

INDIANA SUPREME COURT

Marvin Moyers v. State of Indiana

Moyers v. State, No. 26S-CR-86 (Ind. Mar. 20, 2026) · No. 26S-CR-86 · Decided March 20, 2026

SUMMARY

The Indiana Supreme Court holds that elevated forms of criminal confinement sharing a common base offense constitute a single statutory offense, making the Powell multiplicity test applicable rather than the Wadle test. Applying Powell, the Court concludes that the defendant’s conduct involved one continuous period of confinement, so his two criminal confinement convictions constituted multiple punishments for the same offense. The Court reverses and remands with instructions to vacate the lesser conviction and enter an amended sentencing order.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Chief Justice Rush; Justice Goff; Justice Slaughter; Justice Massa; Justice Molter
JURISDICTION	Indiana Supreme Court
DECIDED	March 20, 2026
DOCKET	26S-CR-86
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Moyers petitioned for transfer after the Indiana Court of Appeals affirmed his convictions for Level 3 and Level 4 felony criminal confinement. The Indiana Supreme Court granted transfer, vacated the Court of Appeals opinion, reversed the judgment, and remanded for vacation of the lesser confinement conviction and entry of an amended sentencing order.
STANDARD OF REVIEW	Statutory-interpretation issues are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Marvin Moyers v. State of Indiana

TOPICS

- double jeopardy
- statutory interpretation
- sentencing
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

double jeopardy

statutory interpretation

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether multiple convictions under Indiana's criminal-confinement statute for elevated forms of a common base offense are governed by the Powell multiplicity test or the Wadle test.
2. Whether Moyers's conduct constituted one continuous period of criminal confinement or two discrete confinements supporting separate convictions.
3. What remedy is required when a defendant has been twice convicted and punished for the same criminal-confinement offense.

HOLDINGS

1. When a statute defines a common base offense that may be elevated to higher penalty levels through attendant circumstances or results, the base offense and its elevated forms constitute a single statutory offense for purposes of choosing between the Powell and Wadle frameworks. Indiana's criminal-confinement statute defines Level 3 and Level 4 confinement as elevated forms of Level 6 criminal confinement.
2. The Powell test applies to Moyers's multiple convictions for Level 3 and Level 4 criminal confinement because both convictions arise from a single statutory offense with a common base offense.
3. Moyers committed one continuous period of criminal confinement. Because the criminal-confinement statute is conduct-based and permits only one conviction for a single continuous confinement, the two convictions constituted multiple punishments for the same offense.
4. The proper remedy is to vacate the conviction carrying the lesser penalty. The trial court must vacate Moyers's Level 4 criminal-confinement conviction and enter an amended sentencing order.

KEY QUOTATIONS

“When a statute defines a common base offense that can be elevated to higher penalty levels through attendant circumstances or results, the base offense and its elevated forms together constitute one statutory offense.” (6-7)

“Likewise here, Luhrsen was never actually free and certainly never felt free from the moment he was first knocked down and restrained until he ran from the house almost six hours later.” (15-16)

FACTUAL BACKGROUND

Moyers entered Gregory Luhrsen's home, assaulted him, restrained him, threatened him with firearms, and forced him to assist in moving property during an ordeal lasting approximately six hours. Luhrsen attempted to escape once but stopped after Moyers kicked in a door while armed; Luhrsen remained under restraint, threat, or Moyers's control until he ultimately escaped through the front door. The trial court treated the conduct as

supporting separate Level 3 and Level 4 criminal-confinement convictions based on use of a deadly weapon and moderate bodily injury.

PROCEDURAL HISTORY

The State charged Moyers with multiple felony offenses arising from his confinement of Luhrsen during a burglary. A jury returned multiple convictions, and the trial court vacated five counts over double-jeopardy concerns but entered convictions for burglary and two elevated criminal-confinement offenses, imposing a 100-year aggregate sentence. The Court of Appeals affirmed, applying Wadle rather than Powell. The Supreme Court granted transfer and held that Powell governed because the confinement offenses were elevated forms of one statutory base offense and that the evidence showed only one continuous confinement.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must vacate Moyers's Level 4 felony criminal-confinement conviction, enter an amended sentencing order reducing the aggregate sentence from 100 years to 96 years, and attach the habitual-offender and firearm enhancements to specific convictions.

CASES CITED

- Wadle v. State, 151 N.E.3d 227 (Ind. 2020)
- Powell v. State, 151 N.E.3d 256 (Ind. 2020)
- A.W. v. State, 229 N.E.3d 1060 (Ind. 2024)
- Hines v. State, 30 N.E.3d 1216, 1220 (Ind. 2015)
- Boner v. State, 243 N.E.3d 354, 365 (Ind. Ct. App. 2024)
- Jones v. State, 159 N.E.3d 55, 63-67 (Ind. Ct. App. 2020), trans. denied
- Robinson v. State, 251 N.E.3d 1124, 1130-31 (Ind. Ct. App. 2025)
- Kelly v. State, 527 N.E.2d 1148, 1155 (Ind. Ct. App. 1988), summarily aff'd, 539 N.E.2d 25 (Ind. 1989)
- Koziski v. State, 172 N.E.3d 338, 341-42 (Ind. Ct. App. 2021), trans. denied
- Mathews v. State, 849 N.E.2d 578, 582 (Ind. 2006)
- Paquette v. State, 101 N.E.3d 234, 239-41 (Ind. 2018)
- Madden v. State, 162 N.E.3d 549, 560-61 (Ind. Ct. App. 2021)
- Penrod v. State, 810 N.E.2d 345, 346 (Ind. 2004)
- Bartlett v. State, 711 N.E.2d 497, 500-01 (Ind. 1999)
- Walker v. State, 932 N.E.2d 733, 735 (Ind. Ct. App. 2010)
- Duncan v. State, 412 N.E.2d 770, 775 (Ind. 1980)
- Bell v. United States, 349 U.S. 81, 83-84 (1955)
- Eversole v. State, 251 N.E.3d 604, 609 (Ind. Ct. App. 2025), trans. denied

- Richardson v. State, 717 N.E.2d 32 (Ind. 1999)
- United States v. Rentz, 777 F.3d 1105, 1108-09 (10th Cir. 2015) (en banc)
- Schoeff v. State, 268 N.E.3d 273, 275-76 (Ind. 2025)
- K.C.G. v. State, 156 N.E.3d 1281, 1283 (Ind. 2020)
- State v. Neukam, 189 N.E.3d 152, 155 (Ind. 2022)

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