

Robert A. Predaina (“Predaina”) appeals from his conviction after a jury trial of one count of criminal mischief¹ as a Class A misdemeanor. Predaina presents the following restated issues for our review:

- I. Whether the trial court erred by refusing to give Predaina’s tendered instructions;
- II. Whether the trial court abused its discretion by limiting evidence of the value of Predaina’s mother’s service dog;
- III. Whether the trial court abused its discretion by limiting closing arguments to fifteen minutes;
- IV. Whether the trial court erred by certifying the transcript and rejecting Predaina’s proposed changes;
- V. Whether the trial court erred by admitting evidence of motive;
- VI. Whether the prosecutor engaged in misconduct during the trial such that it constituted fundamental error; and
- VII. Whether the alleged cumulative errors deprived Predaina of a fair trial.

We affirm.

FACTS AND PROCEDURAL HISTORY

On the evening of August 15, 2007, a horrible storm knocked down trees and cut the power to residents in Hobart, Indiana. At approximately 10:00 p.m. that night, people emerged from their homes in order to assess the damage caused by the storm. The Prietos let their eighteen-month-old golden retriever, named Max, out into their gated backyard to relieve himself. The Prietos were unaware that Max was able to escape the backyard, and he

¹ See Ind. Code § 35-43-1-2.

began to wander around the neighborhood.

Katherine (“Katie”) and Nicholas (“Nicholas”) Johnston (collectively “the Johnstons”) discovered Max in the backyard of their home when they went to let their own dogs out. Max played with the dogs and then followed the Johnstons as they began walking toward the home of a person they believed was Max’s owner.

Ultimately, the Johnstons got into their truck and drove around the neighborhood in an attempt to locate Max’s owner while Max followed their truck. At some point, the Johnstons heard a dog yelp. When they turned their truck, they saw Max with Buddy, Predaina’s mother’s service dog, a dog they knew. Predaina had trained Buddy, who was five years old at the time of the incident, to assist his mother with issues related to her difficulties with mobility, vision, and hearing.

The Johnstons observed Max and Buddy interacting with each other. Nicholas believed that the dogs were fighting, while Katie believed they were playing. They observed Buddy as the aggressor pinning Max, and one of the dogs growled. They also saw Predaina standing on his front porch looking at the two dogs. As Nicholas started to exit the truck, Katie reminded him that neither dog belonged to them, and the dogs were not on their property.

The Johnstons remained in their truck and saw Predaina go into the house and return with a gun in his hand. Predaina pulled Buddy away from Max and then walked toward Max, who sat down in front of him. Predaina then shot Max between the eyes, instantly killing him. Nicholas shouted at Predaina, asking him why he shot Max. The Johnstons

drove home to find a blanket and a telephone. Katie called 911, as did Predaina, to report the incident. The Johnstons returned to Predaina's home and covered Max's body with a blanket. Predaina told them that he had called the police. Predaina's mother took Buddy into the house and dried him off with a towel.

Gary Police Department Reserve Officer Donald Briggs ("Officer Briggs") responded to the 911 call and arrived at about 11:30 p.m. The power had not been restored to the neighborhood, so Officer Briggs and Hobart Police Officer Mark Mokris ("Officer Mokris"), who also responded to the call, used the headlamps and floodlights of their police cruisers to illuminate the scene. Officer Briggs took Predaina's statement, which was that Max was aggressive to both Predaina and Buddy, that Max was growling as he approached him, and that Max began to fight with Buddy. Predaina went inside to get his gun and had shot Max when Max tried to bite him. Predaina complained of a puncture wound on his right hand and a scratch behind his left knee that might have included a puncture wound from Max's attack. Predaina refused treatment from the responding emergency medical technician.

Predaina told Officer Mokris that he saw blood on Buddy during the fight between the two dogs and had shot Max. Officer Briggs overheard Predaina's comments and noted the differences between his statement to Officer Mokris and the statement he had given to him. Predaina told Officer Mokris that Max had attacked Buddy, did not mention that he had left the scene to get the weapon, and that Max had Buddy pinned by the neck when Predaina shot Max.

Officer Briggs filled out a supplementary report in which he noted the discrepancies in

the stories that Predaina had told him and Officer Mokris. The case was assigned to Hobart Police Deputy Chief Jeffrey White (“Deputy Chief White”). After further investigation, Deputy Chief White asked the prosecutor to file charges against Predaina related to the incident.

