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FOR IMMEDIATE RELEASE

From: Eric Hoffman, Chief Deputy Prosecutor
Subject: Investigation into the death of Allayza Jackson that occurred on
8/31/2017
Date: December 4, 2017

FACTUAL FINDINGS

Background facts

On June 24, 2016, the State charged Brian Goodson with Conspiracy to Commit Burglary, a Level 2 Felony and Attempted Burglary, a Level 2 Felony.¹ Then on November 15, 2016, the State charged Goodson's accomplice, Deshaun Jackson, with Conspiracy to Commit Burglary, a Level 2 Felony and Attempted Burglary, a Level 2 Felony. The victim in that case was Marilyn Wilson. It was alleged that Goodson and Jackson broke and entered the residence of Marilyn Wilson. During that offense, either Jackson or Goodson was armed with a handgun and put that handgun against Marilyn Wilson's head.

On July 31, 2017, the jury trial in the matter of State of Indiana v. Deshaun Jackson commenced. Marilyn Wilson testified as a State's witness during said trial. On August 2, 2017, a jury found Deshaun Jackson guilty of Conspiracy to Commit Burglary, a Level 2 Felony and Attempted Burglary, a Level 2 Felony.

¹ Mr. Goodson has since been tried and acquitted.

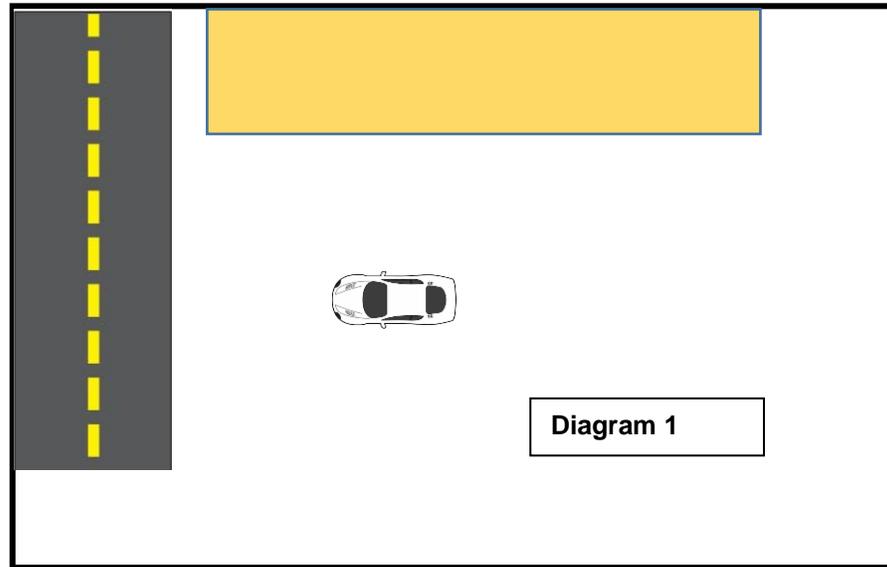
August 31, 2017

On August 31, 2017, the Court convened for Deshaun Jackson's sentencing hearing. The Court ultimately imposed a twenty-five (25) year sentence. Marilyn Wilson, the victim of the offense, attended the sentencing hearing.

After the sentencing hearing, members of Jackson's family left the court house and were observed yelling and screaming while present on the plaza of the Delaware County Justice Center. Brian Goodson was heard by court security officers yelling "all you nigga's is dead," you know what time it is bitch," and "bitch ass niggas." Goodson was also heard making "threats that he would see all of them later." Court security staff indicated that these comments were directed toward Marilyn Wilson. An investigator from the Prosecutor's Office was present and heard a black female yell to Wilson "somebody's going to get shot."

