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FOR IMMEDIATE RELEASE

From: Zach Craig, Chief Administrative Deputy Prosecutor
Subject: Investigation into the death of Jason Ross that occurred on August 16,
2017
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FACTUAL FINDINGS

On August 16, 2017, a domestic dispute occurred between Sunshine Cagle and her live-in boyfriend, Jason Ross, inside a residence located on South Brotherton Street in Muncie, IN. This dispute began in the early evening, with Ross becoming physical towards Cagle. During this physical altercation, Ross grabbed Cagle by the throat, pushed her down and threatened to break her jaw. While this initial incident was taking place, Cagle's son, C.S. (16 yrs old), was present inside the home. C.S. attempted to intervene during this altercation, at which point Ross grabbed C.S. and pushed him up against a wall. At this point, the parties separated and the incident appeared to be over. Following this incident, C.S. called his sister, Cheyenne Wellington, and told her about what had happened.

A short time later, while C.S. was still on the phone with Wellington, a second altercation took place. This incident began with Ross cursing at Cagle and standing over her as she sat in a chair. Ross then placed his hands over Cagle's nose and mouth, preventing her from breathing. At this point, C.S. again intervened. This time, C.S.

struck Ross in the top of his back with a pair of long-handled scissors that C.S. had found in the house. This caused Ross to end his assault on Cagle. He then exited the house.

After the second altercation had concluded, Wellington called 911 and officers with the Muncie Police Department responded to the scene. Upon their arrival, officers located Cagle and C.S. inside the residence. During a search of the area, officers located Ross lying face-down in a side-yard. By the time officers had arrived to the scene, Ross had died as a result of the injuries suffered during the second altercation. An autopsy was subsequently conducted by forensic pathologist Dr. Jolene Clause. During this examination, it was determined that Ross died as a result of internal bleeding that had been caused by a severed artery to the heart, which occurred when C.S. stabbed Ross with the scissors.

Interviews were conducted with all relevant parties to this incident, including with Cagle and C.S. The accounts provided by Cagle and C.S. were both consistent and appeared to be unrehearsed. During the interview with Cagle, it was noted that she presented with injuries that appeared consistent with having been involved in a domestic dispute. Investigators also conducted an interview with Wellington, who provided a consistent account of the events.

APPLICABLE LAW

The evidence conclusively demonstrates that C.S. committed the crime of Murder, a Felony. That is, he knowingly killed Jason Ross. The question is whether C.S. acted in self-defense when he stabbed Ross. "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 an unwarranted attack.” *Banks v. State*, 536 N.E.2d 155, 158 (1971). 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. However, a person: (1) is justified in using deadly force; and (2) does not have a duty to retreat if the person reasonably believes that the 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 asserts a self-defense claim, the State bears the burden of disproving at least one (1) 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 is 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 – www.merriam-webster.com
- About to occur; impending – www.ahdictionary.com

In determining whether C.S. reasonably believed that deadly force was necessary, it is critical to look at the facts in their totality. First, C.S., who is a minor, was present in his home when his mother was being violently attacked by her live-in boyfriend. C.S. was forced to intervene once in order to stop an attack by Ross. In doing so, C.S. himself was assaulted by Ross. A short time later, C.S. was again put in a

position where he had to intervene in order to protect his mother from Ross. This time, the attack being carried out by Ross had escalated to the point where he was actively preventing C.S.'s mother from being able to breathe. Likewise, the level of C.S.'s intervention escalated to the point necessary to protect his mother.

The evidence overwhelmingly indicates that C.S. acted in self-defense and that he reasonably believed that deadly force was necessary to protect his mother from an attack that was not just imminent, but was in fact already taking place.

CONCLUSION

All of the credible evidence obtained during the investigation into this matter indicates that when C.S. intervened and stabbed Jason Ross, he did so in self-defense.

Pursuant to I.C. § 35-41-3-2(c), C.S. was in a place where he had the right to be; he did not provoke, instigate or participate willingly in the violence that was taking place; and he had a reasonable basis to believe that force was necessary to prevent the imminent death of or great bodily harm to his mother, Sunshine Cagle. 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 used by C.S. was reasonable and proportionate to the urgency of the situation.

For the foregoing reasons, the Delaware County Prosecutor's Office has determined that the stabbing of Jason Ross was legally justifiable. As such, C.S. will not be charged with a criminal offense.