The State charged Predaina with one count of cruelty to an animal as a Class A misdemeanor and one count of criminal mischief as a Class A misdemeanor. At the conclusion of the jury trial, Predaina was acquitted of the cruelty to an animal offense, but was found guilty of criminal mischief. Predaina now appeals. Additional facts will be supplied as necessary.

DISCUSSION AND DECISION

I. Tendered Jury Instructions

Predaina argues that the trial court abused its discretion by failing to give his tendered jury instruction on self-defense. He also challenges the trial court’s decision to refuse to give his tendered instructions related to: (1) allowing a dog to run at large; (2) failing to take reasonable steps to restrain a dog; and (3) allowing a domestic animal to become a public nuisance. “Jury instructions are solely within the discretion of the trial court; we will reverse only if the court abuses that discretion.” *Young v. State*, 696 N.E.2d 386, 389 (Ind. 1998). An abuse of discretion occurs if the instructions, considered as a whole and in reference to each other, mislead the jury as to the applicable law. *Id.* at 389-90. In reviewing a trial court’s decision to give or refuse tendered jury instructions, we consider: “(1) whether the instruction correctly states the law; (2) whether there is evidence in the record to support the

giving of the instruction; and (3) whether the substance of the tendered instruction is covered by other instructions that are given.” *Chambers v. State*, 734 N.E.2d 578, 580 (Ind. 2000).

A. Self-Defense

Predaina was charged with the offenses of cruelty to an animal and criminal mischief. In order to be convicted of criminal mischief, the State was required to establish beyond a reasonable doubt that Predaina recklessly, knowingly, or intentionally damaged or defaced the property of the Prieto family without their consent and the value of the property was between \$250 and \$2,500 dollars. Ind. Code. § 35-43-1-2.

Predaina tendered a self-defense instruction, based on Indiana Code section 35-41-3-2, which the trial court rejected. He claims that the trial court erred and in so doing denied him the right to present a defense. A defendant is entitled to have the jury instructed on any theory of defense which has some foundation in the evidence. *Springer v. State*, 779 N.E.2d 555, 558 (Ind. Ct. App. 2002).

While acknowledging that the self-defense statute contemplates an attack by a person, Predaina argues that the statute does not preclude application of the common law defense of self-defense in situations such as this where the attacker is not a person. He directs us to *Hunt v. State*, 3 Ind. App. 383, 29 N.E. 933 (1892) in support of this argument. In *Hunt*, the defendant was prosecuted under a statute enacted to prevent cruelty to animals. In reversing the defendant’s conviction, we held that

[i]f one destroys the life of an animal for the honest purpose of protecting his person or property, and the circumstances are of such a character as to reasonably justify the belief that the measure is necessary to that end, the act would not be in violation of the statute under consideration, though it turned

out that the apprehensions were in fact groundless and the destruction of life not necessary.

29 N.E. at 933.

In the present case, the trial court instructed the jury that it was a defense that Predaina “reasonably believed that the conduct was necessary to prevent injury to the accused person or another person; protect the property of the accused person from destruction or substantial damage; prevent a seriously injured vertebrate animal from prolonged suffering[.]” *Tr.* at 614; *see also* Ind. Code § 35-46-3-12(e)(1). This instruction was properly given and adequately covered, in conjunction with other instructions given on necessity and duress, the substance of Predaina’s tendered instruction.

Self-defense is not codified as a defense to criminal mischief, and we decline the invitation to create a common law defense of self-defense to the offense of criminal mischief. Furthermore, “[t]he law of self defense is a law of necessity;’ the right of self-defense arises only when the necessity begins, and equally ends with the necessity; and never must the necessity be greater than when the force employed defensively is deadly.” *Whipple v. State*, 523 N.E.2d 1363, 1366 (Ind. 1988) (quoting *United States v. Peterson*, 483 F.2d 1222, 1229 (D.C. Cir. 1973)). We find no error in the trial court’s refusal to give Predaina’s tendered instruction.

B. Other Tendered Instructions

Predaina also tendered three instructions that the trial court refused to give, which he claims were correct statements of the law, not covered by other instructions, and were appropriate to the jury’s consideration of the reasonableness of Predaina’s conduct under the

defense of necessity. He claims that the trial court's refusal to give these instructions amounts to an abuse of discretion. We disagree.