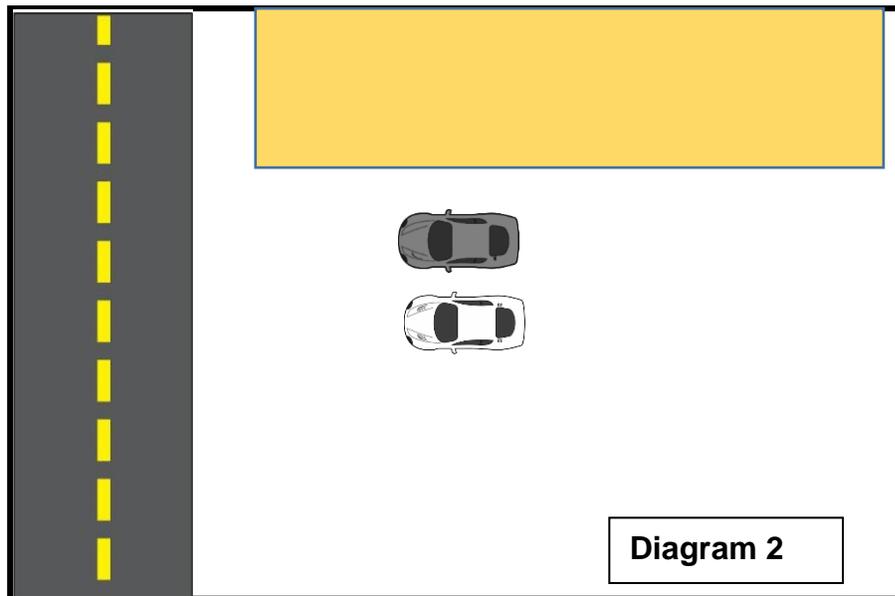
Given the situation that was occurring outside the courthouse, court security officers escorted Marilyn Wilson and a male companion named Andre Hendricks to the area of Washington and Franklin Streets. Wilson and Hendricks proceeded to their white car which was parked in a parking lot near the intersection of Main and High Street. Wilson's car was parked parallel to the Tuppe Tong Thai Restaurant as depicted in Diagram 1 below.² Marilyn Wilson entered the front passenger seat of the vehicle. Hendricks entered the driver's seat of the vehicle.

² Diagram is not drawn to scale.



A grey car pulled up and parked, parallel, immediately next to Wilson's car.

See Diagram 2 below.³



Allayza Jackson (age 17), her mother Karlis Jackson, and a male juvenile, P.K., exited that gray car. Allayza Jackson went to the rear of Wilson's car, in an

³ Diagram is not drawn to scale.

attempt to block Wilson in. Karlis proceeded to the passenger side of Wilson's car and began yelling at Wilson through the open window. Hendricks attempted to back the vehicle up and leave the parking lot. However, Allayza was standing behind the vehicle. Consequently, Hendricks could not back up. Hendricks then slowly pulled forward. In response, Allayza went to the front of the car which again thwarted Wilson and Hendricks in their attempt to leave the scene.

P.K. approached the driver's side door and Karlis approached the passenger side door. Both Karlis and P.K. were knocking on the windows of the car and ordering Wilson and Hendricks to get out of the car. Hendricks rolled down the passenger side window to speak to Karlis. Karlis said "get out of the car, we gonna beat your ass." P.K. was beating on the driver's side window saying "get out of the car, get out of the car." Hendricks replied "you all need to get away from my car and quit touching my car." Hendricks attempted to pull forward to exit the parking lot onto Main Street, however Allayza was still standing in front of the vehicle placing her hands onto the hood of the car, preventing Hendricks from leaving the parking lot. P.K. started knocking harder on the driver's side window yelling "get out of the car." Allayza then moved to the passenger side of the car. She reached through the open window and punched Wilson in the face.⁴ After she punched Wilson the first time, Allayza was preparing to swing a second time. As she did so, Wilson pulled her .38 revolver from her purse and fired one shot at Allayza striking her in the chest area.

⁴ Muncie Police Detectives later observed redness to Wilson's nose and mouth area.

Immediately after the shooting, Wilson went to the Muncie Police Department and surrendered herself. After she was advised of her *Miranda* rights, she chose to waive those rights and submit to an interview. She also gave the police the .38 revolver that she used in the shooting.

