

SUPREME COURT OF INDIANA

Carrico v. State

775 N.E.2d 312 (Ind. 2002) · No. 71S00-0101-CR-17 · Decided September 20, 2002

SUMMARY

The Indiana Supreme Court affirmed Michael Carrico's convictions for murder and Class B felony robbery and his consecutive sentences. The court held that the convictions did not violate Indiana's double jeopardy protections, found any error in admitting autopsy photographs harmless, and upheld the sentencing court's treatment of aggravating and mitigating circumstances.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Boehm, Justice; Boehm; Shepard, C.J.; Dickson; Sullivan; Rucker
JURISDICTION	Indiana
DECIDED	September 20, 2002
DOCKET	71S00-0101-CR-17
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for murder and robbery and the imposition of consecutive sentences.
STANDARD OF REVIEW	The court reviewed the alleged evidentiary error for harmlessness and reviewed the sentencing challenges for error in the identification and weighing of aggravating and mitigating circumstances.
PRECEDENTIAL VALUE	Published opinion; precedential Indiana Supreme Court decision.
PARTIES	Michael Carrico v. State of Indiana

TOPICS

- double jeopardy
- criminal procedure
- evidence
- sentencing
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- sentencing
- appellate law

QUESTIONS PRESENTED

1. Whether convictions and consecutive sentences for murder and robbery violated the Indiana Constitution's double-jeopardy prohibition under the actual-evidence test.
2. Whether the trial court reversibly erred by admitting autopsy photographs whose probative value was substantially outweighed by their prejudicial effect.
3. Whether the trial court improperly treated Carrico's relationship with the victim as a position-of-trust aggravator or otherwise erred in imposing consecutive sentences.
4. Whether the trial court improperly gave little mitigating weight to Carrico's lack of felony convictions and criminal history.

HOLDINGS

1. Murder and robbery were not the same offense under Indiana's actual-evidence test because the act of shooting Harmon established only one element of robbery—force—and did not establish all of the robbery elements. Conviction and sentencing for both offenses therefore did not violate double jeopardy.
2. Any error in admitting the challenged autopsy photographs was harmless because the photographs had minimal probative value but the evidence of Carrico's guilt was overwhelming.
3. The trial court did not impose reversible sentencing error. The record did not clearly establish that the court relied on the relationship between Carrico and Harmon as a separate position-of-trust aggravator, and the court properly gave little mitigating weight to Carrico's criminal history because he had prior misdemeanor convictions.

KEY QUOTATIONS

“Richardson does not bar multiple convictions when the facts establishing one crime also establish only one or even several, but not all, of the elements of a second offense.” (775 N.E.2d at 314)

“But nothing prohibits conviction and sentencing for two crimes with a common element.” (775 N.E.2d at 314)

“We agree that these photos appear to have minimal probative value. However, we think their admission was harmless error.” (775 N.E.2d at 315)

FACTUAL BACKGROUND

On May 6, 2000, Carrico, Ben Robinson, and Roderick Harmon were driving to Mishawaka to buy marijuana when Carrico shot Harmon. Carrico and Robinson removed Harmon from the vehicle, assaulted him, and placed his body in a pond; Carrico then took Harmon's clothing, cell phone, necklace, wallet, and money. The State presented testimony and a videotaped statement connecting Carrico to the killing, and the trial court imposed consecutive sentences for murder and robbery.

PROCEDURAL HISTORY

A jury found Carrico guilty of murder, felony murder, and robbery. The trial court merged the felony-murder and murder convictions, reduced the robbery conviction to a Class B felony, and imposed consecutive sentences of

fifty-five years for murder and ten years for robbery. The Indiana Supreme Court affirmed, rejecting Carrico's double-jeopardy, autopsy-photograph, and sentencing challenges.

DISPOSITION

affirmed

CASES CITED

- Richardson v. State, 717 N.E.2d 32 (Ind. 1999)
- Spivey v. State, 761 N.E.2d 831, 833 (Ind. 2002)
- Pierce v. State, 761 N.E.2d 826, 830 (Ind. 2002)
- Guyton v. State, 771 N.E.2d 1141, 1143 (Ind. 2002)
- Coy v. State, 720 N.E.2d 370, 375 (Ind. 1999)
- Malone v. State, 700 N.E.2d 780, 783 (Ind. 1998)
- Bunch v. State, 697 N.E.2d 1255, 1258 (Ind. 1998)
- Walter v. State, 727 N.E.2d 443, 448 (Ind. 2000)
- Franklin v. State, 715 N.E.2d 1237, 1242 (Ind. 1999)
- Wesby v. State, 535 N.E.2d 133, 137-138 (Ind. 1989)
- Van Martin v. State, 535 N.E.2d 493, 498 (Ind. 1989)
- Marshall v. State, 643 N.E.2d 957, 963 (Ind. Ct. App. 1994)
- Robinson v. State, ____ N.E.2d ____ (Ind. 2002)