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specialized in domestic relations, probate, municipal law, and general litigation. She represented Caring Place, Inc., a shelter for battered women in Valparaiso.

From 1992 to 2000, she served as the judge of the Porter Superior Court. During her tenure on the trial court, Judge Vaidik was awarded a wide range of honors including the 1996 Indiana Domestic Violence Coalition Judge of the Year and the 1997 Indiana Judges Association Special Merit Award.

Judge Vaidik was appointed to the Court of Appeals in February 2000 by Governor Frank O'Bannon and was retained by election in 2002 and 2012. Because Judge Vaidik sees the Court of Appeals at the intersection of theoretical and practical law, she believes the Court should embody the highest degree of fairness and impartiality. This view informs her passion for teaching, as she feels that Hoosiers, and all litigants, deserve the finest possible legal advocates on their behalf. Judge Vaidik also believes that legal writing must be distinguished by logical construction and clear, explanatory prose.

She is an adjunct professor at the Indiana University Maurer School of Law and won its 2011 Adjunct Professor of the Year Award. She has served as a visiting professor at the College of Law of England and Wales and taught as an adjunct professor at Valparaiso University Law School. She has taught at many law schools and for a number of organizations including the Indiana State Bar Association, the Indiana Legal Education Forum, and the Indiana Judicial Center. Judge Vaidik has trained lawyers involved in prosecuting Rwandan war crimes, Mexican lawyers prosecuting drug lords, and solicitor advocates seeking the rights of audience in the High Courts in Belfast, Northern Ireland. She is particularly proud of her long association with the National Institute of Trial Advocacy, which honored her with its 2007 Robert Keeton Faculty Award. She is the co-author of the book, *Point Well Made: Oral Advocacy in Motions Practice*.

Despite her Court of Appeals caseload and her teaching, Judge Vaidik is also actively involved in a wide variety of community, legal, and judicial organizations. She served on the State of Indiana Children's Peak Performance Commission and has held many posts with the Indiana Judges Association and Indiana Judicial Center. She has been chairperson of the Judicial Education and Community Relations Committees of the Indiana Judicial Center and is a member of the American Bar Association, Indiana State Bar Association, and Sagamore Inns of Court.

She has received many other awards and honors including the 2004 Indiana State Bar Association's Women in Law Achievement Award, the 2007 Indiana Lawyer Distinguished Barrister Award, the 2003 Paragon of Justice Award from Valparaiso University Law School, and the Sagamore of the Wabash Award from two Indiana governors.

Judge Vaidik and her husband are the proud parents of twin daughters, one a medical doctor and one a lawyer, and they have three grandsons, who can choose either profession.

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

Judge Mathias has been married for 40 years and is the proud father of two sons who teach at the high school level in Indiana. His wife, Carlabeth, an Indiana public school teacher and counselor for 30 years, now has a private practice in which she counsels children and families and serves as 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.

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Court by election in 2006 and 2016. He is married and has three daughters – a practicing attorney, an anesthesiologist, and a doctor of psychology.

SYNOPSIS

Late in the evening on April 1, 2015, Frederico Conn ("Conn") attended a party with friends at the Laurel Conservation Club ("the Club") during which Conn and other attendees shot firearms at a pizza box that had been converted in to a target. Around midnight, Cheryl Benevengo ("Benevengo"), who lives next to the Club heard gunshots as she drove by on her way home from work. She also noticed people outside the Club having a party. The Club has an active shooting range, and Benevengo often heard gunfire coming from that direction. However, she had never before heard gunfire so late on a weeknight. After an hour of continued noise and activity coming from the Club, Benevengo called the police. She told the dispatch officer that firearms were being shot, and that it was possible animals were being killed illegally.

Roughly forty-five minutes later, three officers arrived at the Club in separate marked cars: Department of Natural Resources Officer Andy Hagerty ("Officer Hagerty"), and Franklin County Sheriff's Department Officers Adam Henson ("Officer Henson") and Jeffrey Staat ("Officer Staat"). By the time the officers arrived, the gunfire had ceased and it appeared the activity was winding down.

A locked gate obstructed the main road from the lane leading back to the Club. As the officers pulled up, a vehicle was attempting to leave the Club property, but was blocked in by the locked gate. The driver of the vehicle, Josh Wright ("Wright"), told the officers that he was waiting for someone to come unlock it. All three officers climbed over or otherwise maneuvered around the gate. Officer Staat stayed with Wright, while Officers Hagerty and Henson began walking down the Club's lane towards the main building where they saw a group of four individuals standing beside two vehicles.

