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estoppel, or the law of the case.**

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**IN THE
COURT OF APPEALS OF INDIANA**

DANIEL GHEBREHIWET,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A04-0610-CR-575

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Amy J. Barbar, Magistrate
The Honorable Robert R. Altice, Jr., Judge
Cause No. 49G02-0601-FC-4754

November 9, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Defendant Daniel Ghebrehiwet appeals from his conviction for Class C felony carrying a handgun without a license.¹ We affirm.

FACTS

At approximately 12:00 a.m. on January 4, 2006, Bruce Gootee returned from work to his room at the Skyline Motel in Indianapolis. Gootee's roommate told him that the man in the next room had come over earlier to tell her to stop "banging on the pipes." Tr. p. 27. According to the roommate, however, the pipes in all of the rooms made noise whenever someone in one of the other rooms flushed the toilet, and Gootee's roommate had not been banging on them. Gootee watched television, and, at approximately 3:00 a.m., Ghebrehiwet, the person in the next room, went outside and loudly played his car radio, prompting Gootee to complain to the night manager. At 3:30 a.m., the music stopped.

At approximately 4:00 a.m., after Gootee had gone to bed, Ghebrehiwet knocked on his door and, when Gootee answered, asked him why he had been calling him a "motherf*****" through the walls. Tr. p. 32. In fact, Gootee had been doing no such thing. At that point, Ghebrehiwet asked Gootee again why he had been calling him a motherf*****, drew a handgun, and pointed it at his head. Gootee swung a piece of wood at Ghebrehiwet in an attempt to knock the handgun from his hand, and the two began to struggle. At one point, Ghebrehiwet lost the handgun, but soon recovered it and hit Gootee on the head with it three times. Ghebrehiwet then fired the handgun once in the air and told Gootee that the next bullet was for him. When Gootee told Ghebrehiwet,

¹ Ind. Code §§ 35-47-2-1, -23 (2006).

“[w]ell, if you’re going to shoot me, shoot me[,]” Ghebrehiwet ran back into his room. Tr. p. 37.

The State charged Ghebrehiwet with Class C felony battery, Class D felony pointing a firearm, Class D felony criminal recklessness, and carrying a handgun without a license, a Class C felony by virtue of a prior conviction for the same crime. After a bifurcated trial, a jury found Ghebrehiwet guilty of Class C felony carrying a handgun without a license, and the trial court sentenced him to four years of incarceration.

DISCUSSION AND DECISION

Essentially, Ghebrehiwet makes a claim of inconsistent verdicts, contending that because the jury found him not guilty of battery and criminal recklessness, it necessarily found that his admitted battery of Gootee was justified by self-defense. Coupled with the fact that a person without a license may use a handgun in self-defense, it follows, Ghebrehiwet argues, that the jury could not have found him guilty of carrying a handgun without a license. While it is true that verdicts may be so extremely contradictory and irreconcilable as to require corrective action, in resolving such a claim, we will not engage in speculation about the jury’s thought processes or motivation. *Jackson v. State*, 540 N.E.2d 1232, 1234 (Ind. 1989). Each count of a multi-count indictment or information is regarded as a separate indictment or information, and a defendant may be found guilty or acquitted on one or more or all of several charges. *Jordan v. State*, 692 N.E.2d 481, 484 (Ind. Ct. App. 1998).

In reviewing a claim of inconsistent verdicts, the central question is whether the evidence is sufficient to support the conviction in question. *Vela v. State*, 832 N.E.2d

610, 614 (Ind. Ct. App. 2005). A verdict will survive a claim of inconsistency where the conviction being challenged is supported by sufficient evidence. *Id.* We will not reweigh evidence and will only look to the evidence most favorable to the verdict and all reasonable inferences to be drawn therefrom to determine whether the evidence supports the verdict beyond a reasonable doubt. *Burks v. State*, 838 N.E.2d 510, 521 (Ind. Ct. App. 2005), *trans. denied*.

Here, the State produced sufficient evidence to sustain Ghebrehiwet's conviction for carrying a handgun without a license. Gootee testified that Ghebrehiwet appeared at his door and then eventually drew his handgun. At the very least, even assuming, *arguendo*, that Ghebrehiwet's room at the Skyline Motel was his "dwelling,"² he had to carry the handgun outside to reach Gootee's door. Moreover, in light of the evidence most favorable to the jury's verdict, there is no question that Gootee had not done anything to that point that would justify Ghebrehiwet's acts as self-defense; Gootee had merely been watching television and had then gone to bed. Ghebrehiwet's claim is an invitation to reweigh the evidence and speculate regarding the jury's thoughts and motives, which we may not do.

The judgment of the trial court is affirmed.

NAJAM, J., and MATHIAS, J., concur.

² Indiana Code section 35-47-2-1 provides, in relevant part that

[e]xcept as provided in subsection (b) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body, except *in the person's dwelling*, on the person's property or fixed place of business, without a license issued under this chapter being in the person's possession.

(Emphasis added).