

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

Derron Fuller,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



June 20, 2024

Court of Appeals Case No.
23A-CR-2842

Appeal from the Lake Superior Court
The Honorable Samuel L. Cappas, Judge
Trial Court Cause No.
45G04-2006-MR-22

Memorandum Decision by Judge Bradford
Judges Crone and Tavitas concur.

Bradford, Judge.

Case Summary

- [1] On November 10, 2015, twenty-year-old Rochelle Stubblefield, who was approximately thirty-five-weeks pregnant with Derron Fuller's unborn child, told her mother that she was meeting Fuller that night. Stubblefield met Fuller at a school near his Gary residence, and neither she nor her unborn child has been heard from or seen since. Fuller informed a cousin and his girlfriend that he had killed Stubblefield, and the cousin informed the authorities. Although Stubblefield's remains have never been found, searches of the school's grounds have uncovered several of Stubblefield's personal items and a shovel, cadaver dogs have indicated the presence of human remains in a wooded area of the grounds on multiple occasions, and Stubblefield's car was found in a parking lot across the street.
- [2] The State eventually charged Fuller with two counts of murder and Level 6 felony obstruction of justice, a jury found him guilty as charged, and the trial court imposed an aggregate sentence of ninety-four years of incarceration. Fuller contends that the trial court abused its discretion in admitting several items of evidence and in denying his motion to dismiss all charges against him, which motion was based on his claims that the State had destroyed several pieces of physical evidence. Fuller also contends that the State failed to produce sufficient evidence to sustain his murder convictions. Because we conclude that all of Fuller's arguments are either waived or lack merit, we affirm.

Facts and Procedural History

- [3] In early November of 2015, Stubblefield was twenty years old; lived with her mother, Thelma Thomas, in Merrillville; attended Calumet College in Whiting; and was approximately thirty-five weeks pregnant with Fuller's child. Fuller was unhappy that Stubblefield was pregnant with his child, had joked with his cousin Andrew Barnes about killing her, and had attempted to obtain a gun. On November 10, 2015, Stubblefield attended her classes at Calumet College and texted Thomas around 5:00 p.m., informing her that she would not be coming directly home because she was planning on meeting Fuller.
- [4] After Stubblefield attended a basketball game at Calumet College that concluded around 9:30 p.m., she met Fuller at Williams School in Gary (the grounds of which abutted his residence), and Fuller and Stubblefield began to argue. Later that night, Fuller told Barnes that he and Stubblefield had "got into it[.]" and, that after having unsuccessfully attempted to stab Stubblefield in the temple, he had "choked her" to death. Tr. Vol. V pp. 95, 96. Fuller dragged Stubblefield's body to a wooded area next to the playground and moved her vehicle to an apartment complex across the street. Tr. Vol. III p. 228, Vol. IV p. 2, 159, Vol. V pp. 97, 191; State's Exs. 2–7, 12, 14–15.
- [5] Fuller also contacted his girlfriend, Vallee Alexander, and asked her to pick him up at Williams School. As Alexander drove Fuller away from Williams School, he threw some of Stubblefield's personal items, including her laptop computer and identification, out of the window. Fuller hid in the basement of Alexander's parents' house for several days. While there, Fuller told Alexander

that he had “killed [Stubblefield] at the park” by “chok[ing]” her because she had been “stalking” him. Tr. Vol. IV p. 189, 190. At some point, Fuller texted Barnes about “getting rid of the body[.]” Tr. Vol. V p. 115.

[6] After Stubblefield had failed to return home as expected, Thomas contacted Fuller, who indicated that he had not seen Stubblefield and that she had probably gone to Atlanta. On November 12, 2015, Thomas reported Stubblefield missing. The investigation into Stubblefield’s disappearance was initially assigned to Lieutenant Robert Morgan of the Merrillville Police Department (“MPD”). Lieutenant Morgan spoke with Fuller by telephone between November 16 and November 20, 2015, and explained that he was investigating a missing person and needed to interview him. Fuller denied that he was Stubblefield’s boyfriend or the father of her child and claimed that Stubblefield had wanted to go to Atlanta. Fuller arranged to come to the police station for an interview on November 23, 2015.

