

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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Breanna Denise Woods,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

March 14, 2023  
Court of Appeals Case No.  
22A-CR-2410  
Appeal from the  
Hamilton Superior Court  
The Honorable  
David K. Najjar, Judge  
Trial Court Cause No.  
29D05-2112-CM-7325

**Memorandum Decision by Judge Vaidik**  
Judges Tavitas and Foley concur.

**Vaidik, Judge.**

## Case Summary

- [1] Breanna Denise Woods appeals her conviction for Class A misdemeanor resisting law enforcement, arguing the evidence is insufficient to support the conviction. We disagree and affirm.

## Facts and Procedural History

- [2] At around 6:00 a.m. on November 28, 2021, Woods was driving north on U.S. 31 in Carmel. Officer Vahn Billberry of the Carmel Police Department was parked on the side of the road, and as Woods approached and drove past, Officer Billberry noticed she was going faster than the other traffic. Officer Billberry's radar indicated Woods was traveling at eighty-five miles per hour, and the speed limit was fifty-five miles per hour, so Officer Billberry pulled out behind her. As Woods took an exit off U.S. 31, Officer Billberry initiated a traffic stop by turning on his emergency lights. But Woods didn't stop. She kept driving for approximately four miles, making several turns and failing to stop even after Officer Billberry turned on his siren. Woods eventually pulled into the parking lot of Copper Trace senior living. Officer Billberry "drew [his] service pistol for a modified felony stop" and ordered Woods out of her car, Tr. p. 13, and he and other officers placed her under arrest.

- [3] The State charged Woods with Class A misdemeanor resisting law enforcement, alleging that Woods fled from Officer Billberry when he tried to

stop her.<sup>1</sup> The case proceeded to a bench trial. Woods testified that when Officer Billberry tried to pull her over she was on her way to work at Copper Trace as a qualified medication aide and it was going to be her first day there. She said she didn't stop immediately because she was not familiar with the area and "was scared as a black female." *Id.* at 48. She explained that she continued all the way to Copper Trace because it was the only place she knew and felt safe.

[4] The trial court found Woods guilty, noting that her failure to stop made the situation more dangerous, not less. *See id.* at 62. The court sentenced Woods to a year in jail, all suspended except for time already served, and forty hours of community service.

[5] Woods now appeals.

## Discussion and Decision

[6] Woods contends the evidence is insufficient to support her conviction. When reviewing sufficiency-of-the-evidence claims, we neither reweigh the evidence nor judge the credibility of witnesses. *Willis v. State*, 27 N.E.3d 1065, 1066 (Ind.

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<sup>1</sup> Resisting law enforcement by fleeing is generally a Class A misdemeanor but is elevated to a Level 6 felony if "the person uses a vehicle to commit the offense[.]" Ind. Code § 35-44.1-3-1(a), (c)(1)(A). The parties do not tell us why the State charged Woods with only a Class A misdemeanor on the fleeing count, omitting the vehicle enhancement.

The State also charged Woods with a second count of Class A misdemeanor resisting law enforcement, alleging that she forcibly resisted officers while being taken into custody. Woods was found not guilty on that count.

2015). We will only consider the evidence supporting the judgment and any reasonable inferences that can be drawn from the evidence. *Id.* A conviction will be affirmed if there is substantial evidence of probative value to support each element of the offense such that a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.*

[7] To convict Woods of Class A misdemeanor resisting law enforcement by fleeing, the State was required to prove beyond a reasonable doubt that she knowingly or intentionally fled from Officer Billberry after he, by visible or audible means, including operation of his siren or emergency lights, identified himself and ordered Woods to stop. Ind. Code § 35-44.1-3-1(a)(3); Appellant’s App. Vol. II p. 8. Woods does not dispute that Officer Billberry identified himself and ordered her to stop by using his lights and siren. She argues only that she didn’t flee from him. She contends, as she testified in the trial court, that she merely waited until she felt safe to pull over.

[8] We rejected a similar argument in *Woodward v. State*, 770 N.E.2d 897 (Ind. Ct. App. 2002), *reh’g denied, trans. denied*. Woodward, like Woods, continued driving after an officer activated his emergency lights and siren (though Woodward stopped after one mile, unlike Woods). Woodward, like Woods, testified that he didn’t pull over sooner because “he was ‘trying to rationalize why I would be pulled over ...’ and wanted a clear, well-lighted place to stop where there would be someone who knew him.” *Id.* at 901. Woodward, like Woods, argued on appeal that “fleeing” doesn’t include “merely failing to stop” and that “there was no evidence that he intended to avoid or escape” the

officer. *Id.* at 900. Woodward also asked us to “be cognizant that there are police/citizen encounters in which citizens may not be comfortable . . . stopping where an officer selected.” *Id.* at 902. While acknowledging that concern, we noted that “we must also be cognizant of the dangers that could await a police officer stopping where the citizen selects.” *Id.* Therefore, we affirmed Woodward’s conviction for resisting law enforcement.

[9] Woods doesn’t argue *Woodward* is distinguishable or incorrect. Moreover, Woods failed to stop for a much longer distance—four miles—than the defendant in *Woodward*. This evidence is sufficient to show that Woods knowingly or intentionally fled from Officer Billberry.

[10] Affirmed.

Tavitas, J., and Foley, J., concur.