

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

Aaron E. Belcher,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



October 23, 2025

Court of Appeals Case No.
25A-CR-822

Appeal from the Lake Superior Court
The Honorable Salvador Vasquez, Judge
Trial Court Cause No.
45G01-2308-F1-28

Memorandum Decision by Judge Bradford
Judges Weissmann and DeBoer concur.

Bradford, Judge.

Case Summary

- [1] After apparently becoming jealous of his ex-girlfriend’s relationship with Aaron Swelfer, Aaron Edward Belcher shot Swelfer multiple times in the upper torso and head. Swelfer suffered life-altering injuries but survived the shooting. Belcher was charged with and convicted of Level 1 felony attempted murder and sentenced to thirty-five years in the Department of Correction (“DOC”). Belcher contends that the trial court abused its discretion in admitting certain evidence. Because we disagree, we affirm.

Facts and Procedural History

- [2] In August of 2019, Belcher and Gabrielle Shea moved into a home together in Griffith. At one point, Belcher and Shea were engaged and are the parents of I.B. In the “early summer” of 2023, Belcher allowed his friend Swelfer to stay in the couple’s spare room. Tr. Vol. V p. 176.¹ That summer, Belcher’s relationship with Shea ended, and Belcher started seeing other women, including Amanda Stout. As the summer progressed, Belcher was not staying at the home with Shea and their daughter but still kept his clothing and possessions in the house.

¹ We note that at times, the pagination for the transcript is off. Our citations to the transcript reflect the pdf page on which the material can be found, not the number listed on the bottom of the page.

- [3] At some point in mid- to late-July, after she and Belcher had broken up, Shea began a romantic relationship with Swelfer. Once Belcher learned that Shea and Swelfer had begun a romantic relationship, he was “hurt” because he had “trusted [Swelfer] like our best friend” and had let him stay in the home with Shea and their daughter. Tr. Vol. V pp. 184, 185.
- [4] On or about July 31, 2023, Belcher told Shea that he was going to stab Swelfer. Shea recalled that Belcher had had a knife despite Belcher’s claim that only Swelfer had had a knife that day. Eventually, Belcher left without a physical confrontation. The next day, Belcher came to Shea’s home and told her that “he was going to kill” Swelfer; that he would “snatch him up and kill” him. Tr. Vol. III pp. 23, 24. While at Shea’s home, Belcher took Swelfer’s cell phone and later messaged a friend that “I stole his phone[.]” Ex. Vol. I p. 126.
- [5] During the early afternoon of August 3, 2023, Shea was at her home with Swelfer and I.B. While Shea was in her bedroom “getting I.B. ready[.]” she observed Swelfer walk into the kitchen. Tr. Vol. III p. 39. A short time later, Shea heard three or four gunshots, “very close together[.]” “one right after the other.” Tr. Vol. III p. 40. Shea went to the kitchen to “see what was going on” and found Belcher standing over Swelfer, “who was face down in a pool of his own blood.” Tr. Vol. III p. 40. Shea screamed “what did you do” and Belcher “started getting physical with [her], tried to basically push [her] back into the bedroom[.]” Tr. Vol. III p. 41. Belcher told Shea that the shooting “was [her] fault, that [she] made him do it.” Tr. Vol. III p. 41. Belcher took Shea’s cell phone and told her “you’re not calling the police.” Tr. Vol. III p. 42. Belcher

kissed I.B. and told her “I love you so much.” Tr. Vol. II p. 42. Before leaving, Belcher told Shea “congratulations, bi[***], you just took a father away from his daughter.” Tr. Vol. III p. 42.

[6] Prior to the shooting, Belcher had told Stout that they were going to Shea’s home to pick up I.B. and Belcher had been “in a great mood.” Tr. Vol. IV p. 42. Stout waited in a Ford pickup truck while Belcher went into the home. Belcher was in the home for “[w]hat seemed like five minutes” before exiting the home. Tr. Vol. IV p. 41. After the shooting, Belcher walked “swiftly” to the truck and drove away “pretty fast[.]” Tr. Vol. IV pp. 44, 45. Belcher then led police on a high-speed chase, attempting to evade police by driving through a cemetery, attempting to enter a senior housing facility, and hiding in the woods. Police later found Belcher and Stout hiding in the woods.

