

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

Kian Michael Moore, Jr.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



November 22, 2024

Court of Appeals Case No.
24A-CR-709

Appeal from the Lake Superior Court
The Honorable Natalie Bokota, Judge

Trial Court Cause No.
45G02-2003-MR-000005

Memorandum Decision by Judge Felix
Judges Pyle and Weissmann concur.

Felix, Judge.

Statement of the Case

- [1] Kian Moore, Jr., and two others were charged with murder for the shooting death of Quentin Kendrick-Taylor. Moore went to trial while the other two took plea deals. A jury found Moore guilty of murder. Moore appeals and presents one issue for our review: Whether the trial court erred by providing a jury instruction on accomplice liability.
- [2] We affirm.

Facts and Procedural History

- [3] On October 22, 2019, Moore messaged his friend Christian Buchanan on Facebook Messenger, telling Buchanan that he needed a ride and he had “got us a little pocket rocket,” referring to a gun. Ex. Vol. I at 194. At approximately 9:00 p.m. that night, Buchanan picked up his girlfriend Leila Shojaee and Moore in East Chicago, Indiana. The three drove to a liquor store, bought a fifth of liquor, and started drinking it as they drove toward Hammond, Indiana.
- [4] Once they got to Hammond, Buchanan drove to a subdivision and stopped at the front entrance. There, Moore and Buchanan got out of the car, took pictures in front of the entrance sign, and returned to the car—Buchanan was in the driver’s seat while Moore sat directly behind Buchanan and Shojaee sat in the front passenger seat. Buchanan started driving slowly through the

subdivision and approached Kendrick-Taylor walking on the sidewalk. Buchanan and Moore recognized Kendrick-Taylor as “so-and-so’s baby daddy.” Tr. Vol. VI at 57. Once they drove by Kendrick-Taylor, Shojaee heard gunshots coming from inside their vehicle; she “turned and looked behind [her] to see what was happening and [she] saw [Moore] shooting out of the window.” *Id.* at 58. Moore “had his . . . head and his shoulder and arm out the window and was shooting backwards towards” Kendrick-Taylor. *Id.* Once Moore stopped shooting, he “s[at] back in the car and sa[id] stupid b[*]tch.” *Id.*

[5] Buchanan drove the car back to Shojaee’s apartment in East Chicago. There, Shojaee washed Moore’s clothes, Moore took a shower, and then Moore fell asleep on Shojaee’s couch. Once Moore fell asleep, Buchanan told Shojaee to drive him back to the scene of the shooting to see if the shots had hit Kendrick-Taylor. As they approached the subdivision, Buchanan and Shojaee saw emergency vehicles in the neighborhood, so they knew that Kendrick-Taylor had been hit and decided to drive back to East Chicago. While Shojaee was driving over a bridge on the way back to her apartment, Buchanan threw shell casings from a handgun out of the car window. When they returned to Shojaee’s apartment, Buchanan hid the gun above ceiling tiles in the dining room.

[6] The gunshots had hit Kendrick-Taylor in the back and chest, and he died on the sidewalk. Law enforcement discovered the shooting had been captured on surveillance footage from a nearby office building, and investigators identified the vehicle as well as its license plate as having been rented by Shojaee at the

time of the shooting. On November 1, 2019, law enforcement officers found the vehicle and conducted a traffic stop—Buchanan was driving with Shojaee in the passenger seat. Law enforcement officers arrested Buchanan on an outstanding warrant for an unrelated offense and brought Shojaee to the police department for questioning. The State charged Moore, Buchanan, and Shojaee with murder. Additionally, the State filed an enhancement against Moore for using a firearm in the commission of a felony. Buchanan and Shojaee reached plea agreements with the State, pleading guilty to lesser offenses, while Moore rejected a plea offer and proceeded to trial.

- [7] At trial, the State’s theory of the case was that Moore had been the one to fire the gun from the car. In contrast, Moore’s counsel presented a theory that it could have been Buchanan who had fired the shots that killed Kendrick-Taylor. Per the terms of her plea agreement, Shojaee testified about the shooting. On direct examination, Shojaee testified that she saw Moore shooting out of the car window at Kendrick-Taylor. However, on cross-examination Shojaee testified that the first time she saw a gun in the car was when Buchanan was throwing the shell casings out of the window later that night. At the close of evidence, the State asked for an instruction on accomplice liability, and the trial court provided the instruction over Moore’s objection. A jury found Moore guilty of murder and not guilty of the firearm enhancement. This appeal ensued.