The tendered instructions at issue dealt with the following topics: (1) allowing a dog to run at large; (2) failing to take reasonable steps to restrain a dog; and (3) allowing a domestic animal to become a public nuisance. Hobart Municipal Code §§ 90.24, 90.25; Ind. Code § 15-5-12-3. These instructions would be confusing and misleading to the jury as they had no correlation to the culpability required to establish the offenses with which Predaina was charged, cruelty to an animal and criminal mischief. The instructions might have been relevant to the Prietos' conduct, but their conduct was not at issue in Predaina's trial. "An instruction that tends to confuse the jury is properly rejected." *Dill v. State*, 741 N.E.2d 1230, 1232 (Ind. 2001). We find no error in the trial court's decision to refuse to give these tendered instructions.

II. Limitation on Evidence

Predaina contends that the trial court abused its discretion by limiting evidence of Buddy's value and the extent of Predaina's injuries and Buddy's injuries. He claims that the limitation placed on him by the trial court was damaging to his defense of necessity.

Our standard of review of a trial court's admission or exclusion of evidence is an abuse of discretion. *Speybroeck v. State*, 875 N.E.2d 813, 818 (Ind. Ct. App. 2007). A trial court abuses its discretion only if its decision is clearly against the logic and effect of the facts and circumstances before the court. *Id.* In reviewing the admissibility of evidence, we consider only the evidence in favor of the trial court's ruling and any unrefuted evidence in

the defendant's favor. *Dawson v. State*, 786 N.E.2d 742, 745 (Ind. Ct. App. 2003). A claim of error in the admission or exclusion of evidence will not prevail on appeal unless a substantial right of the party is affected. *Pruitt v. State*, 834 N.E.2d 90, 117 (Ind. 2005). Even if the trial court errs in admitting or excluding evidence, this court will not reverse the defendant's conviction if the error is harmless. *Fleener v. State*, 656 N.E.2d 1140, 1141-42 (Ind. 1995). An error is harmless when the probable impact of the erroneously admitted or excluded evidence on the jury, in light of all the evidence presented, is sufficiently minor so as not to affect the defendant's substantial rights. *Id.* at 1142.

Predaina has failed to show us the relevance of the value of his mother's service dog to the charged offenses. Nonetheless, Predaina was allowed to present evidence of Buddy's value despite its irrelevance to the defense of necessity. Both Predaina and his mother were allowed to testify about Buddy's value to them as a service dog and beloved family pet, and about his training and the help he provides to Predaina's mother on a daily basis. Furthermore, assuming without deciding that the excluded evidence was somehow relevant, Indiana Evidence Rule 403 provides that relevant evidence "may be excluded if its probative value is substantially outweighed . . . by considerations of undue delay, or needless presentation of cumulative evidence."

The same is true of the trial court's limitation of Predaina's presentation of evidence of his injuries and those of Buddy. Predaina, who is a doctor, testified about the injuries to himself and the medications he prescribed for himself and his treatment of those injuries. Notes of the doctor and nurse with whom Predaina consulted for his injuries were admitted

as were photographs of the wound to the back of Predaina's knee. Predaina also produced the testimony of the veterinarian who treated Buddy for wounds on his back purportedly from the attack and photographs of Buddy's wounds were admitted. We find that the trial court did not abuse its discretion in limiting the amount of arguably cumulative evidence presented.

III. Closing Argument

Predaina argues that the trial court abused its discretion by limiting the time for closing argument to fifteen minutes. He contends that this was an abuse of discretion because he was denied a fair opportunity to speak to the jury as a result of the trial court's arbitrary limitation on the length of closing argument.

The amount of time allotted for closing argument is left to the sound discretion of the trial court. *Whitehead v. State*, 511 N.E.2d 284, 291 (Ind. 1987), *overruled on other grounds* by *Whedon v. State*, 765 N.E.2d 1276 (Ind. 2002). In order to show an abuse of discretion, the defendant must object to the time limitation, and must show the manner in which he was prejudiced by the limitation.

