

SUPREME COURT OF INDIANA

James Smith, Jr. v. State of Indiana

491 N.E.2d 193 (Ind. 1986) · No. No. 685S221 · Decided April 14, 1986

SUMMARY

The Supreme Court of Indiana affirmed James Smith, Jr.'s convictions for robbery, confinement, and kidnapping, and his aggregate 110-year sentence. The court held that photographs were properly authenticated and admitted, that Smith's statements to police were voluntary under the totality of the circumstances, and that the trial court adequately stated the aggravating circumstances supporting the enhanced consecutive sentences.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Pivarnik, Justice; Givan, C.J.; DeBruler, J.; Shepard, J.; Dickson, J.
JURISDICTION	Indiana
DECIDED	April 14, 1986
DOCKET	No. 685S221
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions following a jury trial in the Marion County Superior Court.
STANDARD OF REVIEW	Photograph admission was reviewed for abuse of discretion. The voluntariness of Smith's statements was reviewed under a substantial-probative-evidence standard, without reweighing evidence or judging witness credibility. Sentencing was reviewed for compliance with the trial court's statutory discretion and requirement to articulate the factual basis and objectives supporting enhanced or consecutive sentences.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential.
PARTIES	James Smith, Jr. v. State of Indiana

TOPICS

- evidence
- authentication
- miranda rights
- sentencing
- appellate procedure

PRACTICE AREAS

criminal procedure

evidence

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether photographs of a stocking mask and hat were properly authenticated and admitted into evidence.
2. Whether photographs taken by the bank's automatic camera were properly admitted under the applicable foundation requirements, including the silent-witness theory.
3. Whether Smith's statements to police were made voluntarily and after a valid waiver of Miranda rights.
4. Whether the trial court properly imposed enhanced and consecutive sentences without improperly failing to articulate aggravating circumstances and sentencing objectives.

HOLDINGS

1. The trial court did not abuse its discretion by admitting the photographs because a witness who managed the bank, was present during the robbery and photographing, and recognized the depicted location and hat testified that the photographs were true and accurate representations.
2. The automatic-camera photographs were properly admitted because testimony identifying the scene and describing the chain of custody and processing sufficiently authenticated them under the silent-witness theory.
3. Smith's statements were voluntarily made and were properly admitted because substantial probative evidence supported the trial court's finding under the totality of the circumstances.
4. The trial court properly imposed enhanced and consecutive sentences because it adequately related the specific facts of the crimes and Smith's circumstances to the sentencing objectives and articulated reasons supporting the sentence.

KEY QUOTATIONS

"When photographs are admitted as substantive evidence under the "silent witness theory," however, the foundational requirements for their admission are vastly different from the foundational requirements for demonstrative evidence." (at 196)

"It is within the discretion of the trial court to determine whether terms of imprisonment shall be served concurrently or consecutively." (at 197)

FACTUAL BACKGROUND

On August 9, 1983, Smith entered a bank armed with a handgun, ordered tellers to surrender money, attempted to force the manager to open the vault, and fled. During his escape, he used an elderly man as a shield, forced a police officer to surrender his firearm, and took the firearm. Bank photographs depicted the robbery and Smith, and Smith made statements to police after receiving and waiving his rights. The sentencing record included Smith's criminal history, psychiatric findings that he was dangerous and violent, the age of one victim, and misconduct while the case was pending.

PROCEDURAL HISTORY

Smith was convicted of two counts of robbery with a deadly weapon, one count of confinement, and one count of kidnapping. The trial court imposed consecutive sentences totaling 110 years. On direct appeal, Smith challenged the admission of photographs, the voluntariness of his statements to police, and the legality of his sentence. The Supreme Court of Indiana affirmed.

DISPOSITION

affirmed

CASES CITED

- Morrison v. State, 462 N.E.2d 72, 75 (Ind. 1984)
- Brumfield v. State, 442 N.E.2d 973, 975 (Ind. 1982)
- Moore v. State, 467 N.E.2d 720, 723 (Ind. 1984)
- Bergner v. State, 397 N.E.2d 1012, 1017 (Ind. App. 1979), trans. denied (1980)
- Torres v. State, 442 N.E.2d 1021, 1024-1025 (Ind. 1982)
- Groves v. State, 456 N.E.2d 720, 721 (Ind. 1983)
- Averhart v. State, 470 N.E.2d 666, 692-693 (Ind. 1984), reh. denied (1984)
- Wagner v. State, 474 N.E.2d 476, 484 (Ind. 1985)
- Lewis v. State, 272 Ind. 365, 368, 397 N.E.2d 983, 985 (1979), reh. denied (1980)
- Lash v. State, 433 N.E.2d 764, 765-766 (Ind. 1982)
- Allen v. State, 453 N.E.2d 1011, 1012 (Ind. 1983)
- Farina v. State, 442 N.E.2d 1104, 1106 (Ind. 1982)