Karlis Jackson was also interviewed by detectives. Karlis stated this whole situation revolved around the fact that her sons, Brian Goodson and DeShaun Jackson, broke into Marilyn Wilson's home. Karlis reported that after DeShaun Jackson's sentencing hearing she, Allayza, and P.K. were driving and saw Wilson in or near her car in the parking lot of the Tuppee Tong Thai Restaurant. Karlis admitted that she pulled her vehicle next to Wilson's vehicle (See Diagram 2) and that she was going to confront Wilson. Karlis admitted that she, Allayza, and P.K. got out of their car, surrounded Wilson's car, and confronted Wilson as Wilson sat in her car. Karlis admitted that she told Wilson to get out of the vehicle so they could fight. Karlis admitted that Wilson warned her numerous times to back up as Wilson tried to leave.

Karlis then provided untruthful and deceptive statements to the officers. She denied that anyone was hitting Wilson's car and denied that anyone had punched Wilson. As the interview progressed and detectives pressed Karlis for the truth, she finally admitted that she had been hitting Wilson's car and that Allayza had reached through the car window and punched Wilson in the face.

On September 1, 2017, an autopsy was performed upon the body of Allayza Jackson by forensic pathologist Dr. Jolene Clouse. Dr. Clouse determined that the cause of death was a single gunshot wound to the chest.

Muncie Police Officers verified and confirmed that Marilyn Wilson has a valid Indiana license to carry a handgun.

APPLICABLE LAW

The evidence conclusively demonstrates that Marilyn Wilson committed the crime of Murder,⁵ a Felony. That is, she knowingly killed Allayza Jackson. The question is whether Wilson acted in self-defense. “A valid claim of self-defense of oneself or another person is legal justification for an otherwise criminal act.” *McKinney v. State*, 873 N.E.2d 630 (Ind. Ct. App. 2007) (*quoting Wilson v. State*, 770 N.E.2d 799 (Ind. 2002)).

Indiana law “recognizes the right of every citizen to reasonably defend himself against unwarranted attack.” *Banks v. State*, 536, 276 N.E.2d 155, 158 (1971). Indiana Code § 35-41-3-2 provides that

In enacting this section...the general assembly does not intend to diminish in any way the other robust self-defense rights that citizens of this state have always enjoyed. Accordingly, the general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy. I.C. § 35-41-3-2(a).

Two (2) separate subsections of Indiana’s Self Defense Statute are applicable to the facts of the case at bar.

Use of Force to Protect Yourself

First, I.C. § 35-41-3-2(c) provides that:

A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person: (1) is justified in using deadly force; and (2) does

⁵ I.C. § 35-42-2-1 (1).

not have a duty to retreat if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

The Indiana Court of Appeals has recently said:

Self-defense is a legal justification for what would otherwise be a criminal act. A person is justified in using “reasonable force” against another to protect himself from what he reasonably believes to be the imminent use of unlawful force. To prevail on a claim of self-defense, the defendant must present evidence that he: (1) was in a place he had a right to be, (2) did not provoke, instigate, or participate willingly in the violence, and (3) had a reasonable fear of death or great bodily harm.

Tharpe v. State, 955 N.E.2d 836, 844-45 (Ind. Ct. App. 2011). The State carries the burden of disproving self-defense. *Brown v. State*, 738 N.E.2d 271, 273 (Ind. 2000). Thus, once a defendant claims self-defense, the State bears the burden of disproving at least one of the elements beyond a reasonable doubt. *Id.*; *Brand v. State*, 766 N.E.2d 772, 777 (Ind. Ct. App. 2002).