Predaina's objection to the trial court's limitation does not appear in the transcript of the trial. Assuming that Predaina did lodge an objection, however, he has failed to establish resulting prejudice. The evidence that Predaina wanted to highlight in his argument was already before the jury. Furthermore, Predaina's counsel was able to persuade the jury to acquit him of one of the two misdemeanor offenses, cruelty to an animal. We have found no precedent in Indiana for the proposition that limiting the closing argument in a case involving

two Class A misdemeanor offenses to fifteen minutes is an abuse of discretion. We find no error here.

IV. Certification of Transcript

Predaina also challenges the trial court's decision to certify the transcript prepared by the court reporter and to reject some of his proposed additions to the record. After Predaina filed his appeal, he sought and obtained a stay of his appeal in order to reconstruct missing portions of the transcript. *Appellant's App.* at 505-10. Predaina submitted a verified statement of the evidence to the trial court, and the State objected to the procedure. The trial court rejected Predaina's proffered evidence, filling in the gaps of supposed omissions and inaccuracies of the record, but admitted several of Predaina's proffered exhibits. The trial court denied his request for access to the original audio tapes of the trial recordings. On appeal, Predaina argues that the trial court abused its discretion.

Indiana Trial Rule 74 places the task of recording, transcribing, and safeguarding the integrity of the transcript with the trial court. The trial court has the discretion to authorize a transcription from any recordings. Ind. Trial Rule 74(A). Consequently, a decision to deny a party access to the recordings in favor of providing access to the certified transcript from those recordings should be reviewed for an abuse of discretion. *Id.* Nearly identical language appears in Indiana Rule of Criminal Procedure 5.

Predaina argues that "because the integrity of the record is so compromised" he is entitled to a new trial. *Appellant's Br.* at 28. However, he makes this argument without a showing of how he was prejudiced by the inadequacies of the transcript, or the denial of

access to the recordings. Predaina had the benefit of assistance from his trial counsel in preparing for this appeal of his conviction. He presents us with a list of conjectural errors without establishing how these errors were material to his appeal. Where flaws in the record are not material, the transcript may nonetheless be adequate for appellate review. *Ben-Yisrayl v. State*, 753 N.E.2d 649, 662 (Ind. 2001). Our Supreme Court has stated that a new trial may be appropriate where there is an absence of a usable transcript available for appeal. *Gallagher v. State*, 410 N.E.2d 1290, 1292 (Ind. 1980). However, such is not the case here. Retrial may be required in the event that the transcript is so deficient that there cannot be a meaningful appeal, but not all deficiencies or inaccuracies in the transcript require a new trial. *Ben-Yisrayl*, 753 N.E.2d at 660 (citing *State v. Perry*, 136 Wis.2d 92, 401 N.W.2d 748, 752 (1987)).

We conclude that the trial court was within its discretion to limit access of the original recordings from the trial. Furthermore, Predaina has failed to establish how he was denied meaningful appellate review of his conviction due to the supposed inadequacies in the transcript.

V. Admission of 404(b) Evidence

Predaina challenges the trial court's admission of testimony offered to show that Predaina had a motive to kill Max. Cindy Thompson ("Thompson"), a neighbor who owned a golden retriever named Alex, testified about a prior confrontation between her and Predaina about their dogs. Dr. Lawrence McAfee ("Dr. McAfee") testified about an incident between his receptionist and Predaina concerning charges incurred for a rabies test conducted on Max

at Predaina's request. He now claims on appeal that the evidence was erroneously admitted in order to establish the forbidden inference that Predaina was more likely to have committed the charged offenses.

Indiana Evidence Rule 404(b) provides as follows:

(b) Other Crimes, Wrongs, or Acts. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, or during trial if the court excuses pre-trial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

The trial court has broad discretion in ruling on the admissibility of evidence. *Edwards v. State*, 930 N.E.2d 48, 50 (Ind. Ct. App. 2010), *trans. denied*. We will reverse such a ruling only when the trial court abuses its discretion. *Id.* An abuse of discretion occurs if the decision is clearly against the logic and effect of the facts and circumstances before the trial court. *Boggs v. State*, 928 N.E.2d 855, 862 (Ind. Ct. App. 2010), *trans. denied*. In reviewing the admissibility of evidence, we consider only the evidence in favor of the trial court's ruling and any unrefuted evidence in the defendant's favor. *Dawson*, 786 N.E.2d at 745. A claim of error in the admission or exclusion of evidence will not prevail on appeal unless a substantial right of the party is affected. *Pruitt*, 834 N.E.2d at 117. Even if the trial court errs in admitting or excluding evidence, this court will not reverse the defendant's conviction if the error is harmless. *Fleener*, 656 N.E.2d at 1141-42. An error is harmless when the probable impact of the erroneously admitted or excluded evidence on the

jury, in light of all the evidence presented, is sufficiently minor so as not to affect the defendant's substantial rights. *Id.* at 1142.

