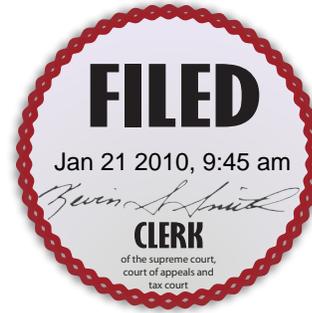


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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JAMES B. CAMERON,  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
Appellee-Plaintiff.

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No. 20A03-0906-CR-254

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APPEAL FROM THE ELKHART CIRCUIT COURT  
The Honorable Terry C. Shewmaker, Judge  
Cause No. 20C01-0707-FB-58

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**January 21, 2010**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**MATHIAS, Judge**

James B. Cameron (“Cameron”) was convicted in Elkhart Circuit Court of four counts of Class B felony robbery, one count of Class B felony burglary and one count of Class D felony pointing a firearm. The trial court sentenced Cameron to an aggregate term of sixty years. Cameron appeals and argues that there was insufficient evidence to support his convictions for four counts of Class B felony robbery, one count of Class B felony burglary and one count of Class D felony pointing a firearm and that his sentence was inappropriate in light of the nature of the offense and the character of the offender.

We affirm.

### **Facts and Procedural History**

Near midnight on January 23, 2007, Yosminda Jackson (“Jackson”) drove with her nine-year-old daughter and three-year-old son to Terrance Jones’s (“Jones”) residence to pick up a birthday present. Jones entered Jackson’s vehicle when she arrived. Shortly thereafter, approximately four black males surrounded the vehicle. One man opened a back door and pointed a gun at the nine-year-old’s head. They demanded money and stole Jackson’s purse and money from Jones. After the robbery, Jackson stated that five black males fled to a nearby vehicle where a sixth man waited behind the vehicle’s wheel. Jackson testified that one of the men wore a red shirt. Tr. p. 242. The five black males were identified as Cameron, Leon Burnett (“Burnett”), Troy Jones (“Jones”), D.M., a juvenile, and Brandon Franklin (“Franklin”). The driver of the getaway vehicle was identified as Zachariah Cassidy (“Cassidy”).

An hour and a half later, Cameron Barker (“Barker”), Rebecca Cooper (“Cooper”) and their two-year-old daughter were going to Cooper’s residence. They were stopped by

two black males who pointed a gun at them. Barker was struck in the head from behind. The men stole Barker's keys, Barker's cell phone and Cooper's purse and then ordered them to run. Barker then saw four men enter a parked vehicle. D.M. later told police that Cameron pointed the gun at the family and told them "that they better get out of there or otherwise he was going to kill them." Tr. p. 545. Later, Franklin and Jones also told police that Cameron took part in this robbery.

Later that same evening, Cameron, and at least one other accomplice, broke into a nearby house. The homeowner, Glenn Dooley ("Dooley"), heard broken glass and other noises, and investigated. When Dooley went downstairs, a man ran by him toward the back door while Cameron ran toward the front door. While Cameron attempted to open the front door, Dooley's daughter, Gelisa Porter ("Porter"), came down the stairs. Porter saw Cameron standing ten feet away and he looked her "dead in the eyes." Tr. p. 350; App. p. 123. At trial, Porter described Cameron as having a "round face, light skin, short hair, [and] big bug eyes." Tr. p. 350. Porter also stated that Cameron had a gun and wore a "black hoodie" and "red t-shirt." Tr. p. 350-52. Porter later identified Cameron from a photo array as the man seen in her father's house on January 23, 2007. After the burglary, a twenty-dollar bill was missing from the kitchen table.

After fleeing, Cameron's accomplices drove off and left Cameron behind. These accomplices were found in the vehicle driven by Cassidy and taken into custody by police. Cameron's accomplices gave signed statements to police that set out Cameron's participation in criminal activities of the evening. Cameron was subsequently arrested.

The State charged Cameron with six counts of Class B felony robbery while armed with a deadly weapon, Class B felony robbery, and Class D felony pointing with a firearm. During a three-day jury trial which commenced on March 2, 2009, all of Cameron's accomplices generally denied that Cameron had any involvement in the events of January 23, 2007. This testimony contradicted their police statements. The jury found Cameron guilty as charged.

After finding that the aggravators outweighed the mitigators, the trial court sentenced Cameron to twenty years on each of the Class B felonies and one and a half years on the Class D felony. The trial court ordered that Counts I and II be served concurrent to each other and consecutive to the sentence imposed under Counts VII and VIII. The trial court also ordered that Count IV and Count V be served concurrent to each other and consecutive to the sentence imposed under Counts I, II, VII, and VIII. Finally, the trial court ordered that Counts VII and VIII be served concurrent to each other and consecutive to the sentence imposed under Counts I, II, IV, and V. The trial court ordered that Counts III and VI be vacated since they involved double jeopardy and a Richardson violation. The aggregate sentence was sixty years. Cameron now appeals.