[7] On November 20, 2015, Barnes, who lived in Missouri, reported Fuller’s confession to local law enforcement, who in turn contacted MPD. MPD involved the Metro Homicide Unit, which consisted of Gary, Hobart, and Lake County detectives working exclusively on homicides in the Gary area. Later that day, Gary Police Commander Edward Gonzalez called Barnes and obtained a recorded statement, and detectives conducted a search of Williams School. Detectives discovered Stubblefield’s shoes in a wooded area next to the school’s playground, observed an area of ground that appeared to have been

disturbed, and found a shovel nearby. Officers attempted to excavate the area where the dirt had been disturbed, but the ground was frozen.

[8] On November 22, 2015, Barnes traveled to Indiana, and Commander Gonzalez interviewed him and collected his mobile telephone. On November 24, 2015, detectives searched Williams School again and found Stubblefield's asthma inhaler and broken eyeglasses. Detectives arrested Fuller at Alexander's residence and seized his mobile telephone. Jeff Kish, a former Gary firefighter and certified cadaver dog handler, was called to Williams School to conduct a cadaver search on August 25, 2016, and his dog, Bane, indicated the presence of human remains. Hobart Police Detective Jeremy Ogden, a member of the Metro Homicide Unit, organized two 2017 dog searches of Williams School and observed several dogs indicate the presence of human remains during those searches. At some point in 2017, Fuller's telephone was released to Gary Police Detective George Dickerson for processing and was later lost.

[9] On June 24, 2020, the State charged Fuller with two counts of murder and Level 6 felony obstruction of justice. In March of 2023, detectives conducted another canine search of Williams School, again organized by Ogden (who was, by this time, Chief of Police for the town of Ogden Dunes), and three dogs indicated the presence of human remains within a ten-foot circle in the wooded area next to the playground. Two excavations failed to recover any human remains. Commander Gonzalez made several unsuccessful attempts to locate the telephone collected from Fuller in 2015 and checked out by Detective Dickerson in 2017.

[10] On April 3, 2023, Fuller's jury trial began. Over Fuller's objections, Thomas testified that, if Stubblefield had planned to leave the state, she would have told her, and that Stubblefield had sent her a text message around 5:00 p.m. stating that she would not be coming home after classes because she was planning to meet with Fuller. Fuller also moved to exclude any testimony from Alexander or Barnes regarding Fuller's confessions to them that he had killed Stubblefield on the basis that the State had failed to present any independent evidence that any murder had occurred. The trial court overruled Fuller's objection on the ground that the State had already established a sufficient inference that a murder had occurred and planned to introduce additional evidence supporting the inference. After Barnes and Alexander had testified regarding Fuller's confessions, Fuller never objected on the basis that the State's additional evidence was still inadequate to establish the *corpus delicti*. Fuller objected to any testimony from Chief Odgen regarding cadaver searches in which he had participated because Chief Odgen had not been specifically trained in cadaver dogs, which objection the trial court overruled. Kish later testified that Bane had alerted to the presence of human remains in the wooded area next to the playground in August of 2016.

[11] After the State rested, Fuller moved to dismiss all the charges, arguing that the loss of Fuller's telephone, the loss of the recording of Barnes's police interview, and the failure to retrieve information from Barnes's telephone had amounted to the destruction of exculpatory evidence, which had violated his right to due process. The trial court denied Fuller's motion to dismiss. The jury found

Fuller guilty on all counts, and the trial court sentenced him to an aggregate term of ninety-four years of incarceration.

- [12] Fuller moved to correct error, alleging that the guilty verdicts had been against the weight of the evidence and that he had been denied his right to due process due to the loss of his telephone, the inability to access Barnes's telephone, and the loss of the recorded interview with Barnes. Following a hearing, the trial court denied Fuller's motion.

