

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

David Lee Campbell,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

July 11, 2025

Court of Appeals Case No.
24A-CR-2983

Appeal from the Starke Circuit Court

The Honorable Kim Hall, Judge

Trial Court Cause No.
75C01-2408-F1-1

Memorandum Decision by Judge Vaidik
Judges Bailey and DeBoer concur.

Vaidik, Judge.

Case Summary

- [1] David Lee Campbell was convicted of murder and Level 1 felony burglary for breaking into a house and beating a husband and wife, killing the wife. He now appeals, arguing the trial court erred in admitting some evidence and that a witness's testimony was incredibly dubious and should be disregarded. We disagree and affirm.

Facts and Procedural History

- [2] In 2024, Hank and Connie Bailey, who were in their 70s, lived on Starke Street in Hamlet in Starke County, which is on central time. Hank has two daughters, Juanita Conley and Elysia Bailey, who lived nearby. Juanita dated Campbell "off and on" for about two years. Tr. Vol. III p. 99. During that time, Campbell went to the Baileys' house "[q]uite a few times." *Id.* at 56. Juanita and Campbell's relationship ended in April. Soon thereafter, Campbell started dating Ashley Bierod, and they lived at the Red Rock Inn in Plymouth in Marshall County. Marshall County is east of Starke County and on eastern time.
- [3] On the evening of August 2, Ashley borrowed a silver Toyota Camry from Drucilla Myers, who also lived at the Red Rock Inn. Drucilla gave Ashley the keys and saw Ashley and Campbell leave together in the Camry around 9:00 p.m. ET and then return around 11:00 p.m. ET. Another resident at the Red Rock Inn, Samuel Nichols II, was sitting outside of his room smoking a

cigarette when he saw Campbell and Ashley return together sometime around 11:00 p.m.-midnight ET. Before Nichols finished his cigarette, Campbell and Ashley walked past him, got in the car, and left again. Another Red Rock Inn resident saw Campbell and Ashley return in the Camry around 2:00 a.m. ET.

[4] Connie and Hank were at home the night of August 2. Connie was sleeping on the couch, and Hank was lying in bed watching television. At some point, the electricity went out. Hank thought nothing of it and went to sleep. The next thing Hank knew, Connie opened his bedroom door and said they were being robbed by a man. The man, who was wearing “a black ski mask” and carrying a knife, sprayed Hank in the face with pepper spray and “pounded” him in the head with his fist. *Id.* at 58. The man also beat Connie and tried to make her open a safe. Hank escaped, ran to his daughter Elysia’s house next door, and called 911. Hank and Connie, who both had bleeding in the brain, were taken to the hospital. Connie later died from her injuries.

[5] Around the same time, at 12:14 a.m. CT (1:14 a.m. ET) on August 3, Clint Norem, the town marshal for Hamlet, was dispatched to an apartment complex to investigate a report of a “suspicious” “silver or gray” car. *Id.* at 24, 25. Officer Norem arrived at 12:31 a.m. CT (1:31 a.m. ET) and saw a car that matched the description. He spoke to the driver, Ashley, who claimed to be waiting for her brother to return from work. Finding nothing suspicious, Officer Norem left. Soon thereafter, Officer Norem overheard a dispatch for a home invasion on Starke Street in Hamlet. Officer Norem recognized the address as the home of the Baileys and went there.

- [6] Police officers responded to the Baileys' house, where a ladder was found next to an open window. The electric meter had been dislodged and was missing the NIPSCO "wire tag," which was a "mid-grade wire" that couldn't be cut with "normal scissors." Tr. Vol. IV pp. 116, 158-59.
- [7] Later on August 3, officers went to the Red Rock Inn and observed a silver Camry, which they "believe[d] to be the same [car] that Ashley Bierod was driving" when Officer Norem encountered her at the apartment complex. Tr. Vol. III p. 51. Officers spoke to the owner of the car, Drucilla, and she gave them permission to search it. Officers found wire cutters that did not belong to Drucilla and were not in the car before she loaned it to Ashley. The wire cutters were on the rear passenger floorboard next to a credit card in Campbell's name. Officers also spoke to Campbell, who claimed he was at the Red Rock Inn all night with Ashley's daughter. Officers observed that Campbell's hand was bruised. When asked about it, Campbell claimed he had been bitten by a dog, although he didn't have any bite marks or scratches.
- [8] During the investigation, police used the Flock license-plate recognition system and learned that the Camry Ashley borrowed from Drucilla had traveled westbound at the Starke and Marshall County line at 11:33 p.m. CT (12:33 a.m. ET) and then eastbound at the Starke and Marshall County line at 1:24 a.m. CT (2:24 a.m. ET). Ashley's cell-phone location data confirmed that her phone was in those areas at approximately those times.