Indiana law is clear that not only must the Defendant show at the time he acted he had a reasonable belief or fear of unlawful force, he must also show that the unlawful threat of force must be “imminent.” Indiana Code § 35-41-3-2(c) provides that “a person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force.” See also *Whipple v. State*, 523 N.E.2d 1363, 1366-1367 (Ind. 1988). The self-defense statute does not define the word imminent. However, it is defined as follows by various dictionaries:

- Likely or certain to happen very soon. www.macmillandictionary.com.
- Likely to occur at any moment; impending. www.dictionary.com
- Ready to take place. Merriam-Webster dictionary. www.merriam-webster.com
- About to occur; impending. *American Heritage dictionary*. www.ahdictionary.com

In determining whether Wilson reasonably believed that deadly force was necessary, it is critical to look at the facts in their totality. First, Wilson was the victim of an armed home invasion wherein Goodson and Jackson were the assailants. During that home invasion, one of the defendants placed a firearm to Wilson's head. Wilson testified as a State's witness at Jackson's trial, wherein he was convicted of high level felony offenses. Then, Wilson, as a victim, attended Jackson's sentencing hearing. After sentence was imposed, Wilson again became a victim. She was subjected to threats and taunts from Karlis Jackson and her family and friends. These threats included such things as "all you nigga's is dead," you know what time it is bitch," "[I'll] see all of them later" and "somebody's going to get shot." The situation was so intense that armed courthouse security felt the need to escort Wilson and Jackson to their vehicles.

As soon as the watchful eye and protection of the officers returned to the courthouse, Karlis, Allayza Jackson and P.K. pulled up next to Wilson and Hendricks. By Karlis' own admission, her purpose in doing so was to confront Wilson. She and her children then committed the felonious offense of criminal confinement by blocking Wilson's car in so they could not safely leave the parking lot. P.K. was violently beating on the driver's window. They were yelling

at Wilson, “get out of the car.” Allayza then reached through the front passenger window and punched Wilson in the face. Thus, there was an imminent threat of violence against Wilson. As Allalyza prepared to swing again, Wilson pulled her handgun and fired it one time.

The evidence overwhelmingly indicates that Wilson acted in self-defense and that she reasonably believed that deadly force was necessary to protect herself from an imminent attack.

Use of force to terminate an unlawful entry of or attack on a person’s occupied motor vehicle

Secondly, I.C. § 35-41-3-2(d) provides that:

A person: (1) is justified in using reasonable force, including deadly force, against any other person; and (2) does not have a duty to retreat; if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

Again, in determining whether Wilson reasonably believed that deadly force was necessary, it is critical to look at the facts in their totality, including all of the facts discussed above. The irrefutable evidence demonstrates that immediately prior to the shooting, Allayza Jackson was engaging in: (1) an unlawful entry of Wilson’s motor vehicle; and (2) a physical attack upon Wilson. Consequently, Wilson had the right under Indiana law to use reasonable force, including deadly force against Jackson to terminate that unlawful entry and attack if Wilson reasonably believed that the force was necessary to prevent or terminate the attack. Wilson was not legally required to retreat before employing deadly force.

CONCLUSION

All of the credible evidence indicates that when Marilyn Wilson shot Allayza Jackson, she did so in self-defense.

First, pursuant to I.C. § 35-41-3-2(c), Wilson was in a place where she had the right to be, she did not provoke, instigate or participate willingly in the violence, and she had a reasonable fear of death or great bodily harm. Moreover, the evidence indicates that there was an objectively reasonable fear of imminent death or great bodily harm, the threat or danger was imminent; and the amount of force, a single gunshot, was reasonable and proportionate to the urgency of the situation.

Second, pursuant to I.C. § 35-41-3-2(d), the overwhelming evidence indicates that Allayza Jackson and her mother, Karlis Jackson, engaged in an attack on a motor vehicle that was occupied by Marilyn Wilson. Additionally, Allayza Jackson unlawfully entered the vehicle when she reached through the window and punched Marilyn Wilson in the face. Marilyn Wilson had the legal authority to use reasonable force, including deadly force, to terminate the unlawful entry of or attack upon the motor vehicle that she occupied.

The act of shooting Allayza Jackson is legally justifiable. Consequently, Marilyn Wilson will not be charged with a criminal offense.

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