Discussion and Decision

I. Evidence

- [13] The decision to admit or exclude evidence at trial is squarely within a trial court's discretion and should be afforded great deference on appeal. *Carpenter v. State*, 786 N.E.2d 696, 702 (Ind. 2003). An appellate court should not disturb the trial court's rulings on the admission of evidence unless the court abused its discretion. *D.R.C. v. State*, 908 N.E.2d 215, 225 (Ind. 2009). "An abuse of discretion occurs if the decision is clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom." *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218. A trial court's evidentiary rulings may be affirmed on any basis apparent in the record. *See Jeter v. State*, 888 N.E.2d 1257, 1267 (Ind. 2008). Fuller challenges the admission of numerous pieces of evidence: his confessions to Alexander and Barnes, Thomas's testimony that Stubblefield would have informed her before leaving the state,

the content of Stubblefield's text message to Thomas, and Chief Ogden's testimony regarding cadaver dogs.

A. Fuller's Confessions to Alexander and Barnes

[14] In Indiana, a person may not be convicted of a crime based solely on a non-judicial confession of guilt; independent proof of the *corpus delicti* is required. *Shinnock v. State*, 76 N.E.3d 841, 843 (Ind. 2017). “Proof of the *corpus delicti* means ‘proof that the specific crime charged has actually been committed by someone.’” *Id.* (quoting *Walker v. State*, 233 N.E.2d 483, 488 (Ind. 1968)). Admission of a confession requires some independent evidence of commission of the crime charged. *Workman v. State*, 716 N.E.2d 445, 447 (Ind. 1999). The State is not required to prove the *corpus delicti* by independent evidence prior to the admission of a confession so long as the totality of independent evidence presented at trial establishes it. *McManus v. State*, 541 N.E.2d 538, 539–40 (Ind. 1989). When the foundation for certain evidence has not been completely laid at the time of its introduction, that evidence may be nonetheless admitted subject to “connecting up” later. *Granger v. State*, 946 N.E.2d 1209, 1215–16 (Ind. Ct. App. 2011); *see also* Indiana Evidence Rule 104(b) (“When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The court may admit the proposed evidence on the condition that the proof be introduced later.”).

[15] As mentioned, when Fuller objected to the admission of his statements admitting to the murder of Stubblefield, the trial court overruled the objection

when the State responded that it would be presenting additional evidence to establish that Stubblefield had been murdered. Fuller, however, never moved to strike Barnes's and Alexander's testimony on the basis that the State had failed to present the additional proof and so has waived the issue for appellate review. "Where evidence is admitted subject to being connected up later, and no subsequent motion to strike the evidence is made, any error in the admission of the evidence is waived." *Granger*, 946 N.E.2d at 1215 (quoting *Franciose v. Jones*, 907 N.E.2d 139, 145 (Ind. Ct. App. 2009), *trans. denied*).

B. Testimony Regarding Stubblefield's Habits

[16] Fuller contends that the trial court abused its discretion in admitting Thomas's testimony regarding Stubblefield's habit of regularly informing her of her activities. Evidence of a person's habit may be admitted to prove that the person had acted in accordance with the habit on a particular occasion. Indiana Evidence Rule 406. The trial court may admit the evidence regardless of whether the evidence is corroborated or there is an eyewitness. *Id.* Habit is "evidence of one's regular response to a repeated specific situation." *Lewis v. State*, 34 N.E.3d 240, 247 (Ind. 2015) (citation omitted). "Before a court may admit evidence of habit, the offering party must establish the degree of specificity and frequency of uniform response that ensures more than a mere "tendency" to act in a given manner, but rather, conduct that is "semi-automatic" in nature." *Id.* at 248 (quoting *Thompson v. Boggs*, 33 F.3d 847, 854 (7th Cir. 1994)).