### **I. Sufficiency of the Evidence**

Cameron argues that the evidence presented at trial was insufficient to support his convictions. When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the verdict and the reasonable inferences therein to determine whether a reasonable trier of fact could

conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id. If inferences may be reasonably drawn that enable the trier of fact to find the defendant guilty beyond a reasonable doubt, then circumstantial evidence will be sufficient. Id.

Under Indiana code section 35-42-5-1(2)(2004), “[a] person who knowingly or intentionally takes property from another person or from the presence of another person . . . by putting any person in fear [] commits robbery, a Class C felony. However, the offense is a Class B felony if it is committed while armed with a deadly weapon or results in bodily injury to any person other than a defendant[.]”

Under Indiana code section 35-43-2-1(2004), “[a] person who breaks and enters the building or structure of another person, with intent to commit a felony in it, commits burglary, a Class C felony. However, the offense is [] a Class B felony if [] it is committed while armed with a deadly weapon[.]”

Under Indiana code section 35-47-4-3(b)(2004), “[a] person who knowingly or intentionally points a firearm at another person commits a Class D felony.”

Cameron contends that the trial testimony of his accomplices, stating that he was not involved in the crimes, should be believed rather than the statements implicating him in all of the crimes charged given by these same accomplices to police shortly after the crimes were committed. Cameron’s claim is merely a request to reweigh the evidence, which we will not do.

Notwithstanding, the evidence was sufficient to support Cameron’s convictions. All of Cameron’s accomplices told police and signed statements that Cameron

participated in all of the crimes charged. Tr. pp. 430, 485-89, 491, 541-47, 564-65, 618-19, 623-26, 629, 634. Additionally, Porter, Dooley's daughter, testified that she saw Cameron as he left her father's house and that he pointed a gun at her. Tr. p. 350, Appellant's App. p. 123. She also identified Cameron from a police photo array. Tr. pp. 350-55; Ex. Vol. State's Exhibit 27. The evidence is more than sufficient to support Cameron's convictions.

## **II. Appropriateness of Sentence**

Cameron also argues that his sentence is inappropriate under Indiana Appellate Rule 7(B), which provides: "The Court may revise a sentence authorized by statute if, after due consideration of the trial court's decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender." In Anglemyer, our supreme court explained:

It is on this basis alone that a criminal defendant may now challenge his or her sentence where the trial court has entered a sentencing statement that includes a reasonably detailed recitation of its reasons for imposing a particular sentence that is supported by the record, and the reasons are not improper as a matter of law, but has imposed a sentence with which the defendant takes issue.

868 N.E.2d at 494. "[A] defendant must persuade the appellate court that his or her sentence has met the inappropriateness standard of review." Id.

The nature of the crimes certainly supports the trial court's sentence. Cameron committed two robberies while armed with a deadly weapon, one burglary and one act of pointing of a firearm involving both children and adults within hours of each other. In the first robbery, Cameron participated in a robbery in which a firearm was pointed at the head of a nine-year-old girl while her mother's purse was stolen. In the second robbery,

Cameron and his accomplices attacked and robbed a couple walking with their two-year-old daughter. A short time later, Cameron and another man broke into the home of a sleeping family. After being discovered in the house by the homeowner, he fled the home. As Cameron left, he pointed a gun at the daughter of the homeowner.

Cameron's character also supports the trial court's sentence. Cameron has been involved with our justice system since the age of eight. As a juvenile, Cameron had been arrested twelve times for offenses including truancy, robbery, theft, possession of a firearm, being a runaway, battery, criminal mischief, dealing or possession of a look-alike substance, and escape. His adult criminal history began in 2005 with a conviction for misdemeanor possession of a dangerous firearm. In 2006, he was arrested and charged with misdemeanor check deception and operating a motor vehicle having never been licensed. Since his first involvement with our justice system, Cameron has been given numerous opportunities ranging from probation to house arrest. Cameron admitted that he has used illegal drugs since he was eighteen and was under the influence of drugs and alcohol on the night of the offenses.

Under these facts and circumstances, we cannot conclude that Cameron's aggregate sentence of sixty years for six counts of Class B felony robbery, Class B felony burglary and Class D felony pointing a firearm is inappropriate in light of the nature of the offense and the character of the offender.

### **Conclusion**

Cameron's arguments were simply a request to reweigh the evidence and judge the credibility of witnesses which we will not do, and the evidence presented at trial was

sufficient to support Cameron's convictions. Cameron's sentence was not inappropriate in light of the nature of the offenses and the character of the offender.

Affirmed.

BARNES, J., and BROWN, J., concur.