

Prosecuting Attorney

59th Judicial Circuit



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JURY CONVICTS MARKUS MILLER ON MULTIPLE FELONY COUNTS

Press Release

WINAMAC - Pulaski County Prosecuting Attorney Kelly Gaumer announced today that earlier this week, a jury convicted Markus W. Miller on four felony counts as well as a sentencing enhancement for pointing a firearm during the commission of the crimes. Miller was convicted of Possession of a Firearm by Serious Violent Felon, Level 4 Felony, Resisting Law Enforcement, Level 6 Felony, Unlawful Possession of Syringe, Level 6 Felony, and Possession of Methamphetamine, Level 6 Felony, in addition to, the sentencing enhancement for pointing a firearm at law enforcement officers.

The State began presenting evidence against Miller last Friday, Gaumer said. Law enforcement witnesses testified that they were attempting to serve a felony arrest warrant on Miller when he fled. Former Pulaski County Deputy Sheriff, Branson Eber, identified Miller during surveillance, and he and Winamac Officer Alec Berger approached him. Miller ran immediately after Eber identified himself. Eber commanded Miller to stop. Eber told the jury that Miller pointed a loaded gun at him. Once Miller realized that the firearm had malfunctioned, he threw the gun to the ground and gave up. After Miller's arrest, officers recovered additional bullets from his pockets and syringes and pipes for the use of smoking methamphetamine from Miller's property on scene.

For the underlying felony offenses, Miller will face a sentence of up to 22.5 years in the Department of Correction when he is sentenced next month. The sentencing range for pointing a firearm at officers is an additional 5 to 20 years in the Department of Correction. Jurors weren't told that Miller was acquitted of Attempted Murder in 2020 for a shooting incident that occurred in rural Medaryville in December 2014. The arrest warrant that Deputy Eber served in this case related to Miller's failure to appear on the old one.

"I'm grateful to every law enforcement officer for the risks they take daily," Gaumer said. "In this case, officers ignored their personal safety to apprehend a felon who was pointing a weapon at them. Miller's conduct and criminal history show he is dangerous and needs to be kept in the Department of Correction."

Gaumer began picking the jury last Friday, and evidence continued on Monday morning. Jurors found Miller guilty after deliberating about an hour Monday afternoon and then reconvened to decide if his criminal history would determine him a serious violent felon. "Miller admitted his conviction that made him eligible to be a serious violent felon under Indiana law to the jury after the first phase of the trial," Gaumer said. The third and final phase of the trial was for the firearm enhancement, which was based on the evidence that Miller pointed a firearm at officers while committing the crimes. That enhancement raises the penalty Miller will face when Special Judge Jeanene Calabrese announces sentence on May 28, 2021 in the Pulaski Circuit Court.

Gaumer also commented on Miller's not guilty verdict from last year. "Jurors have the most difficult job in the courtroom. No jury ever makes a mistake, but seeing Miller get acquitted of another crime of violence was tough," the Prosecutor said. "I was looking forward to telling a jury from our community about this case and the danger our officers faced when arresting Miller. There was no reason for him to point a gun at officers or attempt to clear the slide when Deputy Eber had to chase him down. None of that should have happened."

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