

Mathias continued from p. 3

and judges. Throughout the 2000s, he helped select and implement the Odyssey Case Management System that brought the management of Indiana's court records into the 21st Century. More recently, Judge Mathias has been appointed by the Indiana Supreme Court to lead a statewide court technology effort, including implementation of e-filing.

Judge Mathias is a longtime supporter of We the People, a national civics education program sponsored in Indiana by the Indiana Bar Foundation. He coaches high school We the People teams in Indiana's 5th Congressional District and helps organize We the People competitions in the 3rd Congressional District.

In 2010, he received the Indiana Bar Foundation's William G. Baker Civic Education Award for his work in civics education.

Judge Mathias has been married for 39 years and is the proud father of two sons who teach at the high school level. His wife, Carlabeth, is a private practice counselor for children and families and a consultant to schools throughout Indiana.

Judge Mathias enjoys Macintosh computers, technology in general and photography. He also enjoys spending many Saturdays during the school year helping to build theatrical sets for Hamilton Southeastern High School.

Bradford continued from p. 3

instructions in criminal cases, and a former member of both the Indiana Judges Criminal Policy Committee and the Board of Directors of the Indiana State Judicial Conference.

He is Chair of the Indiana Pro Bono Commission; a member of the Indiana Bar Foundation and McKinney School of Law Alumni Association Boards; a Senior Distinguished Fellow of the Indianapolis Bar Association; and teaches at various seminars on a variety of legal topics. From 2005 to 2007, Judge Bradford hosted "Off the Bench with Judge Cale Bradford," a legal commentary program on Marion County's government access network. He also served on the Judicial Technology and Automation Committee (JTAC), helping to draft the state judiciary's policies on technology and electronic case management. Judge Bradford currently serves as an adjunct instructor in forensic science and the law at Indiana University Purdue University Indianapolis.

Judge Bradford is a former director of Indianapolis's John P. Craine House, a residential alternative to incarceration for women offenders with pre-school-aged children. Judge Bradford regularly attends St. Luke's United Methodist Church. He and his wife, a full-day kindergarten teacher, have five children.

Altice continued from p. 3

Marion Superior Court from 2009 to 2011.

Judge Altice moved to the civil division of the Marion Superior Court in 2013 and was appointed chair of the Marion Court Civil Term in January 2015.

Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice. He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions. The Duval Work Release Center was built and opened during his tenure on the Marion County Community Corrections Advisory Board.

Judge Altice is a member of the Indiana Judges Association, the Indiana State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of these organizations: Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims.

He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, who is also an attorney, have two adult children.

The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases. It's the law. The judge applies the law to the facts before that judge.

- Justice Sonia Sotomayor

Law matters, because it keeps us safe, because it protects our most fundamental rights and freedoms, and because it is the foundation of our democracy.

- Justice Elena Kagan

Court of Appeals Mission Statement

"To serve all people by providing equal justice under law"

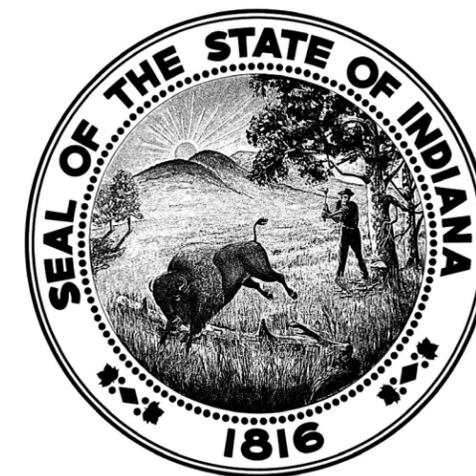
SYNOPSIS

As the result of a December 2014 incident, Lance Brown ("Brown") was charged with battery of a public safety officer, a Level 6 Felony, and disarming a public safety officer, a Level 5 Felony. Brown waived his right to a jury, and, on October 26, 2015, his case was tried as a bench trial in Wayne Superior Court.

