MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Lamonteon Williams,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

July 7, 2023

Court of Appeals Case No.
22A-CR-2833

Appeal from the
Marion Superior Court

The Honorable
Sheila Carlisle, Judge

Trial Court Cause No.
49D29-2009-MR-28899

Memorandum Decision by Judge Vaidik
Judges Mathias and Pyle concur.

Vaidik, Judge.

Case Summary

[1] Lamonteon Williams appeals his convictions for murder and Level 6 felony criminal recklessness, arguing the trial court erred in admitting evidence that he was arrested in Arizona nearly two months after the shooting and that the evidence is insufficient to support his convictions. Finding no error in the admission of the evidence and that the evidence is sufficient to support Williams's convictions, we affirm.

Facts and Procedural History

[2] Williams, Christopher Newman, and Daniel Johnson Jr. were friends from Merrillville High School. In August 2020, they lived together in an apartment on the south side of Indianapolis along with Johnson's three-month-old son. On the afternoon of August 7, Williams, who was "in the process of moving out," called Newman to say that he was stopping by the apartment. Tr. Vol. II p. 151. When Williams arrived, Newman was playing with Johnson's son on a couch in the living room, and Johnson was standing by them. Williams asked Newman about money that Newman owed him. Newman, who knew that he owed Williams $2,000 for crashing his car a couple of years earlier, told Williams that he thought he had paid it off, but even if he hadn't, he didn't have any money that day. Williams then pulled out a .22 caliber handgun and pointed it at Newman's forehead. *Id.* at 217; Ex. 53. Newman pushed the gun

up and out of his face as he stood up from the couch. Newman and Williams struggled for the gun, and a shot was fired toward the ceiling. Johnson's son was still on the couch when the shot was fired. Tr. Vol. II p. 164.

[3] While Newman and Williams struggled for the gun, Newman could see from his "periphery" that Johnson ran to his bedroom, where he kept a .40 caliber handgun. *Id.* at 164, 178; Ex. 14. When Johnson exited his bedroom, Newman heard him start to shoot. Tr. Vol. II pp. 166, 167, 225. Newman "dropped to the ground so [he] didn't get shot." *Id.* at 165. According to Newman, Williams and Johnson exchanged fire, and bullets went "everywhere." *Id.* Newman closed his eyes and didn't open them until the gunfire ended. Although Newman didn't see either Williams or Johnson get shot, when he opened his eyes, he saw Johnson's lifeless body by the front door, two guns next to Johnson's body, and Williams "stumbling" out the front door holding his side. *Id.* at 229.

[4] Newman, who himself had been shot in the face and back, picked up the two guns and "attempted to follow [Williams]." *Id.* at 231. But by the time Newman exited the apartment, he didn't see Williams anymore. As it turned out, a woman who had been sitting outside the apartment in her car waiting to buy marijuana from Johnson had driven off with Williams and was headed to the hospital. The woman called 911, and an ambulance intercepted her en route and transported Williams the rest of the way.

[5] Meanwhile, neighbors called 911. The police arrived and secured the baby. Newman was transported to the hospital, where he was placed in the ICU and treated for his gunshot wounds. At the crime scene, the police recovered a .40 caliber handgun, a .22 caliber handgun, nine .40 caliber fired cartridge cases, and six .22 caliber fired cartridge cases. Johnson had been shot twice in the torso (two .22 caliber bullets were recovered during the autopsy), and Williams had been shot nine times (two .40 caliber bullets were recovered during surgery).

[6] A little over a month after the shooting, on September 16, the State charged Williams with murder and Level 6 felony criminal recklessness (for shooting "at or near the area in which [Johnson's son] was located").[1] Appellant's App. Vol. II p. 20. The State asked for the charges to be filed "under seal" so that Williams didn't have "an opportunity to hide and/or dispose of evidence of the crimes alleged, and/or flee prosecution prior to the execution of an arrest warrant." *Id.* at 28. The trial court granted the motion to seal.

[7] A jury trial was held in September 2022. At trial, the lead detective testified, over Williams's objection, that the United States Marshals Service arrested Williams in Phoenix, Arizona, on October 5, 2020. During closing arguments, the State argued that the jury could consider Williams's "flight" to Arizona as circumstantial evidence of his guilt. Tr. Vol. IV p. 11. The jury found Williams

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[1] The State also charged Williams with the attempted murder of Newman and Level 6 felony theft of a firearm. The State dismissed the theft count, and Williams was acquitted of attempted murder.

guilty, and the trial court sentenced him to concurrent terms of fifty-five years for murder and one year for criminal recklessness.

[8] Williams now appeals.

