

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

D. C.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

April 5, 2024

Court of Appeals Case No.
23A-JV-1716

Appeal from the Marion Superior Court
The Honorable Geoffrey A. Gaither, Judge

Trial Court Cause No.
49D09-2208-JD-6054

Memorandum Decision by Judge Mathias
Judges Tavitas and Weissmann concur.

Mathias, Judge.

- [1] The Marion Superior Court adjudicated D.C. a delinquent child for committing felony murder and assisting a criminal, a Level 5 felony if committed by an adult. D.C. appeals the adjudication, raising one issue, namely, whether the State presented sufficient evidence that D.C. was one of the three juveniles who participated in the offense that resulted in the victim's death.
- [2] We affirm.

Facts and Procedural History

- [3] During the early morning hours of October 10, 2021, D.C. and his two friends H.N. and C.E. were walking around their neighborhood in Indianapolis. The trio was carrying an AR-15, which D.C. and C.E. had fired out of a bedroom window at H.N.'s house a few hours earlier. At some point, the boys decided to break into a house in the neighborhood. D.C. and C.E. entered the house through a bathroom window, with the rifle, while H.N. waited outside.
- [4] Antonia Reiner was asleep in the adjacent bedroom when she awoke to investigate noises she had heard. Antonia's husband, Art, also woke up, and, after investigating the noises, Antonia told him that someone was breaking into the house. As Antonia was standing outside the closed bathroom door, Art heard "multiple gunshots." Tr. Vol. 2, p. 21. Antonia told him that she had been shot. Art helped Antonia from the bedroom to the kitchen, but she collapsed at the kitchen door. Art called 9-1-1. Before the ambulance arrived, Art found that the bathroom window was "wide open" and the screen had been

removed. *Id.* at 24. Art also found a pile of bullet casings in the bathtub. Antonia died of her injuries.

[5] Investigating officers connected H.N. to the shooting. H.N.'s mother consented to a search of their house, and officers found shell casings that matched the ones found in the Reiners' house. H.N. eventually told officers that, while he stood watch outside, D.C. and C.E. had broken into the Reiners' house and that one of them had shot Antonia with the AR-15.

[6] The State filed a petition alleging that D.C. was a delinquent child for acts that would be felony murder and assisting a criminal, a Level 5 felony if committed by an adult. The juvenile court held a fact-finding hearing on the State's petition in May 2023. The sole contested issue at that hearing was whether D.C. was one of the three juveniles involved in the shooting. H.N. only knew D.C. as "Tay" and had identified him from a photo array eight months after the shooting. Then, during the May 2023 hearing, when asked to identify the shooter, H.N. testified as follows:

Q Okay. So, you see him in – in the courtroom today?

A Yeah, he – he looks kind of familiar, but I couldn't tell you 'cause I haven't seen him since about two years ago and people grow but I couldn't tell for sure him or not 'cause this is my first time seeing him since the incident.

Q Okay. Do you know a person – did you know him by any other name?

A Tay.

Q Okay, and how long did you know Tay?

A Couple weeks prior, maybe, decent amount of time.

Q Couple of weeks, couple of months, couple of years?

A Yeah, just seeing him around the neighborhood.

Q You seen. . .

A Like seeing around the neighborhood. Like – like personally know him, maybe a couple weeks, but like seen him around the neighborhood for a good amount of time.

Tr. Vol. 2, pp. 147-48.

- [7] Following the fact-finding hearing, the court adjudicated D.C. to be a delinquent for acts that would be felony murder and assisting a criminal, a Level 5 felony if committed by an adult. After a dispositional hearing, the court ordered D.C. to be placed in the Department of Correction. This appeal ensued.

Standard of Review

- [8] “In reviewing the sufficiency of the evidence in a juvenile adjudication, ‘we neither re-weigh the evidence nor judge the credibility of the witnesses’. Rather, we look only to the evidence most favorable to the trial court’s judgment and to the reasonable inferences to be drawn from that evidence.” *K.S. v. State*, 849 N.E.2d 538, 543 (Ind. 2006) (quoting *Vance v. State*, 640 N.E.2d 51, 57 (Ind. 1994)). We affirm if there is substantial probative evidence to support the conclusion. *Id.*

Discussion and Decision

- [9] D.C. claims that the evidence is insufficient to identify him as one of the three juveniles who participated in the offense. In particular, D.C. argues that there was no substantive evidence placing him at the Reiners' house at the time of the shooting. He maintains that H.N.'s inability to identify D.C. in court and his confusion about whether D.C. had a neck tattoo, taken together, render the evidence insufficient to support the adjudication. We do not agree.
- [10] During the hearing, H.N. testified that he knew D.C. as "Tay." Tr. Vol. 2, pp. 147-48. H.N. testified that on October 10, 2021, he, Tay, and C.E. talked about committing a burglary and ended up at the Reiners' house. Tr. Vol. 2, p. 167. H.N. testified further that: all three boys jumped a fence before removing a storm window from a bathroom window; Tay and C.E. entered the house through the window and took the rifle with them; H.N. was waiting outside the house when he heard gunshots; and then the three of them ran down an alley and back to H.N.'s house. The State also submitted its Exhibit 95, which was the photo array showing H.N.'s choice of D.C. as the person who entered the Reiners' house with C.E. That exhibit was admitted without objection by D.C.
- [11] H.N. was unable to identify D.C. in the courtroom, but he testified that he looked familiar. And H.N. was confused about whether D.C. had a neck tattoo (he does not). Still, the positive identification of D.C. from the photo array, along with H.N.'s testimony about D.C.'s involvement in the offenses support the true finding.

Conclusion

- [12] We conclude that the evidence was sufficient to identify D.C. as one of the three persons involved in the murder. We therefore affirm the trial court's order adjudicating D.C. as a delinquent child.
- [13] Affirmed.

Tavitas, J., and Weissmann, J., concur.

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