[7] Swelfer survived the shooting but suffered extensive injuries. Swelfer had been shot in the left forehead and suffered a “severe brain injury -- penetrating brain injury -- and also multiple facial fractures, orbital wall fractures. And also he had two gunshot wounds in his forearm.” Tr. Vol. III p. 200. Swelfer was “in a coma with signs of high pressure in the head or high intercranial pressure and also midline shift, which means that the brain -- there was pressure from the left to the right.” Tr. Vol. III pp. 200–01. Swelfer had “some bullet fragments in the left frontal lobe” and “associated surrounding brain swelling and some bleeding in the left part of the brain.” Tr. Vol. III p. 201. Even after coming out of the coma, Swelfer was unable to walk, get up, or eat his own food. Swelfer continues to suffer from memory issues from the shooting, had to

“[r]elearn everything[,]” and has a significant head malformity from the brain injury. Tr. Vol. III p. 216. Although suffering from memory issues, Swelfer does recall that Belcher was the individual who had shot him and that Belcher had come into the home “with a mission to kill” him. Tr. Vol. III p. 224.

- [8] On August 4, 2023, the State charged Belcher with Level 1 felony attempted murder, Level 3 felony aggravated battery, and Level 5 felony battery by means of a deadly weapon. While the charges were pending, Belcher sent a note to Shea in which, speaking about Swelfer, he said

I hope that piece of sh[**] is a retard brain dead f[***] the rest of his miserable life, and dies a slow agonizing death! His bi[***] a[**] should of known I don't play that s[***]! Back stabbing perfidious f[***]. Now I got to do a f[***]ing prison bit and miss out on precious years with my baby girl.

Ex. Vol. I p. 54.

- [9] During trial, Stout testified that she had previously been involved in a romantic relationship with Belcher but equivocated about the nature of their then-present and future potential relationship. When asked about her conversations with Belcher in the weeks before trial, Stout admitted that their conversations “might” have been sexual in nature. Tr. Vol. IV p. 80. The State proffered, and the trial court admitted, Exhibits 116 and 117, as evidence of a continued romantic relationship between Belcher and Stout. Exhibit 116, a clothed screenshot of Stout’s posterior in a bent over position, was never shown or published to the jury. Exhibit 117 depicts a screenshot from a video call that

occurred approximately two weeks before Belcher’s trial between Belcher and Stout, in which Stout is smiling and showing Belcher her cleavage.

- [10] Belcher admitted that he had shot Swelfer but claimed to have done so in self-defense. At the conclusion of trial, the jury found Belcher guilty as charged. The trial court entered a judgment of conviction for Level 1 felony attempted murder and sentenced Belcher to thirty-five years in the DOC.

Discussion and Decision

- [11] The admission of evidence is a matter that we generally “leave to the discretion of the trial court.” *Clark v. State*, 994 N.E.2d 252, 259–60 (Ind. 2013). “We review these determinations for abuse of that discretion and reverse only when admission is clearly against the logic and effect of the facts and circumstances and the error affects a party’s substantial rights.” *Id.* at 260. “We will not reweigh the evidence and will resolve all conflicts in favor of the trial court’s ruling.” *Schnitzmeyer v. State*, 168 N.E.3d 1041, 1044 (Ind. Ct. App. 2021). Furthermore, “we will not reverse the decision to admit or exclude evidence if that decision is sustainable on any ground.” *Carpenter v. State*, 15 N.E.3d 1075, 1078 (Ind. Ct. App. 2014), *trans. denied*.
- [12] Belcher contends that the trial court abused its discretion in admitting Exhibits 116 and 117, both of which included sexually provocative screenshots of Stout. We note, however, that Exhibit 116 was never shown, published, or made available to the jury. As a result, any error with regard to its admission is, at most, harmless, because the jury’s verdict could not have been affected by

evidence that was never shown to it. *See generally, Jordan v. State*, 244 N.E.3d 445, 460 (Ind. Ct. App. 2024) (“Error is harmless if its probable effect on the jury, given all the evidence in the case, is minor enough to avoid affecting the substantial rights of the parties.”). We therefore turn our attention to the admission of Exhibit 117.