Discussion and Decision

I. Admission of Evidence

Williams contends the trial court erred in admitting evidence that he was arrested in Arizona nearly two months after the shooting. Rulings on the admissibility of evidence are reviewed for an abuse of discretion. *Thomas v. State*, 81 N.E.3d 621, 624 (Ind. 2017).

[9] Williams acknowledges that evidence of flight is admissible to prove a defendant's guilt. *See Dill v. State*, 741 N.E.2d 1230, 1232 (Ind. 2001) ("Flight and related conduct may be considered by a jury in determining a defendant's guilt."). However, Williams claims that because he didn't know about the charges (since they were sealed), the fact that he was arrested in Arizona is not evidence of flight. While Williams may not have known about the charges, he left the state knowing that he was involved in an incident in which he pointed a gun at Newman's forehead and then engaged in a shoot-out with Johnson while Johnson's three-month-old son was in the apartment. In addition, the police visited Williams in the hospital and obtained a DNA sample from him. The jury could have inferred from this evidence that Williams knew he was a suspect in the police's investigation and left Indiana to avoid prosecution. *See*

Anderson v. State, 774 N.E.2d 906, 911 (Ind. Ct. App. 2002) ("To be admissible, however, the evidence of [the defendant's] location did not have to definitively demonstrate that he had fled to avoid arrest to the exclusion of any other inferences.").

[10] Williams also points out that he did not "immediately" go to Arizona after the shooting. Appellant's Reply Br. p. 5. We first note that no evidence was admitted at trial about when Williams went to Arizona. *See* Appellant's Br. p. 17 ("There was no evidence of when or why [Williams] went to Phoenix."). We know that the shooting occurred on August 7, 2020, charges were filed under seal on September 16, and Williams was arrested in Arizona on October 5. As this Court has already held, flight does not have to occur "shortly after" a crime is committed for it to be admissible. *See Bennett v. State*, 883 N.E.2d 888, 891 (Ind. Ct. App. 2008), *trans. denied*. The trial court did not err in admitting evidence that Williams was arrested in Arizona nearly two months after the shooting.

II. Sufficiency of the Evidence

[11] Williams next contends the evidence is insufficient to support his convictions for murder and criminal recklessness. 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. 2015). We will only consider the evidence supporting the verdict 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.*

[12] Williams first argues the evidence is insufficient to prove he knowingly killed Johnson. On August 7, 2020, Williams went to the apartment that he had shared with Newman and Johnson to ask Newman for money that he owed him. When Newman said he didn't have any money that day, Williams pointed a .22 caliber handgun at his forehead. Newman pushed the gun out of his face, and he and Williams struggled for the gun, causing a shot to be fired at the ceiling. During the struggle, Johnson went to his bedroom and retrieved his .40 caliber handgun. As gunfire erupted between Johnson and Williams, Newman dropped to the ground and closed his eyes. When the gunfire stopped and Newman opened his eyes, Johnson was dead by the front door, and Williams was stumbling out the front door holding his side. Johnson had been shot with .22 caliber bullets, and Williams had been shot with .40 caliber bullets. The evidence is sufficient to allow a jury to find Williams guilty beyond a reasonable doubt. *See Young v. State*, 761 N.E.2d 387, 389 (Ind. 2002) ("A knowing killing may be inferred from the use of a deadly weapon in a way likely to cause death."). To the extent Williams suggests that Newman's testimony that Williams was one of the shooters should not be believed, that is a request for us to reweigh the evidence, which we don't do.

[13] Williams next argues the evidence is insufficient to prove he committed Level 6 felony criminal recklessness. As charged here, the State had to prove that

Williams, who was armed with a deadly weapon, recklessly performed an act, to wit: "sho[]t at or near the area in which [Johnson's son] was located," that created a substantial risk of bodily injury to Johnson's son. Appellant's App. Vol. II p. 20; Ind. Code § 35-42-2-2. Williams asserts "[t]here was simply no evidence presented that [he] shot at or near the area of Johnson's son." Appellant's Br. p. 14. To the contrary, the record reveals that when Williams and Newman struggled for the gun and a shot was fired toward the ceiling, Johnson's three-month-old son was still on the couch. *See* Tr. Vol. II p. 164 ("Q. So Daniel's son is still on the couch behind you? A. Yes.").[2] The evidence is sufficient to support Williams's conviction for criminal recklessness.

[14] Affirmed.

Mathias, J., and Pyle, J., concur.

[2] Williams says the police found the baby in a different room, suggesting that the baby was not present in the living room during the shooting. But the record does not support this. Instead, the record shows that the police moved the baby to a different room when they arrived. Tr. Vol. III p. 39.