Discussion and Decision

The Trial Court Did Not Err by Giving an Instruction on Accomplice Liability

[8] Moore claims the trial court erred by providing a jury instruction on accomplice liability. We will reverse the trial court’s decision to provide a jury instruction only if there is an abuse of discretion. *Pattison v. State*, 54 N.E.3d 361, 365 (Ind. 2016) (citing *Washington v. State*, 997 N.E.2d 342, 345 (Ind. 2013)). To establish if the trial court abused its discretion, “[w]e determine whether the instruction states the law correctly, whether it is supported by record evidence, and whether its substance is covered by other instructions.” *Id.* (citing *Washington*, 997 N.E.2d at 345–46). Moore claims there was no evidence to support an instruction for accomplice liability. We cannot agree.

[9] “An instruction on accomplice liability is proper where there is some evidence that a second party was involved in the crime.” *Taylor v. State*, 840 N.E.2d 324, 338 (Ind. 2006) (citing *Wise v. State*, 719 N.E.2d 1192, 1198 (Ind. 1999)). Additionally, “where the circumstances of the case raise a reasonable inference that the defendant acted as an accomplice, it is appropriate to instruct the jury on accomplice liability even where the defendant was charged as a principal.” *Brooks v. State*, 895 N.E.2d 130, 133 (Ind. Ct. App. 2008) (citing *Hampton v. State*, 719 N.E.2d 803, 807 (Ind. 1999)). Further, the record does need to provide overwhelming evidence to support an instruction on accomplice liability. *See Smith v. State*, 765 N.E.2d 578, 585 (Ind. 2002) (concluding there

was no abuse of discretion in instructing the jury on accomplice liability where the instruction was “at least marginally supported by evidence”).

[10] The record provides ample support for an instruction on accomplice liability. The evidence shows that Moore, Buchanan, and Shojaee were all present in the vehicle when the shooting occurred, and all three took part in trying to cover up the evidence afterwards. Further, Shojaee’s testimony suggested that Buchanan could have been the shooter instead of Moore, meaning there was evidence to support the reasonable inference that Moore acted as an accomplice. Thus, we conclude that the trial court did not abuse its discretion by providing the accomplice liability instruction.

[11] Moore also argues that the jury instruction on accomplice liability violated his due process rights under the Indiana Constitution and the United States Constitution. We review alleged instructional errors based on constitutional claims de novo. *Larkin v. State*, 173 N.E.3d 662, 667 (Ind. 2021) (citing *Young v. State*, 30 N.E.3d 719, 728 (Ind. 2015)). Specifically, Moore contends that the jury instruction violated his right to have clear notice of the charges against him.

[12] In order to adequately prepare for trial, criminal defendants are entitled to “clear notice of the charge or charges against which the State summons him to defend.” *Wadle v. State*, 151 N.E.3d 227, 251 (Ind. 2020) (quoting *Wright v. State*, 658 N.E.2d 563, 565 (Ind. 1995)); see also *Hamilton v. State*, 864 N.E.2d 1104, 1110 (Ind. Ct. App. 2007) (citing U.S. Const. Amend. XIV; Ind. Const.

Art 1, § 13). Moore claims that his right to clear notice was violated because the State charged him as a principal and proceeded to trial on a theory of principal liability but then asked for an instruction on accomplice liability. We cannot agree.

[13] It is well settled that “no reference to the accomplice liability statute need be included in the charging information in order for a defendant to be convicted of a crime, regardless of whether the evidence showed that he or she acted alone or with an accomplice.” *Wise*, 719 N.E.2d at 1198–99 (Ind. 1999) (citing *Taylor v. State*, 495 N.E.2d 710, 713 (Ind. 1986)). There is no need for specific reference to accomplice liability in the charging information because “[i]n Indiana, the responsibility of a principal and an accomplice is the same.” *Taylor*, 840 N.E.2d at 338. Additionally, our Supreme Court has “reject[ed the] contention that due process requires that the State give a defendant some pretrial notice that it intended to try him as an accessory rather than as a principal.” *Id.* (alteration in original) (quoting *Wise*, 719 N.E. 2d at 1198). These principles extend throughout the duration of the trial, and the State can introduce a theory of accomplice liability at the end of trial without violating the defendant’s due process rights. *Id.*

[14] Moore’s claim that he did not have proper notice of an accomplice liability instruction is unavailing. Again, we note that multiple individuals were involved in the murder and attempted cover up, and Shojaee’s testimony made it unclear who had fired the shots at Kendrick-Taylor. Thus, we are unpersuaded by Moore’s claims that he was caught off guard and unable to

prepare for an accomplice liability instruction. Based on the foregoing, the trial court did not err in giving the accomplice liability instruction, and we affirm the trial court on all issues raised.

[15] Affirmed.

Pyle, J., and Weissmann, J., concur.

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