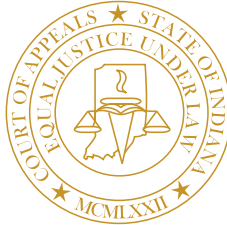


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

Terrance Lamont Craig,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.



September 19, 2025

Court of Appeals Case No.
25A-CR-534

Appeal from the
Lake Superior Court

The Honorable
Salvador Vasquez, Judge

Trial Court Cause No.
45G01-2306-F4-97

Memorandum Decision by Senior Judge Baker
Judges Mathias and Tavitas concur.

Baker, Senior Judge.

Statement of the Case

- [1] Terrance Lamont Craig appeals from his conviction after a jury trial of one count of Level 4 felony arson, arguing the trial court abused its discretion by denying his motion for a mistrial. Concluding there was no abuse of discretion, we affirm.

Facts and Procedural History

- [2] The facts most favorable to the verdict reflect the following. On June 5, 2023, Craig entered the lobby of the Lake County Jail with a gallon milk jug of liquid and approached the front desk. He spoke with secretary, Laura Lunkes-Wilson, who was behind a glass window, and said these “bitches put me in jail,” and that he wanted to talk to Governor Mitch Daniels, President Trump, and President Biden. Tr. Vol. 2, pp. 192-93. Lunkes-Wilson told Craig that she would call to have someone speak with him because she was having trouble understanding him and left to make the call.
- [3] Assistant Warden Kimberly O’Connor was in her office in the front desk area when a staff member informed her that that there was a man “pouring a jug of water” around the lobby. Tr. Vol. 3, p. 74. Once O’Connor left her office, she

noticed that the jug contained a liquid with a yellow tint, and she called dispatch. Lunkes-Wilson heard her co-worker say, “Sir, please don’t do that,” and turned around to see Craig pouring the liquid. Tr. Vol. 2, pp. 182-83. Craig tore a page out of the visitor’s logbook and set the lobby on fire. Lunkes-Wilson did not see Craig’s face clearly, and O’Connor only briefly saw him in the lobby. Lunkes-Wilson and a co-worker left the building due to the fire, and correctional officers entered and extinguished it. The fire resulted in damages in excess of \$6,500.

[4] Law enforcement technicians arrived shortly thereafter and detected the strong odor of gasoline in the lobby. Officers located a milk jug and a washcloth from the lobby and obtained video footage of the fire. They also obtained video showing a small, dark colored “[possibly] blue” SUV leaving the scene. Tr. Vol. 3, p. 69. They were unable to obtain a license plate number for the vehicle or to determine who owned it.

[5] Lake County Sheriff’s Department Detective Kristopher Adams was assigned to investigate the fire. During his separate interviews with Lunkes-Wilson and O’Connor, they each identified an individual named Ryan Andrews from a photo lineup of six people. Craig’s photograph was not in the photo array. After receiving tips about Craig’s possible involvement, Detective Adams independently showed Lunkes-Wilson and O’Connor another photo array which contained Craig’s photograph. Neither identified Craig from that array.

- [6] Shortly thereafter, officers arrested Andrews and charged him with two counts of arson. Detective Adams spoke with Andrews' family, but nothing further transpired with the investigation until June 12, 2023, when Adams received a call informing him that someone else had claimed responsibility for the fire.
- [7] On June 12, Hammond Police Officer Yon Fletcher received a dispatch to the Hammond Police Department. When he arrived, he saw Craig lying on the floor. Craig said that Illinois and Indiana government officials were trying to kill him. As Officer Fletcher attempted to convince Craig to leave the police station, Craig told him that he set fire to the lobby of the Lake County Jail and left in a blue SUV, but that someone else was charged with the crime. Craig also said he was wearing the same hat he had worn when he set fire to the jail lobby. Officers asked Craig to leave, he became disorderly, and the officers placed him under arrest.
- [8] After he was notified about Craig's claims, Detective Adams interviewed him that day. During the interview, Adams observed that Craig was wearing a hat that Adams believed was the same hat worn by the man who had set fire to the jail. He also noted that Craig was saying things about government officials which mirrored those reported to have been said by the perpetrator. Based on those factors and Craig's admission, Craig was arrested for the jail fire, and the charges against Andrews were dismissed. Officers obtained a search warrant and police collected Craig's hat.

- [9] Craig was charged with two counts of Level 4 felony arson and one count of Level 5 felony intimidation. Before trial, defense counsel requested, and the trial court granted, a motion in limine barring video evidence of Craig stating that he had been arrested and incarcerated in the Lake County Jail, and that he was under federal investigation. After jury selection, defense counsel reiterated his concern that the video of Craig being offered by the State might contain evidence of Craig’s criminal record. The State assured the court that the portions at issue had been redacted from the video.
- [10] During Detective Adams’ direct examination, he was asked to explain to the jury the process of selecting photographs to be used in a photo lineup or array. Adams began talking about the Spillman system¹ when he said, “So we have a system called Spillman that we use for report writing and information sharing. Any time that you have a booking photo taken of you when you’re . . .” Tr. Vol. 2, p. 226. Craig’s counsel objected, citing the order in limine. During the sidebar conference, the trial court ordered no further discussion of “booking” and noted two options: (1) it could give “the jury an instruction to disregard the word booking or in reference to booking testified by Detective Adams”; or (2) “just let it go.” *Id.* at 227. Craig’s counsel moved for a mistrial, which the trial court denied.