[17] We need not address the merits of Fuller’s argument, because any error the trial court may have committed in this respect can only be considered harmless. “An error is harmless when it results in no prejudice to the ‘substantial rights’ of a party.” *Jackson v. State*, 105 N.E.3d 1142, 1147 (Ind. Ct. App. 2018) (citation omitted). Simply put, the evidence tending to show Fuller’s guilt is so overwhelming that any evidence regarding Stubblefield’s habit of contacting Thomas to inform her of her activities could not plausibly have had any effect on the jury. Fuller was allegedly the father of Stubblefield’s unborn child, unhappy that Stubblefield was having his baby, and had repeatedly made comments about killing Stubblefield, which he confessed that he had done to Alexander and Barnes. Fuller admitted to Barnes that he had taken some of Stubblefield’s belongings and had moved her vehicle, and Alexander watched him throw Stubblefield’s identification and laptop out of her car window. *See Stone v. State*, 555 N.E.2d 475, 477 (Ind. 1990) (stating that attempts at concealing evidence may be considered as revealing consciousness of guilt). Fuller hid in Alexander’s basement for several days following Stubblefield’s disappearance. *See Myers v. State*, 27 N.E.3d 1069, 1077 (Ind. 2015) (stating that efforts to avoid arrest can be viewed as consciousness of guilt).

[18] Fuller’s confessions and behavior were corroborated by additional circumstantial evidence. Stubblefield intended to meet with Fuller the night she disappeared. Stubblefield’s glasses and inhaler were found in a park located next to where Fuller resided at the time of Stubblefield’s disappearance. Stubblefield’s shoes and a shovel were discovered in a wooded area next to the

park, and some dirt in the woods had been disturbed. Cadaver dogs repeatedly alerted in the wooded area. Stubblefield's vehicle was found abandoned in a parking lot across from the school. Because Thomas's testimony that Stubblefield would have told her if she had left the state had no probable impact on the jury, any error in its admission can only be considered harmless.

C. Stubblefield's Text Messages to Thomas

1. Confrontation Clause

[19] Fuller contends that the admission of Stubblefield's statement that she was planning on meeting him on the evening of November 10, 2015 (as related by Thomas's testimony), violated the Confrontation Clause of the Sixth Amendment to the United States Constitution, which guarantees a criminal defendant's right to confront the witnesses against him face-to-face. However, "the Sixth Amendment [...] has [never] been interpreted literally to guarantee a criminal defendant all rights of confrontation at every trial for every witness[.]" *Mathews v. State*, 26 N.E.3d 130, 135 (Ind. Ct. App. 2015). Whether a defendant's Sixth Amendment rights have been violated is a question of law, which this Court reviews *de novo*. *Speers v. State*, 999 N.E.2d 850, 852 (Ind. 2013).¹

¹ Article 1, section 13, of the Indiana Constitution provides, in part, that "[i]n all criminal prosecutions, the accused shall have the right [...] to meet the witnesses face to face[.]" Although Fuller cites to this provision, he has failed to provide a separate argument or analysis, thereby waiving the issue for appellate review. *White v. State*, 772 N.E.2d 408, 411 (Ind. 2002)).

[20] “Testimonial” statements of a witness who does not appear at trial are prohibited if he or she is unavailable to testify and the defendant has not had a prior opportunity to cross-examine the witness. *Crawford v. Washington*, 541 U.S. 36, 53–54 (2004). That said, “[a] critical aspect of the *Crawford* holding is its application only to ‘testimonial’ statements.” *Ramirez v. State*, 928 N.E.2d 214, 217 (Ind. Ct. App. 2010) (citation omitted), *trans. denied*. When analyzing whether statements made to persons other than law enforcement are testimonial, the reviewing court must determine “whether, in light of all the circumstances, viewed objectively, the ‘primary purpose’ of the conversation was to ‘creat[e] an out-of-court substitute for trial testimony.’” *Ohio v. Clark*, 576 U.S. 237, 245–48 (2015) (quoting *Michigan v. Bryant*, 562 U.S. 344, 358 (2011)). “[D]etermining the ‘primary purpose’ of statements made to non-law enforcement personnel—that is, whether it was intended to be available as a substitute for trial testimony in a later criminal prosecution—is highly fact-sensitive.” *Ward v. State*, 50 N.E.3d 752, 759 (Ind. 2016)

[21] Here, there is no indication that Stubblefield’s text message was made as a substitute for trial testimony. It seems clear that Stubblefield’s statement was made merely to notify Thomas of her whereabouts when she decided to go elsewhere instead of immediately returning home from school. Moreover, there is nothing to suggest that Stubblefield had foreseen that Fuller would kill her and her unborn child or that the text message relating her intention to meet him would someday be used in his trial. Had Stubblefield anticipated that Fuller would murder her, it is safe to assume that she either would not have gone or

would have communicated her suspicions to Thomas. Because Stubblefield's text message was not testimonial in nature, the admission of Thomas's testimony regarding its contents did not violate the Confrontation Clause.