Thompson was allowed to testify as to an event in which Alex, a golden retriever closely resembling Max, and Buddy had gotten into a barking match from opposite sides of her fence. Thompson testified that Predaina was holding Buddy's leash and egging Buddy on to continue barking. She confronted Predaina about his behavior, and he looked like a "deer in the headlights." *Tr.* at 304. Thompson also testified that on another occasion Buddy came charging out of Predaina's home and leapt on Alex's back. *Id.* at 302.

The evidence was relevant to show that Predaina had a motive to kill a golden retriever. When the Johnstons first found Max and tried to locate his owner, they walked him over to Thompson's house mistakenly believing that he was their golden retriever. Max, however, belonged to the Prietos. One could infer from the evidence of the prior confrontation between Thompson and Predaina that Predaina had a motive to kill Thompson's golden retriever, yet mistakenly killed Max, the Prietos' dog.

A defendant's intent is transferred from the person against whom it was directed to the person actually injured. *Tucker v. State*, 443 N.E.2d 840, 842 (Ind. 1983). "The fact that he did not strike his intended victim but instead injured another is not a defense." *Id.* The same is true here. The trial court did not abuse its discretion by admitting this evidence.

Dr. McAfee testified that Predaina had brought Max's body into the veterinary office when he had brought Buddy in to be examined by Dr. McAfee after the incident. Predaina complained of wounds purportedly sustained from Max's attack and asked Dr. McAfee to

test Max's body for rabies. Dr. McAfee's office complied and then submitted a bill for the testing to Predaina. Dr. McAfee testified that, on a later date, while in an examination room with another patient, he heard yelling in the reception area of his office. He excused himself from the examination room and observed Predaina yelling at his receptionist about being charged for the service.

The evidence was potentially relevant to establish that Predaina was still fueled by the anger associated with his feud with Thompson about their golden retriever. Assuming without deciding however, that this evidence was erroneously admitted, such admission will not constitute reversible error absent a showing that the admission was inconsistent with substantial justice or affected a substantial right of a party. Here, there was independent evidence of Predaina's guilt. "Harmless error occurs when the conviction is supported by substantial independent evidence of guilt which satisfies the reviewing court that there is no likelihood that the erroneously admitted evidence contributed to the conviction." *Smock v. State*, 766 N.E.2d 401, 407 (Ind. Ct. App. 2002). The Johnstons testified that they witnessed Predaina go into the house and return with a gun in his hand. Predaina pulled Buddy away from Max and then walked toward Max, who sat down in front of him. Predaina then shot Max between the eyes, instantly killing him. Nicholas shouted at Predaina asking him why he shot Max. It is unlikely that the challenged evidence contributed to the jury's verdict, and we find no reversible error here.

VI. Prosecutor's Comments

Predaina asserts that the prosecutor engaged in misconduct during the trial and that the misconduct entitles him to a new trial. In particular, Predaina claims that the prosecutor engaged in misconduct during voir dire and closing argument.

When reviewing a claim of prosecutorial misconduct, we must first consider whether the prosecutor engaged in misconduct. *Williams v. State*, 724 N.E.2d 1070, 1080 (Ind. 2000). We must then consider whether the alleged misconduct placed the defendant in a position of grave peril to which he should not have been subjected. *Id.* In judging the propriety of the prosecutor's remarks, we consider the statement in the context of the argument as a whole. *Hollowell v. State*, 707 N.E.2d 1014, 1024 (Ind. Ct. App. 1999). When an improper argument is alleged to have been made, the correct procedure is to request the trial court to admonish the jury. *Dumas v. State*, 803 N.E.2d 1113, 1117 (Ind. 2004). If the party is not satisfied with the admonishment, then he or she should move for mistrial. *Id.* Failure to request an admonishment or to move for mistrial results in waiver. *Id.*

Predaina argues that during voir dire the prosecuting attorney: (1) ignored the presumption of innocence; (2) disparaged the right to confrontation; and (3) impinged on the right to effective assistance of counsel by remarking that the prosecutor was a truth seeker, whereas defense counsel's job was to get the defendant off. Assuming without deciding that the prosecutor made the remarks, Predaina has waived any such misconduct by failing to object, to seek an admonition, or to move for mistrial. While Predaina is correct that the comments about the respective duties of the prosecutor and defense counsel were improper,

he has failed to show that such error would not have been cured by a timely objection and admonition, or that such error rises to the level of fundamental error.

