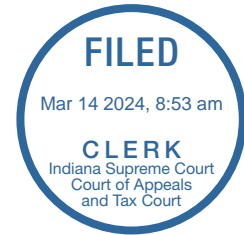


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE
Court of Appeals of Indiana

Brandon K. Williams,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

March 14, 2024

Court of Appeals Case No.
23A-CR-2050

Appeal from the Allen Superior Court
The Honorable Frances C. Gull, Judge

Trial Court Cause No.
02D05-2208-F1-26

Memorandum Decision by Judge Tavitas
Judges Mathias and Weissmann concur.

Tavitas, Judge.

Case Summary

- [1] Brandon Williams appeals his conviction for attempted murder, a Level 1 felony. Williams argues that the evidence is insufficient to sustain his conviction. We conclude that the evidence is sufficient to sustain Williams’s conviction, and accordingly, we affirm.

Issue

- [2] Williams raises one issue, which we restate as whether the evidence is insufficient to sustain Williams’s conviction for attempted murder, a Level 1 felony.

Facts

- [3] In July 2022, Williams and his girlfriend, Wydreka Williams, were living in an apartment in Fort Wayne. Wydreka was six months pregnant at that time.
- [4] On the afternoon of July 31, 2022, Williams arrived home, and Wydreka was on the phone with her cousin, Felisha. Williams knocked the phone out of Wydreka’s hands. Felisha called 911 because Williams was “drunk and belligerent” and because she heard “screaming in the background.” Ex. 1 at 0:58. The dispatcher called Felisha back to confirm Wydreka’s address while Felisha was still on the line with Wydreka. Felisha said that Wydreka was screaming and gasping. Brian Loesel lived below Williams’s apartment. Loesel heard noises from the apartment above him, including a woman screaming,

“Help,” loud thuds, and a man screaming “the F-word.” Tr. Vol. II p. 132; Ex. 2. Loesel also called 911.

[5] Officer Christopher McBride and Officer Collin Bundy of the Fort Wayne Police Department arrived at the apartment quickly and knocked on the door. They heard a woman screaming for help and then heard a woman “either gasping for air or groaning or moaning.” Tr. Vol. II p. 146. The officers kicked the door in and found Wydreka on the ground “yelling for help.” *Id.* at 147. Williams appeared to be on top of Wydreka “strangling her.” *Id.* at 176. Williams had blood “all over his arms and his hands.” *Id.* at 177. Williams’s t-shirt was covered in blood, and Williams removed the t-shirt and tossed it on the floor. Officer McBride saw that the sectional couch was “completely covered” in blood, the carpet and rug were bloody, and blood was splattered on the wall. *Id.* at 147. The officers took Williams into custody and then turned their attention to Wydreka.

[6] Wydreka was “in obvious distress,” crying, and asking the officers to help her. *Id.* at 149. She told the officers that Williams “attempted to choke her to death” and that Williams “stabbed her more than 40 times in the head with a screwdriver.” *Id.* Wydreka told the officers that she was going to die and said, “Tell my family I love them.” *Id.* Officer Bundy retrieved a “trauma bag” from his vehicle and began assisting Wydreka. *Id.* at 151. The right side of Wydreka’s face was “completely unrecognizable.” *Id.* at 152. Williams, who was handcuffed and in custody, stated, “No one can help her, man. Nobody can help her,” and “She is toxic as f***.” *Id.* at 151.

- [7] Officer Scott Wilson arrived on the scene to assist and removed Williams from the apartment. While Williams was handcuffed in the police car, he told Officer Scott Wilson, “I made a decision. Everybody got [sic] a breaking point. . . . I was trapped.” State’s Ex. 31 at 0:19; *see also* Tr. Vol. II p. 197. Williams also told Officer Wilson, “I made a decision and it is what it is.” State’s Ex. 31 at 2:25.
- [8] While Officer Bundy was assisting Wydreka, she lost consciousness and was no longer responding verbally or to a sternum rub. Officer Bundy thought Wydreka was dying and was in “critical condition.” Tr. Vol. II p. 181. When the ambulance arrived, Wydreka was unconscious, and Officer Bundy was applying pressure to an injury on her head. During the ambulance ride, Wydreka was “going in and out of consciousness,” and her condition “started to decline.” *Id.* at 209. Wydreka’s blood pressure was dropping, and she stopped “responding appropriately.” *Id.*
- [9] Detective Rickey Parrish went to the hospital to talk with Wydreka. Detective Parrish was in the doorway of the examination room while emergency room personnel treated and counted Wydreka’s numerous injuries, which included stab wounds to her head, face, neck, arm, side, and leg. Wydreka had a stab wound in the corner of her eye and defensive wounds to her hand and arm. Wydreka was in pain and crying, and it was difficult for her to speak.
- [10] On August 3, 2022, Detective Mark Wentz spoke to Wydreka at the hospital. Wydreka had scratches and puncture marks “all over her face,” a bloodshot

eye, and a raspy voice. Tr. Vol. III p. 20. Wydreka said that “it was hard for her to swallow.” *Id.* at 21.

