming from Farmer's storage unit, which he'd rented back in November 2019.

Ex. 128. Police searched the unit and found a large trash bin secured with zip ties and covered by a tarp. Inside the trash bin was Roger's body, wrapped in a sleeping bag and in an advanced state of decomposition. Dr. Bruce Wainer, a forensic pathologist with the Marion County Coroner's Office, performed an autopsy. He concluded the cause of Roger's death was a gunshot wound to the head, and the manner of death was homicide. The toxicology screening detected Xanax at a non-lethal level, and no alcohol was detected.

[7] In June 2021, Farmer wrote a letter to the trial court from jail that read:

Jeremy J. Farmer hereby states he acted in self defense to protect his life when Roger F. Farmer pull [sic] a firearm and placed it at Jeremy J. Farmer[']s head and threatened to kill him for what he knew (drug smuggling & sales)[.] Jeremy J. Farmer swears he did not shoot nor kill Roger F. Farmer, the gun discharged when Jeremy J. Farmer fought to get away from the situation . . . .

Ex. 239. After learning of Farmer's allegation that Roger was involved in selling drugs, Detective Craciunoiu checked with local, state, and federal law enforcement and found no evidence that Roger had been involved with or investigated for any illegal activity.

[8] At the jury trial, forensic pathologist Dr. Christopher Poulos testified because Dr. Wainer was no longer with the Marion County Coroner's Office. Dr. Poulos said Roger's only injury was the gunshot wound to his head—there were no broken bones, cuts, or bruises on his body. The bullet had entered the front of Roger's skull and moved to the back, slightly left to right, with no vertical deviation. Dr. Poulos explained that for there to be no vertical

deviation, the bullet would've had to enter the skull straight on. This could be because someone was standing right in front of Roger and fired from there, or someone was standing over him as he was lying down and fired straight down. Dr. Poulos couldn't definitively say that Roger couldn't have done that himself, but he believed "that this was not done by the decedent himself" and "that this is a homicide." Tr. Vol. III p. 68.

[9] Farmer testified, maintaining that he acted in self-defense. He claimed Roger came home drunk one night and said he planned to take the truck away because Farmer hadn't made the payments. Farmer tried to walk away, but Roger followed him to his bedroom. Farmer wanted to keep the truck because he needed it for his business, so he said if Roger took it away, he'd turn him in for selling drugs. According to Farmer, Roger pointed a gun at his face but struggled to hold it up because of his shoulder issues. Farmer tried to disarm Roger by "shaking his arm" and "trying to flip the gun out of his wrist," but the gun discharged while Roger was still holding it. Tr. Vol. IV p. 105. Roger fell, and Farmer picked up the gun and put it on top of the refrigerator. He left the house without attempting life-saving measures or contacting law enforcement.

[10] Farmer admitted he came home a few days later, put Roger's body into the trash bin, and hid it in the storage unit. He also admitted to sending text messages from Roger's phone, using Roger's credit card and bank accounts, and taking out the carpet in his bedroom. Farmer said he kept lying and covering up Roger's death because he didn't think anyone would believe his claim of self-defense, and he didn't want to face charges.

[11] The jury found Farmer guilty of murder, and the trial court sentenced him to fifty-seven years.

[12] Farmer now appeals.

## Discussion and Decision

[13] Farmer contends the State failed to rebut his claim of self-defense. If a self-defense claim is raised and finds support in the evidence, the State has the burden of negating the claim beyond a reasonable doubt. *Wilson v. State*, 770 N.E.2d 799, 800-01 (Ind. 2002). “The State may meet this burden by rebutting the defense directly, by affirmatively showing the defendant did not act in self-defense, or by simply relying upon the sufficiency of its evidence in chief.” *Miller v. State*, 720 N.E.2d 696, 700 (Ind. 1999). When a defendant challenges the sufficiency of the State’s evidence in this regard, we will not reweigh the evidence or judge witness credibility. *Wilson*, 770 N.E.2d at 801. We will reverse “only if no reasonable person could say that self-defense was negated by the State beyond a reasonable doubt.” *Id.* In other words, a trier of fact’s decision on a self-defense claim is generally entitled to considerable deference on appeal. *Taylor v. State*, 710 N.E.2d 921, 924 (Ind. 1999).

[14] A person is justified in using deadly force and has no duty to retreat if he reasonably believes deadly force is necessary to prevent serious bodily injury or the commission of a forcible felony. Ind. Code § 35-41-3-2(c). A claim of self-defense requires that the defendant “(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.” *Wilson*, 770 N.E.2d at 800. Farmer contends that he didn’t provoke, instigate, or participate willingly in the violence and that he had a reasonable fear of death or great bodily harm. The State argues there is sufficient evidence to rebut these claims. Because the evidence controverts Farmer’s version of events, we agree with the State.

[15] Farmer said Roger came home drunk the night of the murder, but there was no alcohol detected in the autopsy. He alleges Roger pointed a gun at him after he threatened to report Roger for selling drugs, but Detective Craciunoiu found no evidence that Roger was involved in or being investigated for any illegal activity. Farmer claims he couldn’t overpower Roger to disarm him, but Roger was physically disabled and (based on Farmer’s testimony) was already having trouble holding up the gun before Farmer made contact with him. The forensic evidence also doesn’t support Farmer’s account of a struggle for the gun. Roger’s body didn’t have any cuts, scrapes, or bruises. Farmer testified that the gun went off while he tried to get it out of Roger’s hand, but the bullet entered Roger’s skull straight on with no vertical deviation, and Dr. Poulos didn’t believe Roger shot himself from that angle. The only evidence supporting Farmer’s self-defense claim was his own self-serving testimony, which the jury was free to disbelieve. *Randolph v. State*, 755 N.E.2d 572, 576 (Ind. 2001). Farmer’s attempt to discredit the State’s evidence in favor of his own testimony is merely a request for us to reweigh the evidence, which we will not do. *Id.*

[16] Farmer also covered up Roger's death. He claims he was afraid of prosecution because he didn't think anyone would believe his claim of self-defense. But Farmer's actions after the murder show a consciousness of guilt. Rather than calling for medical assistance or law enforcement after the shooting, Farmer hid the gun and fled the house. He hid his father's body in the storage unit for eighteen months and continuously covered up the death by texting family and friends from Roger's phone and telling them Roger was on a hunting trip. He also tampered with the crime scene by tearing up the carpet in his bedroom. This is probative evidence from which the jury could have reasonably concluded that Farmer didn't commit the murder in self-defense. *See Orozco v. State*, 146 N.E.3d 1038, 1042 (Ind. Ct. App. 2020) (finding defendant's conduct showed he didn't believe he acted in self-defense where he didn't call for medical assistance or law enforcement and instead fled the state and disposed of the murder weapon), *trans. denied*.

[17] The evidence is sufficient to rebut Farmer's self-defense claim.

[18] Affirmed.

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