As the officers made their way down the lane, they observed Conn veer away from one of the two vehicles and walk behind the Club's building. The officers found this behavior suspicious and decided to investigate what Conn was doing. Officer Hagerty then saw Conn jogging towards him from behind the building, and he asked Conn what he was doing back there. Conn told the officers that he had been urinating. After further questioning, Conn admitted that he had hidden a firearm behind the building.

Conn led the officers back to where he hid the firearm. In addition to a .22 caliber handgun, the officers also discovered two change purses and a box of .22 caliber ammunition nearby. Inside the change purses the officers found a glass pipe, a pen modified into a straw, and baggies containing methamphetamine.

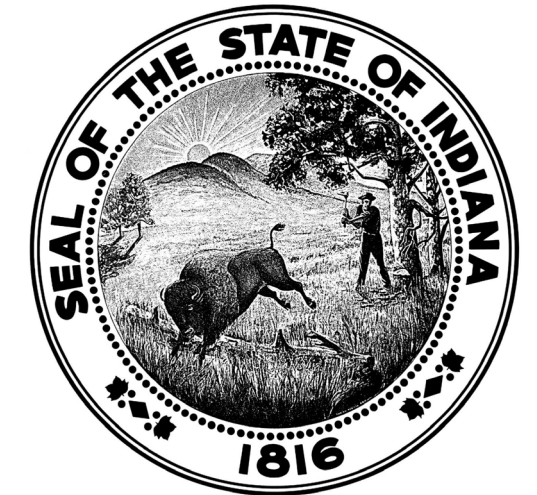
Conn was charged with Level 6 felony possession of methamphetamine, Class A misdemeanor possession of a firearm by a domestic batterer, and Class A misdemeanor possession of paraphernalia. A two-day jury trial commenced on January 18, 2017, and during trial Conn objected to the admission of the evidence retrieved from the Club. The trial court overruled the objection, and the jury found Conn guilty. On February 14, 2017, Conn was sentenced to two and one-half years to be served at the Franklin County Security Center.

Conn appeals the trial court's decision to admit the evidence obtained from the Club, arguing that the warrantless entry and search of the Club violated the Fourth Amendment to the U.S. Constitution and Article I, Section 11 of the Indiana Constitution. Specifically, Conn contends that it was unreasonable for the officers to jump a locked gate and walk down the path of a private club without a warrant. The State responds that the Fourth Amendment does not apply in this situation, and that the search did not violate Article I, Section 11 because it was reasonable under the totality of the circumstances.

Court of Appeals of Indiana

Hearing oral argument at
Hamilton Southeastern High School
Fishers, IN

Monday, November 13 @ 9:45 a.m.



Frederico A. Conn v.
State of Indiana
24A01-1703-CR-00574

*On appeal from
Franklin Circuit Court 2*

Attorneys For The Parties

Appellant Attorney

Leanna K. Weissmann is a native of Aurora, IN. She graduated from Indiana University-Bloomington in 1991 with a double major in journalism and English, and then earned her law degree from Indiana University Robert H. McKinney School of Law in 1994. From 1993-1995 she served as a law clerk for Court of Appeals Judge Robert D. Rucker (now retired Justice Rucker of the Indiana Supreme Court). Ms. Weissmann then engaged in the private practice of law in Rising Sun, Indiana until 1998, and served as Referee of Dearborn Superior Court No. 1 from 2000-2007. She now maintains a solo law practice in Lawrenceburg, Indiana, focused entirely on appellate practice. A veteran of appellate advocacy, Ms. Weissmann has briefed over 150 cases and participated in more than 20 oral arguments before the Indiana Court of Appeals and the Indiana Supreme Court. In 2013, the Indiana Supreme Court appointed Ms. Weissmann to serve on the Indiana Supreme Court Disciplinary Commission. In her free time, Ms. Weissmann teaches free aerobics classes and runs half marathons.

Appellee Attorney

Christina Pace has been employed with the Office of the Indiana Attorney General since 2014 as a Deputy Attorney General in the Criminal Appeals Section. Ms. Pace was born and raised in Morton, Illinois and graduated from the University of Illinois in 2006, majoring in Urban and Regional Planning and minoring in Business Administration. She is also one of the extradition coordinators for the State of Indiana. She earned her law degree from Indiana University School of Law-Indianapolis in 2009. Prior to joining the Office of the Indiana Attorney General, Ms. Pace served as a local office attorney for the Department of Child Services for three years. Ms. Pace lives in Westfield with her husband and two daughters.