[11] A bloody screwdriver was recovered from the scene. The analysis of the screwdriver revealed that Williams’s fingerprints and Wydreka’s DNA were on the screwdriver.

[12] The State charged Williams with: (1) Count I, attempted murder, a Level 2 felony; (2) Count II, aggravated battery, a Level 3 felony; (3) Count III, domestic battery, a Level 5 felony; (4) Count IV, domestic battery, a Level 5 felony; (5) Count V, strangulation, a Level 5 felony; and (6) Count VI, intimidation, a Level 6 felony. The State later filed a motion to dismiss Count VI, which the trial court granted. A jury trial was held in June 2023, and the jury found Williams guilty of Counts I through V.¹ The trial court vacated the judgments of conviction for Counts II through V on double jeopardy grounds and sentenced Williams to thirty-eight years in the Department of Correction for Count I, attempted murder. Williams now appeals.

Discussion and Decision

[13] Williams argues that the evidence is insufficient to sustain his conviction for attempted murder. Sufficiency of evidence claims “warrant a deferential standard, in which we neither reweigh the evidence nor judge witness

¹ Wydreka did not testify at the trial, and the trial court excluded the State’s medical expert for a violation of the separation of witnesses order.

credibility.” *Powell v. State*, 151 N.E.3d 256, 262 (Ind. 2020) (citing *Perry v. State*, 638 N.E.2d 1236, 1242 (Ind. 1994)). “When there are conflicts in the evidence, the jury must resolve them.” *Young v. State*, 198 N.E.3d 1172, 1176 (Ind. 2022). We consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence. *Powell*, 151 N.E.3d at 262 (citing *Brantley v. State*, 91 N.E.3d 566, 570 (Ind. 2018)). “We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt.” *Id.* at 263. We affirm the conviction “unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.” *Sutton v. State*, 167 N.E.3d 800, 801 (Ind. Ct. App. 2021) (quoting *Drane v. State*, 867 N.E.2d 144, 146-47 (Ind. 2007)).

[14] In order to convict Williams of attempted murder, the State had to prove beyond a reasonable doubt that Williams, acting with the specific intent to kill, engaged in conduct that constituted a substantial step toward the commission of murder. *See* Ind. Code § 35-42-1-1(1); Ind. Code § 35-41-5-1(a); *Rosales v. State*, 23 N.E.3d 8, 12 (Ind. 2015). Williams argues only that there was insufficient evidence to prove that he acted with specific intent to kill Wydreka. “Intent to kill may be inferred from the nature of the attack and the circumstances surrounding the crime.” *Kiefer v. State*, 761 N.E.2d 802, 805 (Ind. 2002).

“Additionally, the trier of fact may infer intent to kill from the use of a deadly weapon in a manner likely to cause death or great bodily harm.” *Id.* Our Supreme Court has held that a screwdriver may be a deadly weapon. *See Miller v. State*, 500 N.E.2d 193, 197 (Ind. 1986).

[15] Williams argues that the State failed to demonstrate his intent to kill Wydreka because her injuries were not life threatening; the wounds were not inflicted in a location likely to cause death; Williams’s statement do not indicate an intent to kill; and medical testimony regarding the puncture wounds was not presented. We disagree with Williams’s characterization of the evidence.

[16] The State presented evidence that Williams viciously attacked Wydreka, who was six-months pregnant. Williams stabbed Wydreka over forty times with a screwdriver on her face, head, neck, arm, side, and leg. When officers arrived, Williams and the living room were covered in Wydreka’s blood. Williams also strangled Wydreka, and she thought she was dying. While the officers and emergency personnel assisted Wydreka, she was in and out of consciousness, and her blood pressure was dropping. Further, Williams described Wydreka as “toxic” and told Officer Scott Wilson, “I made a decision. Everybody got [sic] a breaking point. . . . I was trapped.” State’s Ex. 31 at 0:19; *see also* Tr. Vol. II p. 197.

[17] The jury could have reasonably inferred Williams’s intent to kill Wydreka based upon his use of the screwdriver in a manner likely to cause death or great bodily harm and his statements to the officers. Accordingly, we conclude that

the State presented sufficient evidence to demonstrate Williams’s intent to kill. *See, e.g., Davis v. State*, 635 N.E.2d 1117, 1120 (Ind. Ct. App. 1994) (holding that the evidence was sufficient to demonstrate the defendant’s intent to kill based on his stabbing of the victim seven times in the chest and abdomen).

Conclusion

- [18] The evidence is sufficient to sustain Williams’s conviction for attempted murder, a Level 1 felony. Accordingly, we affirm.
- [19] Affirmed.

Mathias, J., and Weissmann, J., concur.

ATTORNEY FOR APPELLANT

Thomas C. Allen
Fort Wayne, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Jodi Kathryn Stein
Deputy Attorney General
Indianapolis, Indiana