2. Hearsay

[22] Fuller also contends that Stubblefield's text message to Thomas was inadmissible hearsay. Hearsay is inadmissible unless the evidence rules or other law provide otherwise. Indiana Evidence Rule 802. "A statement of the declarant's then-existing state of mind (such as motive, design, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health)" is excluded from the rule against hearsay. Indiana Evidence Rule 803(3). The Indiana Supreme Court has identified three instances when statements are admissible under Evidence Rule 803(3): to respond when the defendant puts the victim's state of mind in issue, to explain the physical injuries suffered by the victim, and to show the intent of the victim to act in particular way. *D.R.C.*, 908 N.E.2d at 226. Declarations showing the intent of the victim "may be admitted not only as proof of the declarant's then-existing state of mind, but also as circumstantial evidence of the declarant's future conduct." *Id.* "A jury may infer from the declarant's past state of mind that the declarant held the same mental state at a future time and acted on it." *Id.*

[23] Stubblefield's text message clearly showed her intent to act in a particular way, *i.e.*, that she intended to meet with Fuller on the night she disappeared. Because Stubblefield's text messages expressed an intent to act in a certain way on the night she disappeared, the trial court did not abuse its discretion in

admitting them. *See Pelley v. State*, 901 N.E.2d 494, 504 (Ind. 2009) (concluding that statements from the defendant’s father restricting the defendant’s prom activities were admissible because they showed the father’s intent to act in a particular way) (declined to follow on other grounds by *Austin v. State*, 997 N.E.2d 1027, 1038–39 (Ind. 2013)).

D. Chief Ogden’s Testimony Regarding Cadaver Dogs

[24] Fuller contends that the trial court abused its discretion in admitting Chief Ogden’s testimony regarding cadaver dogs indicating the presence of human remains at Williams School because he was not qualified to testify as an expert witness. We need not address this argument on its merits, however, because, even if the trial court erred in admitting Chief Ogden’s testimony regarding cadaver dogs, any error was harmless. “The improper admission of evidence is harmless error when the erroneously admitted evidence is merely cumulative of other evidence before the trier of fact.” *Hunter v. State*, 72 N.E.3d 928, 932 (Ind. Ct. App. 2017), *trans. denied*. Kish, a certified cadaver-dog handler, testified that he and Bane had been brought to the scene to conduct a confirmatory search in August of 2016, which Kish also testified is only done to confirm a previous dog’s indication. In any event, Kish testified that Bane had alerted in the wooded area, which is merely cumulative of Chief Ogden’s testimony that other dogs had done so in later searches. Any error the trial court might have committed in the admission of Chief Ogden’s testimony regarding the cadaver-dog searches was harmless.

II. Motion to Dismiss

[25] Fuller contends that the trial court abused its discretion in denying his motion to dismiss all charges against him, which was based on his allegation that he had been denied due process. The trial court's ruling on a defendant's motion to dismiss is reviewed for an abuse of discretion. *State v. Durrett*, 923 N.E.2d 449, 453 (Ind. Ct. App. 2010). An abuse of discretion occurs when denial of the defendant's motion to dismiss is contrary to the facts and circumstances present before the trial court. *Id.* Fuller contends that the destruction of three pieces of evidence entitle him to the reversal of his conviction: Fuller's telephone, Barnes's telephone, and the recording of Barnes's interview with law enforcement.