About the Court of Appeals

As the second-highest court in Indiana, the Court of Appeals hears appeals from the state's trial courts and some state agencies. The Court does not preside over trials and must accept all appeals sent to it, with the exception of:

- Cases in which the death penalty or life-without-parole is rendered (appealed directly to the Indiana Supreme Court);
- Cases in which statutes are declared unconstitutional by a trial court (automatically appealed to the Supreme Court);
- Attorney disciplinary cases (which also go to the Supreme Court); and,
- Cases involving taxation (which go to the Indiana Tax Court).

As a result, the 15 members of the Court issue approximately 2,000 written opinions each year. A decision of the Court of Appeals of Indiana is final unless granted further review by the Indiana Supreme Court.

The Court hears cases only in three-judge panels. All panels have statewide jurisdiction and rotate three times per year. Cases are randomly assigned. In addition, there is no deadline for the Court to reach a decision in each case; however, the Court strives to issue decisions within four months of receiving an appeal. Opinions are often issued earlier.

What happens after oral argument?

After oral argument, the judges confer to decide the outcome. A designated writing judge drafts an opinion for the others' review. Final language may involve several drafts and significant collaboration. Generally, opinions affirm or reverse lower court rulings in whole. But some affirm in part, some reverse in part, and some do both. Not infrequently, the opinion instructs the trial court about the next appropriate course of action. Many opinions are unanimous, although non-unanimous decisions (2-1) are not uncommon. Dissenting judges usually express their views in a separate opinion that becomes part of the permanent record of the case. Judges might also write separate, concurring opinions that emphasize different points of law or facts than the main opinion. No rules or laws govern how fast the court must issue an opinion. But the court strives to decide cases within four months of receiving all briefs, transcripts and other records. Once issued, all opinions are published on www.courts.in.gov and maintained in the permanent records of the Clerk of Appellate Courts. Parties can appeal decisions of the Court of Appeals to the Indiana Supreme Court by filing a petition to transfer within a prescribed number of days. But transfer is not automatic; the Supreme Court can grant or deny transfer with or without giving a reason. If the petition is denied, the Appeals Court decision stands.

Today's Panel of Judges



The Honorable
Nancy H. Vaidik

Porter County

Nancy H. Vaidik is a judge and a teacher with broad experience in both trial and appellate courts and in legal classrooms. She has an expertise in trial advocacy and appellate advocacy, with a strong background in the rules of evidence and legal mediation.

Judge Vaidik was selected by her colleagues as chief judge of the Court of Appeals for a three-year term beginning Jan. 1, 2014. She was re-elected for a second term as chief judge ending December 31, 2019.

Judge Vaidik grew up in Portage, Indiana, and is a sixth-generation Hoosier who retains strong ties to her hometown. She graduated with high distinction from Valparaiso University in 1977, with a double major in political science and psychology, and then studied at Valparaiso University Law School, where she earned her Juris Doctor in 1980.

Her early years as deputy and then chief deputy Porter County prosecutor provided the grounding for her judicial career. As an attorney, she tried over seventy-five jury trials and founded the Porter County Victims Assistance Unit, the Porter County Sexual Assault Recovery Project, the Domestic Violence Service, and the Valparaiso University Law School Mediation Clinic. She also served on the Porter County Community Corrections Board and led a countywide task force that spearheaded the eventual construction of a new county jail. After serving as a prosecutor, she went into private practice and

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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. He was retained by election to the court in 2002 and 2012.

Judge Mathias's professional achievements are rooted in a strong education. He attended public schools in Fort Wayne, where he was a National Merit Finalist and college 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.

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The Honorable
Terry A. Crone

St. Joseph County

Terry A. Crone was appointed to The Court of Appeals in 2004 by Governor Kernan.

Raised in South Bend, Judge Crone was elected to 3 terms as Judge of The St. Joseph Circuit Court. He is a graduate of DePauw University and Notre Dame Law School.

Judge Crone is past President of St. Joseph County Bar Association, a former member of The Board of Managers of the Indiana Judges Association, The Supreme Court Committee on Character and Fitness, the Alternative Dispute Resolution Committee of The Indiana Judicial Conference, past chair of Appellate Practice Section of The Indiana State Bar Association and is a member of the St. Joseph County, Indianapolis, Marion County, Indiana State and American Bar Associations, the American Judicature Society, and the Phi Delta Phi Honorary Legal Society.

Judge Crone is a frequent speaker at legal education programs. He helped found a program in South Bend to familiarize minority high school students with the law and related fields and was a founding member of the South Bend Commission on the Status of African-American Males and the St. Joseph County Coalition Against Drugs. As Circuit Court judge, he also initiated the first Spanish-speaking program for public defenders in St. Joseph County.

Judge Crone was retained on the

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