- [9] On August 10, a neighbor who lived across the street from the Baileys (about 500 feet away) was mowing his lawn when he found a bandana and a black mask in his yard. He contacted the police, and they collected the items for testing. DNA testing later revealed Campbell's DNA on the bandana. *See* Tr. Vol. V pp. 68-69.
- [10] The State charged Campbell with 14 offenses, including murder (Connie) and Level 1 felony burglary (serious bodily injury to Hank).¹ Campbell requested a speedy trial, and a jury trial was held four months later in October. The State also charged Ashley with 14 offenses, including murder and Level 5 felony assisting a criminal. *See* Cause No. 75C01-2409-MR-1. On the morning of the second day of Campbell's trial, Ashley and the State entered into a plea agreement under which Ashley would plead guilty to Level 5 felony assisting a criminal, the State would dismiss the remaining charges, Ashley would testify truthfully at Campbell's trial, and she would be sentenced to six years in prison. Ashley requested a plea hearing, which was set for January 2025.
- [11] At trial, Juanita testified that in the summer of 2023, when she was dating Campbell, his relationship with her father and Connie started to sour. *See* Tr. Vol. III p. 93. Juanita explained that one day in June 2023 when it was very hot, she and Campbell went to her father and Connie's house to use their air conditioning. Connie, however, told Juanita that Campbell couldn't come

¹ Campbell was convicted of all 14 charges, but the trial court entered judgment of conviction on these two counts only to avoid double jeopardy.

inside. When Juanita told Campbell, he “got angry” and said, “[F]u** that bit**.” *Id.* at 96. The next day, Juanita and Campbell were discussing money when Campbell remarked that if it weren’t for her, “he would rob [Hank] and Connie” and that he “hated” Connie and wanted to “beat[] her brains out.” *Id.* at 98, 99. Campbell objected to Juanita’s testimony, arguing it was “far more prejudicial than it is probative.” *Id.* at 84. The trial court disagreed and allowed the testimony.

[12] Ashley testified on the second and third days of trial. On the second day, Ashley testified that she and Campbell drove to Hamlet on the night of August 2 to go to her sister’s house; she did not testify about driving Campbell to the Baileys’ house for the purpose of committing a crime. After Ashley finished her testimony for the day and the trial court excused the jury, the court told the parties that it hadn’t “heard anything so far that would suggest that [Ashley] drove David Campbell to Hank and Connie Bailey’s house with the intent for him to commit a crime and for her to hinder the apprehension or punishment of him.” *Id.* at 194. The court said that without such testimony, it wouldn’t “accept a plea of guilty [from Ashley] to Count XIV, assisting a criminal[.]” *Id.* at 193. The next day, Ashley testified that she drove to Hamlet because Campbell wanted to go to the Baileys’ house. She claimed she didn’t say that

the day before because she was “nervous.”² Tr. Vol. IV p. 20. Defense counsel vigorously cross-examined Ashley.

[13] The jury found Campbell guilty of murder and Level 1 felony burglary, and the trial court sentenced him to 100 years.

[14] Campbell now appeals.

Discussion and Decision

I. The trial court did not err in admitting Juanita’s testimony

[15] Campbell contends that the trial court erred in admitting Juanita’s testimony that about fourteen months before the burglary, Campbell said he wanted to rob Hank and Connie and “beat[] [Connie’s] brains out.” He cites Indiana Evidence Rule 403, which provides: “The 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.” Campbell argues that the probative value of this evidence was substantially outweighed by the danger of unfair prejudice because his statement was “a remote, off-the-cuff comment said in frustration” over “not being allowed into the air conditioning on a hot day.”