[26] "Whatever duty the Constitution imposes on the States to preserve evidence, that duty must be limited to evidence that might be expected to play a significant role in the suspect's defense." *California v. Trombetta*, 467 U.S. 479, 488 (1984). To constitute a violation under the United States Constitution, the evidence must have had "apparent" exculpatory value before it was destroyed. *Id.* at 489. The Due Process Clause, however, does not impose "on the police an undifferentiated and absolute duty to retain and to preserve all material that might be of conceivable evidentiary significance in a particular prosecution." *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988). When the claimed evidence is not apparently exculpatory, but merely "potentially helpful" to a defendant's case, the defendant must prove bad faith by the State. *Albrecht v. State*, 737

N.E.2d 719, 724 (Ind. 2000) (citing *Youngblood*, 488 U.S. at 58 and *Vermillion v. State*, 719 N.E.2d 1201, 1206 (Ind. 1999)).

[27] Exculpatory evidence is evidence “tending to establish a criminal defendant’s innocence.” *Durrett*, 923 N.E.2d at 453 (citation omitted). To be materially exculpatory, evidence must possess “an exculpatory value that was apparent before the evidence was destroyed and [is] of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means.” *Terry v. State*, 857 N.E.2d 396, 406 (Ind. Ct. App. 2006) (quoting *Blanchard v. State*, 802 N.E.2d 14, 27 (Ind. Ct. App. 2004)), *trans. denied*. On the other hand, evidence is merely “potentially useful” if “no more can be said than that it could have been subjected to tests, the results of which might have exonerated the defendant.” *Youngblood*, 488 U.S. at 57.

[28] As for the loss of the recording of Barnes’s interview, Fuller fails to identify how Barnes’s interview had any exculpatory value, let alone apparent exculpatory value. Fuller claims that the interview could have been used to potentially impeach Barnes with prior inconsistent statements. Because Fuller has, at most, established no more than that the recorded interview could have been potentially useful, he must prove bad faith on the part of the State. *See Albrecht*, 737 N.E.2d at 721. Fuller, however, does not claim, much less establish, that the State acted in bad faith in losing the recording of Barnes’s police interview.

[29] As for Fuller’s and Barnes’s telephones, Fuller again points to nothing in the record tending to establish that the telephones had any apparent exculpatory

value. At most, it was *possible* that the data or records from Fuller's or Barnes's telephones could have contradicted Barnes's testimony. *See Youngblood*, 488 U.S. at 57. Fuller contends that his telephone would have contained evidence as to "whether or not the text messages" were made and that "Barnes's phone [...] could corroborate or refute his testimony." Appellant's Br. pp. 34, 35. This, however, is nothing more than speculation about what further investigation might have revealed. *See Terry*, 857 N.E.2d at 407 (finding no due process violation based on speculation as to the exculpatory value of destroyed evidence).

[30] Because Fuller has established only that, at most, the telephones would have been potentially useful, he must prove bad faith on the part of the State. *See Albrecht*, 737 N.E.2d at 721; *Land*, 802 N.E.2d at 49–50. Bad faith requires a showing beyond simple "bad judgment or negligence" and exists only if it can be established that the State's failure to preserve the evidence was the "conscious doing of wrong because of dishonest purpose or moral obliquity." *Terry*, 857 N.E.2d at 408 (citing *Land*, 802 N.E.2d at 51).

[31] Fuller has failed to establish that either the State's failure to access Barnes's telephone or the loss of Fuller's telephone constitutes bad faith. Commander Gonzalez testified that the data on Barnes's telephone was never accessible because the software necessary to obtain it had never existed and its type had never been supported by the company whose software allows one to unlock telephones. While Fuller's telephone was checked out of evidence in 2017 and not returned, Fuller has failed to establish that anything more than negligence

was the cause. The record indicates that Detective Dickerson could not recall retrieving Fuller's telephone from evidence but assumed that he would have only done so to send it out for processing. Commander Gonzalez testified that he had made numerous attempts to locate Fuller's telephone after discovering that it was missing, none of which had been successful. None of this serves to establish bad faith on the part of the State. The trial court did not abuse its discretion by denying Fuller's motion to dismiss.

