

SUPREME COURT OF INDIANA

Camm v. State

908 N.E.2d 215 (Ind. 2009) · No. No. 87S00-0612-CR-499 · Decided June 26, 2009

SUMMARY

The Indiana Supreme Court reversed David R. Camm's convictions for murdering his wife and two children and remanded for a new trial. The court held that speculative evidence and argument that Camm had molested his daughter were improperly admitted under Indiana Evidence Rule 404(b) and substantially prejudicial. The court also determined that testimony about the wife's statement regarding when she expected Camm home was inadmissible hearsay and addressed additional issues likely to arise on retrial.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Justice Dickson; Chief Justice Shepard; Justice Sullivan; Justice Boehm; Justice Rucker
JURISDICTION	Indiana
DECIDED	June 26, 2009
DOCKET	No. 87S00-0612-CR-499
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from convictions for three counts of murder and a sentence of life imprisonment without parole following the defendant's second trial.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Preservation is assessed under the specific-and-timely-objection requirement. Sufficiency claims are reviewed by considering the evidence most favorable to the judgment without reweighing evidence or judging witness credibility. Harmlessness is assessed by the probable impact of the error on the jury and whether substantial rights were affected.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	David R. Camm v. State of Indiana

TOPICS

evidence

criminal procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether admission of speculative evidence and argument that Camm molested his daughter violated Indiana Evidence Rules 404(b), 104(b), and 403 and required reversal.
2. Whether admission of Camm's wife's statement that she expected him home between 7:00 and 7:30 p.m. violated Indiana Evidence Rule 803(3) and required reversal.
3. Whether the evidence was insufficient to support Camm's three murder convictions and therefore barred retrial.
4. Whether evidence concerning Charles Boney's prior crimes, alleged foot and shoe fetish, and alleged inculpatory statements was properly excluded.
5. Whether the State's bloodstain-pattern expert testimony and courtroom demonstration were properly admitted.
6. Whether testimony that Boney intended to help a buddy was admissible under the hearsay rules.

HOLDINGS

1. Evidence offered under Indiana Evidence Rule 404(b) must be relevant to a non-propensity issue, supported by sufficient proof that the alleged actor committed the uncharged act, and balanced under Rule 403. The State failed to connect Camm to the alleged molestation, and the evidence's prejudicial effect substantially outweighed its modest probative value. Its admission and repeated use in argument were reversible error.
2. Under Indiana Evidence Rule 803(3), a statement of the declarant's state of mind may be admitted to prove or explain the declarant's own acts or conduct, but not to prove the future conduct of a third party. The wife's statement expressing an expectation about Camm's arrival was inadmissible when used to prove that Camm in fact returned home, and its admission was reversible error.
3. The evidence was sufficient to support the three murder convictions, so reversal for evidentiary error did not require dismissal of the charges and did not bar retrial.
4. The trial court properly excluded evidence of Boney's prior robbery convictions and alleged foot and shoe fetish because the prior conduct was not strikingly similar to the charged murders, did not establish motive, and would invite a forbidden propensity inference. Exclusion did not violate Camm's constitutional right to present a defense.
5. The State could rely on the state-of-mind exception in Indiana Evidence Rule 803(3) rather than the coconspirator-statement provision of Rule 801(d)(2)(E), and the trial court did not abuse its discretion in admitting the testimony.

6. The trial court did not err in admitting the bloodstain-pattern expert testimony or permitting the courtroom demonstration. The reliability challenge was a matter for the jury because both sides presented qualified experts with conflicting opinions, and the demonstration aided the jury's understanding.

KEY QUOTATIONS

“There must be sufficient proof from which a reasonable jury could find the uncharged conduct proven by a preponderance of the evidence.” (224)

“We agree, and hold that, while state-of-mind declarations are admissible under Rule 803(3) when offered to prove or explain acts or conduct of the declarant, they are not admissible when offered to prove a third party's conduct.” (228)

“It was the jury's responsibility to consider the evidence and to decide the weight to give to Englert's demonstration and opinion.” (237)

FACTUAL BACKGROUND

David Camm was convicted of murdering his wife and two children at the family home in Georgetown, Indiana. The State's second-trial theory relied on forensic evidence, alleged admissions to inmates, and evidence that Camm's daughter had been sexually molested shortly before the murders, allegedly providing a motive for the killings. The State also introduced Camm's wife's statement that she expected him home between 7:00 and 7:30 p.m., which it used to place him at the scene despite his basketball alibi. Charles Boney's presence at the scene was undisputed, and the defense argued that Boney acted alone.

PROCEDURAL HISTORY

Camm was convicted in 2002, but the Indiana Court of Appeals reversed because the State introduced improper character evidence concerning his extramarital conduct. After reinvestigation and venue-related proceedings, Camm was retried in Warrick County beginning January 16, 2006. The jury convicted him of three murders, and the trial court imposed life without parole. The Indiana Supreme Court reversed and remanded for a new trial, holding that two evidentiary errors independently required reversal while finding the evidence sufficient to permit retrial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The convictions were reversed and the case was remanded for a new trial or other proceedings consistent with the opinion. Retrial was permissible because the evidence was sufficient to support the convictions.

CASES CITED

- Camm v. State, 812 N.E.2d 1127 (Ind. Ct. App. 2004)

- Raess v. Doescher, 883 N.E.2d 790 (Ind. 2008)
- Wilson v. State, 765 N.E.2d 1265 (Ind. 2002)
- Clemens v. State, 610 N.E.2d 236 (Ind. 1993)
- Huddleston v. United States, 485 U.S. 681 (1988)
- Howell v. State, 413 N.E.2d 225 (Ind. 1980)
- Wells v. State, 441 N.E.2d 458 (Ind. 1982)
- Ingram v. State, 715 N.E.2d 405 (Ind. 1999)
- Griffith v. State, 788 N.E.2d 835 (Ind. 2003)
- Ford v. State, 704 N.E.2d 457 (Ind. 1998)
- Hatcher v. State, 735 N.E.2d 1155 (Ind. 2000)
- Mutual Life Ins. Co. v. Hillmon, 145 U.S. 285 (1892)
- Jervis v. State, 679 N.E.2d 875 (Ind. 1997)
- Garland v. State, 788 N.E.2d 425 (Ind. 2003)
- Davis v. State, 598 N.E.2d 1041 (Ind. 1993)
- Penley v. State, 506 N.E.2d 806 (Ind. 1987)
- Holmes v. South Carolina, 547 U.S. 319 (2006)
- Grinstead v. State, 684 N.E.2d 482 (Ind. 1997)
- Lambert v. State, 643 N.E.2d 349 (Ind. 1994)
- Benner v. State, 580 N.E.2d 210 (Ind. 1991)
- Tobar v. State, 740 N.E.2d 109 (Ind. 2000)
- Drane v. State, 867 N.E.2d 144 (Ind. 2007)
- Lockhart v. Nelson, 488 U.S. 33 (1988)
- Burks v. United States, 437 U.S. 1 (1978)

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