¹ The Spillman database is a law enforcement database used for recording police reports, identifications, and individuals who have any type of police contact. Tr. Vol. 2, p. 226.

- [11] The trial court asked Craig’s counsel if he would like the court to give an instruction to disregard the reference to “booking,” noting that because Detective Adams had been speaking in generalized terms about photographic lineup procedure, he had not specifically mentioned anything involving Craig. The jury was then dismissed at Craig’s counsel’s request so he could ask Detective Adams preliminary questions. Counsel then asked Adams if a driver’s license photograph was ever used for photographic lineups. After Adams answered that those were not used in the Spillman system, defense counsel renewed his motion for mistrial, claiming he did not believe the harm from Adams’ booking comment could be cured. The State asked that the motion be denied because Adams’ testimony was generalized and, as such, did not run afoul of the order in limine.
- [12] The trial court denied the motion for mistrial and told Craig’s counsel that it would give a limiting instruction to disregard the comment referring to booking. Counsel responded that he thought “that might [bring] undue attention to it[.]” *Id.* at 231. The trial court acknowledged counsel’s position, but again asked counsel to choose between giving an admonishment or ignoring the reference. Craig’s counsel affirmatively chose to ignore the comment. And the trial court clarified that the State and Detective Adams should not refer to “booking” photos again.
- [13] At the conclusion of Craig’s trial, the jury found him guilty of Level 4 felony arson and Level 6 felony arson. The trial court entered judgment of conviction

for Level 4 felony arson and sentenced Craig to eight years in the Department of Correction. This appeal ensued.

Discussion and Decision

[14] Craig argues that the trial court abused its discretion by denying his motions for mistrial based on Detective Adams' reference to "booking" when explaining how photographic lineups are generated for use.² Our standard of review is well settled.

The trial court is in the best position to assess the impact of a particular event upon the jury. Thus, the decision of whether to grant or deny a motion for mistrial is committed to the sound discretion of the trial court and will be reversed only upon an abuse of that discretion. The denial of a motion for mistrial will be reversed only upon a showing that the defendant was placed in a position of grave peril to which he should not have been subjected. The declaration of a mistrial is an extreme action and is warranted only when no other action can be expected to remedy the situation. The burden on appeal is upon the defendant to show that he was placed in grave peril by the denial of the mistrial motion. The defendant on appeal also has the burden to show that no other action could have remedied the perilous situation into which he was placed.

² The State argues that Craig has waived this issue for our review by refusing the trial court's offer to admonish the jury. Appellee's Br. p. 12. Citing *Craft v. State*, 187 N.E.3d 340, 347 (Ind. Ct. App. 2022), *trans. denied*, Craig argues that he was allowed to skip admonishment and seek a mistrial because an admonishment would have been fruitless. Yet, Craig acknowledges that while *Craft* was good law at the time of Craig's trial, it might be questioned after the Supreme Court's clarification on the issue in *Konkle v. State*, 253 N.E.3d 1068, 1082 (Ind. 2025). Nevertheless, because we prefer to decide cases on the merits whenever possible, we will address the merits of Craig's claims.

Wilson v. State, 865 N.E.2d 1024, 1027-28 (Ind. Ct. App. 2007) (quoting *Anderson v. State*, 774 N.E.2d 906, 911 (Ind. Ct. App. 2002) (citations omitted)). And gravity of peril is measured by the conduct's probable persuasive effect on the jury. *Pittman v. State*, 885 N.E.2d 1246, 1255 (Ind. 2008).

[15] Here, we conclude that Craig has not met his burden of proving that he was placed in a position of grave peril by the trial court's decision to deny his motion. The jury heard testimony which established the following evidence. First, Craig walked into a police station and admitted that he committed the arson at the Lake County Jail and acknowledged that another person had been charged with that crime. He claimed he was wearing the same hat he had worn when he committed the crime and informed officers that he had left the scene of the arson in a blue SUV. This information aligned with the witness statements and video evidence. Considering the strength of the State's case, we find that the trial court's denial of the mistrial based on Detective Adams' generalized use of the word "booking" to describe the photographs used in the photographic lineups would not have had an unfairly persuasive impact on the jury's decision. There was no abuse of discretion here.

Conclusion

[16] We conclude that the trial court did not abuse its discretion by denying Craig's motion for mistrial and affirm the trial court's judgment.

[17] Affirmed.

Mathias, J., and Tavitas, J., concur.

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