On the evening of December 23, 2014, two of Brown's neighbors reported a frightening encounter with Brown to the Richmond Police Department ("RPD"). Brown's surveillance of his property and theirs had touched off an argument among the three, and Brown had threatened to kill his neighbors with a gun should they come onto his property. From Brown's behavior, the neighbors suspected that Brown was armed at the time of the threats. RPD Officers Spradling and Huth responded to the report. Huth wore a body camera, purchased privately and used on his own initiative. The officers stood on Brown's unlit porch, Spradling in front and Huth behind, as Brown came down the stairs to meet them. When Brown opened the front door, his right hand was hidden from the officers' view. "What do you have behind your back there, sir?" asked Spradling. "Nothing," Brown replied, keeping his right hand out of sight behind the door jamb, but "it's lying on the counter right now and it's a .357." Huth ordered Brown three times in quick succession to show his hands to the officers. Brown did not. The officers concluded that by his refusal to show his hands, Brown had resisted law enforcement. Intending to arrest Brown for that offense and concerned that Brown might draw a weapon from the hidden hand, Huth drew his stun gun and fired—to no effect. The officers then tried to enter Brown's home as Brown tried to close the door. After a brief struggle at the door, Brown was overpowered, and the officers charged in. Brown punched Huth and tackled Spradling. The officers used their stun guns on Brown twice more, again to no effect,

Court of Appeals of Indiana

Hearing oral argument at
Hamilton Southeastern High School
Monday, October 3, 2016 @ 10 a.m.



Lance Brown v. State of Indiana
89A01-1601-CR-00128

*On appeal from Wayne County Superior Court
The Honorable Charles Todd, Jr., Judge*

Indiana Bicentennial 1816 - 2016

Synopsis continued from p. 1

then struck him at least three times on the head with the butt of the stun guns, which finally subdued him. Huth and Spradling suffered bruises, cuts, two broken pairs of glasses, and a broken ear piece. Brown was taken by ambulance to a hospital for lacerations to his face and head. The officers recovered a loaded .357 revolver from a shelf to the right of the front door, within reach of Brown's hidden hand.

At his October 26, 2015, trial, Brown raised the defenses of self-defense and defense of his dwelling to the battery charge. After the close of evidence, the trial court ordered briefing on the issues presented by Brown's claims and took the matter under advisement. After two full weeks of consideration, on November 9, 2015, the trial court ruled that the officers had entered Brown's home unlawfully but found that Brown had entered into combat with the officers, had not resisted with reasonable force, and was therefore not protected by the defenses raised. These findings resulted in a judgment acquitting Brown of disarming the officer, the Level 5 Felony, but convicting him of battery on the officer, the Level 6 Felony. At Brown's sentencing hearing on December 30, 2015, the judge exercised his statutory discretion to sentence the Level 6 Felony as a Class A Misdemeanor, carrying a sentence of up to one year, rather than the higher range, six months to one and one-half years, flowing from a Level 6 Felony. Brown was ultimately sentenced to a one-year term, all suspended to probation except time served.

In this appeal, Brown challenges the sufficiency of the evidence rebutting his defenses and the trial court's interpretation of applicable statute.

Attorneys For The Parties

Appellee Attorney

Lyubov Gore has been employed with the Office of the Indiana Attorney General since 2013. She was promoted to the position of Deputy Attorney General in the Criminal Appeals Section in 2014. Ms. Gore was born in St. Petersburg, Russia and immigrated to Brooklyn, NY when she was six years old. She attended Fordham University, where she received her B.A. summa cum laude in Philosophy and English in 2010. Ms. Gore then moved to Bloomington, IN. In 2013, Ms. Gore received her J.D. cum laude from the Indiana University Maurer School of Law. During law school, she served as a research assistant to Professor Robert Heidt and studied abroad at ESADE Law School in Barcelona, Spain. Ms. Gore worked for several general practice law firms and a public interest law firm in New York City. Ms. Gore is admitted to practice in Indiana, as well as the U.S. District Courts for the Northern and Southern Districts of Indiana. Ms. Gore resides in Indianapolis with her daughter and husband, who is a fellow attorney.

Appellant Attorney

Mike Smith of Smith Rayl Law Office, LLC sometimes says that he is on his third career. His first career was as a chemical engineer working for Eli Lilly and Company in various man-ufacturing and R&D assignments between 1978 and 1993. While continuing to work as an en-gineering department head, he obtained his law degree from the Indiana University Robert H. McKinney School of Law. His second career began when he moved to Lilly's Law Division, practicing in the environmental law, securities, and commercial transactions areas. In 2008 he began his third career by retiring early from Lilly and opening a solo practice in Fishers, con-centrating in business law and nonprofit organizations. The next year he was joined by his wife, Susan Rayl, a criminal defense attorney who opened the firm's second office in Indianap-olis. Mike and Susan have a brand new partner, Rose Shingledecker, who recently completed a clerkship with Judge Bailey of the Indiana Court of Appeals. Mike has two children. Jenna, 29, who attended Arsenal Technical High School in Indianapolis and now holds a Ph.D. in nuclear physics from Michigan State University, recently started an assistant professorship at Reed College in Oregon. Taylor, 21, a graduate of Lawrence Central High School, is a senior at the University of Illinois at Urbana-Champaign where he competes on the men's gymnastics team. In addition to his J.D., Mike holds engineering degrees from Vanderbilt University and Purdue University.