² In January 2025, the trial court rejected Ashley’s plea agreement. *See Order*, Cause No. 75C01-2409-MR-1 (Jan. 8, 2025). In June 2025, Ashley and the State entered into a second plea agreement, under which Ashley would plead guilty to Level 5 felony assisting a criminal, the State would dismiss the remaining charges, and Ashley would be sentenced to 6 years, with 4 years on community corrections with electronic monitoring and 2 years suspended to probation. The trial court rejected that plea agreement on June 23 and set the case for jury trial in September 2025. *See Cause No. 75C01-2409-MR-1*.

Appellant's Br. p. 13. "Trial courts are given wide latitude in weighing probative value against the danger of unfair prejudice, and we review that determination for abuse of discretion." *Hall v. State*, 177 N.E.3d 1183, 1193 (Ind. 2021).

- [16] Campbell's statement to Juanita was probative of his identity as the attacker. Because Campbell had disconnected the power, worn a mask, broken into the house when Hank and Connie were sleeping, and pepper sprayed at least one of them during the burglary, he was not as obviously identifiable. The evidence also established Campbell's knowledge that the Baileys had cash in their home and his desire to hurt Connie in a way she was ultimately hurt during the burglary. Campbell has not shown that the probative value of Juanita's testimony was substantially outweighed by the danger of unfair prejudice. The trial court did not abuse its broad discretion under Evidence Rule 403.

II. The incredible-dubiosity doctrine does not apply

- [17] Campbell contends that Ashley's testimony should be disregarded under the incredible-dubiosity doctrine. That doctrine allows us to impinge upon a fact-finder's responsibility to judge the credibility of witnesses when "the testimony is so incredibly dubious or inherently improbable that no reasonable person could believe it." *Hampton v. State*, 921 N.E.2d 27, 29 (Ind. Ct. App. 2010), *reh'g denied, trans. denied*. The doctrine rarely applies and "requires that there be: 1) a sole testifying witness; 2) testimony that is inherently contradictory, equivocal,

or the result of coercion; and 3) a complete absence of circumstantial evidence.” *Moore v. State*, 27 N.E.3d 749, 756 (Ind. 2015).

[18] As for the first requirement, both parties agree that Ashley was the sole testifying witness who placed Campbell near the Baileys’ house on the night of the burglary. As for the second requirement, Campbell argues that Ashley’s testimony was “unbelievable” because it “improved and became far more damaging to Mr. Campbell only after the trial court announced that [her] plea agreement was at risk.” Appellant’s Br. p. 12. The State responds that Ashley’s testimony was not “so dubious that it was inconsistent with the laws of nature or human experience.” Appellee’s Br. p. 24 (quotation omitted). Even assuming Campbell has established the second requirement, he has failed to prove the third one, that is, that there was a complete absence of circumstantial evidence.

[19] Although Campbell told police that he was at the Red Rock Inn with Ashley’s daughter on the night of the burglary, several neighbors testified that they saw Campbell and Ashley come and go from the Red Rock Inn together. The timing of Campbell and Ashley’s departure and return in the Camry corresponded with the timing of the burglary. The Flock system and location data from Ashley’s cell-phone records also confirmed that Ashley traveled to, remained in, and left the vicinity of the Baileys’ house at the time of the burglary.

[20] In addition, wire cutters were found in the Camry after Campbell had ridden in it, and Drucilla testified that the wire cutters were not in her car when she loaned it to Ashley. Notably, the wire cutters were found next to Campbell’s

credit card. The NIPSCO wire tag from the electric meter had been removed and would likely have been cut by wire cutters. When officers spoke to Campbell, they observed that his hand was bruised; he claimed that his dog bit him, but his hand showed no signs of scratches or bite marks. About a week after the burglary, the Baileys' neighbor found a bandana and a black mask in his yard. Campbell's DNA was on the bandana. Hank testified that he was attacked by a man wearing a black ski mask. Because there is not a complete absence of circumstantial evidence, Campbell has not met his burden of proving that Ashley's testimony should be disregarded. We therefore affirm Campbell's convictions.

[21] Affirmed.

Bailey, J., and DeBoer, J., concur.

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