Where a claim of prosecutorial misconduct has not been properly preserved, our standard of review is different from that of a properly preserved claim. More specifically, the defendant must establish not only the grounds for the misconduct but also the additional grounds for fundamental error. *Booher v. State*, 773 N.E.2d 814, 817 (Ind. 2002). Fundamental error is an extremely narrow exception that allows a defendant to avoid waiver of an issue. *Hand v. State*, 863 N.E.2d 386, 394 (Ind. Ct. App. 2007). It is error that makes “a fair trial impossible or constitute[s] clearly blatant violations of basic and elementary principles of due process . . . present[ing] an undeniable and substantial potential for harm.” *Benson v. State*, 762 N.E.2d 748, 756 (Ind. 2002).

Here, the jury acquitted Predaina of cruelty to an animal, one of the two charged crimes. This was so even though the Johnstons observed him shoot Max while neither he nor Buddy were being threatened. We cannot say that the prosecutor’s statements during voir dire constituted fundamental error.

Additionally, Predaina claims that the prosecutor engaged in misconduct during closing argument. Predaina objected to only one of the challenged statements during closing argument and did not request that the jury be instructed or admonished or move for a mistrial. As for the other challenged statements, Predaina did not object. Our review, therefore, is for fundamental error, as the argument has been waived.

Predaina argues that by the prosecuting attorney's conduct he was able to: (1) "attack Predaina's character; [(2)] create hyperbole to appeal to the jury's emotions; [and, (3)] engage[] in vouching to increase the credibility of the State's witness." *Appellant's Br.* at 38. We disagree.

The prosecuting attorney likely lost some credibility with the jury by the mischaracterization of Thompson's testimony, i.e. that Thompson saw Predaina poke her dog with a stick, instead of egg on his dog in a barking match, and that Predaina shot Max with a shotgun, instead of a pistol. Those errors of fact are relatively minor, however, when considering the evidence that two independent witnesses observed Predaina shoot Max and Predaina's Colt semi-automatic pistol was entered into evidence. Furthermore, Predaina's counsel had the opportunity to point out that mischaracterization in his own closing argument. We find no error here, fundamental or cumulative.

A prosecutor must confine closing argument to comments based upon the evidence presented in the record. *Lambert v. State*, 743 N.E.2d 719, 734 (Ind. 2001). The prosecutor may argue both law and facts and advance conclusions based upon his or her analysis of the evidence. *Id.* An attorney should not assert his personal opinion on the issue of a defendant's guilt or innocence, but may properly argue for any position or conclusion based on his analysis of the evidence. *Bennett v. State*, 423 N.E.2d 588, 592 (Ind. 1981). Here, the challenged comments represented the argument of counsel based upon the evidence before the jury. This is the purpose of final argument. Similarly, Predaina's counsel had the opportunity to present or argue an alternative analysis of the evidence consistent with the

theory of Predaina's innocence. The State also argued about the weight of the evidence in pointing out the experience of the lead investigator in the case and the thoroughness of his investigation. We find no reversible error here.

VII. Fair Trial

Predaina's final argument is that he was denied a fair trial as a result of the cumulative errors that occurred during his trial. However, a number of trial irregularities that do not amount to error standing alone do not cumulatively amount to reversible error. *Reaves v. State*, 586 N.E.2d 847, 858 (Ind. 1992). A defendant is entitled to a fair trial, not a perfect one. *Myers v. State*, 887 N.E.2d 170, 196 (Ind. Ct. App. 2008). As we have found no reversible error in any of the previously addressed issues, we conclude that Predaina has failed to show cumulative error such that he was denied a fair trial.

Affirmed.

BAKER, J., and BROWN, J., concur.