III. Sufficiency of the Evidence

[32] When reviewing the sufficiency of the evidence, this Court will neither reweigh evidence nor reevaluate the credibility of witnesses. *Suggs v. State*, 51 N.E.3d 1190, 1193 (Ind. 2016). "All probative evidence, even where it might be conflicting, and the reasonable inferences to be drawn from that evidence are viewed in the light most favorable to the judgment of conviction." *C.S. v. State*, 8 N.E.3d 668, 679 (Ind. 2014). "[A]ppellate courts must affirm if the probative evidence and reasonable inferences drawn from that evidence *could* have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt." *Drane v. State*, 867 N.E.2d 144, 147 n.4 (Ind. 2007) (citation omitted; emphasis in original).

[33] Sufficient evidence supports Fuller's convictions for murder. First and foremost, Fuller confessed to both Barnes and Alexander that he had killed Stubblefield, who was pregnant and only weeks away from full term. Fuller also admitted that he had taken some of Stubblefield's belongings and had moved her vehicle. Fuller's actions before and after Stubblefield's

disappearance also support an inference of guilt. Fuller had spoken with Barnes about his displeasure with Stubblefield's pregnancy, had mentioned killing her, and had attempted to acquire a firearm. Alexander watched Fuller throw Stubblefield's identification and laptop out of her car after picking Fuller up from Williams School. *See, e.g., Davis v. State*, 635 N.E.2d 1117, 1120 (Ind. Ct. App. 1994) ("An accused's attempt to conceal his participation in a crime may be considered by the jury as evidence of guilt."). Fuller also hid in Alexander's basement for several days until he was arrested. *See Myers*, 27 N.E.3d at 1077 (noting that efforts to avoid arrest can be viewed as consciousness of guilt).

[34] In addition to Fuller's direct admissions and his incriminating actions, there is much more substantial circumstantial evidence pointing to his guilt. Stubblefield informed Thomas that she was planning to meet Fuller the night she disappeared. Stubblefield's glasses and inhaler were found at Williams School, which is located next to where Fuller resided at the time of Stubblefield's disappearance and where cadaver dogs later indicated the presence of human remains. Stubblefield's glasses were broken, indicating that a struggle had occurred. Stubblefield's shoes and a shovel were discovered in a wooded area next to the park, and some dirt in the woods had been disturbed. Stubblefield's vehicle was found abandoned in a parking lot across from the school.

[35] Since November 10, 2015, Stubblefield has not been seen or heard from, and there is no indication that Stubblefield's child was ever born alive. Stubblefield's social-security number has not been used, she has not crossed a

United States border, and her DNA profile has never triggered a match in the missing-persons database. Stubblefield's Indiana driver's license expired in 2020 and was not renewed, and she never applied for a new driver's license in any of the fifty states. Based on the totality of evidence presented, a jury could have reasonably concluded that Fuller had murdered Stubblefield. *See Young v. State*, 198 N.E.3d 1172, 1176 (Ind. 2022) (stating that "a jury may be convinced beyond a reasonable doubt by looking at 'a web of facts in which no single strand may be dispositive'") (quoting *Kriner v. State*, 699 N.E.2d 659, 664 (Ind. 1998)).

[36] A jury could also have reasonably concluded that Fuller had murdered Stubblefield's unborn child. Fuller was aware of (and unhappy about) Stubblefield's pregnancy, and the record demonstrates that just three days prior to her death, Stubblefield and her unborn child had been healthy. Stubblefield's medical records from three days before her death establish that she was thirty-four weeks and four days pregnant and that fetal movement was "good[.]" Exhibit Vol. I p. 162. Stubblefield's urine had been clean, her contractions had been slowing down, and she had been discharged in stable condition and given information in anticipation of her imminent delivery. A jury could have reasonably inferred that Stubblefield's fetus had still been viable three days later, when Fuller had killed her. Fuller's speculation otherwise is simply an invitation to reweigh the evidence, which we will not do. *See Suggs*, 51 N.E.3d at 1193. We conclude that the State produced sufficient evidence to sustain Fuller's convictions for two counts of murder.

[37] The judgment of the trial court is affirmed.

Crone, J., and Tavitas, J., concur.

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