[13] “Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Ind. Evid. Rule 401. Relevant evidence is generally admissible. Ind. Evid. Rule 402. However, “[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, or needlessly presenting cumulative evidence.” Ind. Evid. Rule 403.

[14] Exhibit 117 depicts a screenshot from a video call that occurred approximately two weeks before Belcher’s trial between Belcher and Stout, in which Stout is smiling and showing Belcher her cleavage. Belcher contends that Exhibit 117 is not relevant. Alternatively, he contends that its relevance is outweighed by the danger of unfair prejudice. For its part, the State argues that Exhibit 117 was relevant to prove Stout’s bias by virtue of her continued relationship with Belcher. In support, the State notes our prior determination that “bias, prejudice or ulterior motives are always relevant because such facts may discredit [a witness] or affect the weight of [their] testimony[.]” *McKinley v. State*, 465 N.E.2d 742, 746 (Ind. Ct. App. 1984).

[15] We need not reach the relevance question, however, because we conclude that the admission of Exhibit 117 was, at most, harmless.

Generally, errors in the admission of evidence are to be disregarded unless they affect the substantial rights of a party. In viewing the effect of the evidentiary ruling on a defendant's substantial rights, we look to the probable impact on the fact finder. The improper admission is harmless error if the conviction is supported by substantial independent evidence of guilt satisfying the reviewing court there is no substantial likelihood the challenged evidence contributed to the conviction. Moreover, any error in the admission of evidence is not prejudicial, and is therefore harmless, if the same or similar evidence has been admitted without objection or contradiction.

Hoglund v. State, 962 N.E.2d 1230, 1238 (Ind. 2012) (internal brackets, citations, and quotation omitted).

[16] In this case, the State presented overwhelming evidence of Belcher's guilt. Belcher did not deny shooting Swelfer but claimed to have done so in self-defense. Specifically, Belcher claimed that Swelfer had run at him with a knife before he had retreated and fired his gun at Swelfer. The evidence most favorable to the trial court's judgment, however, demonstrates that prior to the shooting, Belcher had threatened to kill Swelfer more than once. On the day of the shooting, Shea was in a bedroom with her and Belcher's daughter when she heard three or four gunshots, "very close together[,] " "one right after the other." Tr. Vol. III p. 40. Shea went to the kitchen to "see what was going on" and found Belcher standing over Swelfer, "who was face down in a pool of his own blood." Tr. Vol. III p. 40. Belcher told Shea that the shooting "was [her]

fault, that [she] made him do it.” Tr. Vol. III p. 41. Swelfer also testified that Belcher had shot him. After the shooting, Belcher sent Shea a note in which, speaking about Swelfer, he said “I hope that piece of sh[**] is a retard brain dead f[***] the rest of his miserable life, and dies a slow agonizing death! His bi[***] a[**] should of known I don’t play that s[***]! Back stabbing perfidious f[***].” Ex. Vol. I p. 54.

[17] Moreover, by the time Exhibit 117 was admitted, the jury had already been made aware of Stout’s relationship with Belcher. Stout had testified that she had previously been involved in a romantic relationship with Belcher and equivocated about the nature of their then-present and future potential relationship. When asked about her conversations with Belcher in the weeks before trial, Stout admitted that their conversations “might” have been sexual in nature. Tr. Vol. IV p. 80. Given Belcher’s prior threats to kill Swelfer, his lack of remorse after the shooting, and Shea’s testimony that she had seen Belcher standing over Swelfer’s bloody body moments after she had heard the gunshots, we cannot say that a photograph depicting Stout showing Belcher her cleavage in a flirtatious manner was likely to have contributed to the jury’s rejection of his self-defense claim or guilty finding. *See Hoglund*, 962 N.E.2d at 1238.

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

Weissmann, J., and DeBoer, J., concur.

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