Appeals on Wheels

The Court of Appeals hears oral arguments across Indiana to enable Hoosiers to learn more about the judiciary's indispensable role in Indiana government. Since its 2000-2001 centennial, the court has held more than 400 "traveling oral arguments" at high schools, colleges, law schools and other venues. This will be the court's 23rd Appeals on Wheels event this year. The opinion in today's case will be posted under "appellate opinions" on the court's website.

www.courts.in.gov

Today's Panel of Judges



The Honorable
Paul D. Mathias

Allen County

Paul D. Mathias is a fifth-generation Hoosier who deeply believes that Indiana is a special place to live. He is honored to serve on the Court of Appeals, where he strives daily to reflect and protect Hoosier values within the law.

Judge Mathias practiced law in Fort Wayne, concentrating in construction law, personal injury, and appellate practice. He was appointed Referee of the Allen County Small Claims Court in 1985 and served as Judge of the Allen Superior Court from 1989-2000 when he was appointed to the Court of Appeals. In 2002 and 2012, he was retained by election to the court.

Judge Mathias's professional achievements are rooted in a strong educational foundation. He attended the public schools in Fort Wayne, where he was a National Merit Finalist and scholarship recipient. In 1976 Judge Mathias graduated cum laude from Harvard University with a bachelor's degree in General Studies, concentrating in Government. He earned his law degree in 1979 from Indiana University School of Law-Bloomington, where he was a member of the Sherman Minton Moot Court Team and the Order of Barristers.

Judge Mathias was an officer of the Indiana Judges Association from 1993-1999 and its president from 1997-1999. He is deeply honored to be one of only 92 Hoosiers to receive the Centennial Service Award from the Indiana State Bar Association, and he was named a Sagamore of the Wabash by two governors.

Judge Mathias is keenly interested in the intersection of law and technology and often consults and speaks on tech topics to attorneys

continued on p. 4



The Honorable
Cale J. Bradford

Marion County

Cale J. Bradford was appointed to the Court of Appeals by Governor Mitch Daniels and took his seat on August 1, 2007.

Prior to his elevation to the Court of Appeals, Judge Bradford served for more than 10 years as Judge of the Marion Superior Court, seven years in the criminal division and three in the civil division. He was twice elected presiding judge by his colleagues.

During this tenure, Judge Bradford chaired the Marion County Criminal Justice Planning Council, a group of local elected and appointed officials who recommended ways to improve the county's response to criminal justice problems, including jail overcrowding, staffing, and budget issues. His efforts led to the end of 30 years of federal oversight of the Marion County Jail and to security improvements at the county's Juvenile Detention Center.

Before joining the bench, Judge Bradford served in the Marion County Prosecutor's Office for two years, overseeing a staff of more than 100 attorneys. For five years, he was an Assistant United States Attorney for the Southern District of Indiana, prosecuting major felony drug trafficking cases. He engaged in the private practice of law from 1986 to 1991, and served as both a deputy prosecutor and public defender during his career.

A native of Indianapolis, Judge Bradford received a B.A. in labor relations and personnel management from Indiana University-Bloomington in 1982 and his J.D. from the McKinney School of Law-Indianapolis in 1986. He is the Court of Appeals' liaison to the Indiana Judges Criminal Instructions Committee, which provides guidance to judges on jury

continued on p. 4



The Honorable
Robert R. Altice, Jr.

Marion County

Robert R. Altice, Jr., was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master's degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

Judge Altice began his career handling felony cases as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, focusing on medical malpractice defense. After moving to Indianapolis, he concentrated on insurance defense in private practice.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor's Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases. While serving briefly as the Office's Chief Counsel, he helped amend Indiana laws on domestic battery and possession of firearms by violent felons.

Judge Altice was elected to the Marion County bench in 2000. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty trials).

Judge Altice also served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the

continued on p. 4