

COURT OF APPEALS OF INDIANA

Evan J. Schaffer v. State of Indiana

No. 25A-PC-1682 (Ind. Ct. App. May 14, 2026) · No. 25A-PC-1682 · Decided May 14, 2026

SUMMARY

The Indiana Court of Appeals held that Evan Schaffer was denied a fair post-conviction evidentiary hearing because the PCR court’s questioning and comments demonstrated partiality and advocacy on behalf of the State. The court also held that the PCR court improperly summarily denied Schaffer’s ineffective-assistance claims concerning the self-defense jury instruction. The judgment was reversed and remanded for a new evidentiary hearing.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Indiana                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Judge Felix; Judge May; Judge Mathias                                                                                                                                                                                                                                                                       |
| JURISDICTION          | Indiana Court of Appeals                                                                                                                                                                                                                                                                                    |
| DECIDED               | May 14, 2026                                                                                                                                                                                                                                                                                                |
| DOCKET                | 25A-PC-1682                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Appeal from the denial of a petition for post-conviction relief following an evidentiary hearing. Schaffer argued that the post-conviction court denied him a fair hearing by acting impartially and improperly summarily denying ineffective-assistance claims concerning a self-defense jury instruction. |
| STANDARD OF REVIEW    | Claims concerning summary denial of post-conviction relief are reviewed in the same manner as a motion for summary judgment; when the determinative issue is a matter of law, review is de novo.                                                                                                            |
| PRECEDENTIAL VALUE    | Published; precedential                                                                                                                                                                                                                                                                                     |
| PARTIES               | Evan J. Schaffer v. State of Indiana                                                                                                                                                                                                                                                                        |

TOPICS

- post-conviction relief
- ineffective assistance
- due process
- right to counsel
- appellate procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the post-conviction court denied Schaffer a fair hearing by failing to act as an impartial judge and instead making comments and asking questions that demonstrated partiality and advocacy for the State.
2. Whether the post-conviction court improperly summarily denied Schaffer's ineffective-assistance claims concerning the self-defense jury instruction instead of holding an evidentiary hearing on alleged material factual disputes.

## HOLDINGS

1. The cumulative effect of the post-conviction court's comments, questioning, interruptions, prejudgment of counsel's credibility, and references to reporting counsel to the Disciplinary Commission demonstrated a lack of impartiality and tainted the post-conviction proceedings.
2. A post-conviction court may not summarily deny a petition when the pleadings raise a genuine issue of material fact concerning counsel's effectiveness; the court therefore erred by summarily denying Schaffer's claims regarding the self-defense instruction and appellate counsel's failure to challenge it.

## KEY QUOTATIONS

*"A "trial before an impartial judge is an essential element of due process." (p. 9)*

*"These comments viewed in light of the PCR court's detailed explanation of how he "immediately drafted a complaint against Mr. Andis and immediately sent that to the [D]isciplinary [C]ommission" after Andis admitted to a mistake during another trial, id. at 43, suggests the PCR court was threatening to do the same to Trial Attorneys during the PCR evidentiary hearing." (p. 11)*

*"On these facts, we conclude that the cumulative effect of the PCR court's comments and questions show that the PCR court failed to preside over the PCR hearing in an impartial manner and tainted the proceedings such that Schaffer was placed in jeopardy." (p. 12)*

*"Regardless of the likelihood of success on the claims, Schaffer is entitled to an evidentiary hearing on his claims." (p. 14)*

## FACTUAL BACKGROUND

After a confrontation in a McDonald's drive-through, Schaffer shot and killed Justin Lampkins. Schaffer was convicted of murder, pointing a firearm, carrying a handgun without a license, and battery, and was sentenced to 63.5 years. In his post-conviction proceedings, Schaffer alleged that his trial and appellate attorneys were ineffective, including for failing to pursue or properly challenge a voluntary-manslaughter instruction and a self-defense instruction. During the evidentiary hearing, the post-conviction court repeatedly questioned counsel about alleged ethical violations, interrupted defense counsel's objections, expressed views about counsel's credibility before the evidence was complete, and referred to its own duty to report the attorneys to the Disciplinary Commission.

## PROCEDURAL HISTORY

Schaffer was convicted by a jury of murder and several firearm and battery offenses and received an aggregate sentence of 63.5 years. The Indiana Court of Appeals affirmed his convictions on direct appeal. After filing and twice amending a petition for post-conviction relief, Schaffer received an evidentiary hearing, after which the post-conviction court denied relief and adopted the State's proposed order verbatim. Schaffer appealed, and the Court of Appeals reversed and remanded for a new evidentiary hearing.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Reverse the post-conviction court's judgment and conduct a new evidentiary hearing consistent with the opinion. The new hearing must be presided over impartially and must address the claims concerning the self-defense instruction without improper summary denial. The court also noted that the parties have ten days from entry or certification of the order to move for a new judge under Indiana Trial Rule 76.

## CASES CITED

- Schaffer v. State, 140 N.E.3d 896, No. 18A-CR-2960, slip op. at ¶¶ 2-5, 8-9, 35-36 (Ind. Ct. App. Jan. 29, 2020) (mem.), trans. denied
- In re J.K., 30 N.E.3d 695, 698-99 (Ind. 2015)
- S.E. v. State, 929 N.E.2d 1281, 1287-88, 1291 (Ind. 2010)
- Garland v. State, 788 N.E.2d 425, 433 (Ind. 2003)
- Smith v. State, 770 N.E.2d 818 (Ind. 2002)
- Timberlake v. State, 690 N.E.2d 243 (Ind. 1997)
- Norris v. Norris, 275 N.E.3d 505, 507 (Ind. 2026)
- Bobadilla v. State, 117 N.E.3d 1272, 1279 (Ind. 2019)
- Ward v. State, 969 N.E.2d 46, 51 (Ind. 2012)
- Jones v. Full Spectrum Prop. Mgmt., -- N.E.3d --, 2026 WL 364352, at \*5 (Ind. Ct. App. 2026)
- Turner v. Sevier, 227 N.E.3d 978, 981 (Ind. Ct. App. 2024)
- Aguilar v. State, 162 N.E.3d 537, 540 (Ind. Ct. App. 2020)
- Evolga v. State, 722 N.E.2d 370, 372-74 (Ind. Ct. App. 2000)
- Gann v. State, 550 N.E.2d 803, 804 (Ind. Ct. App. 1990)