

MEMORANDUM DECISION

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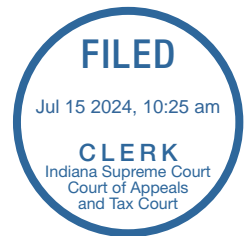


IN THE Court of Appeals of Indiana

Wyatt A. Maxey, Jr.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



July 15, 2024

Court of Appeals Case No.
23A-CR-2570

Appeal from the Marion Superior Court

The Honorable Angela Davis, Judge

Trial Court Cause No.
49D27-2109-F1-28322

Memorandum Decision by Judge Crone
Judges Bradford and Taviton concur.

Crone, Judge.

Case Summary

- [1] Wyatt A. Maxey, Jr., appeals his conviction, following a jury trial, for level 1 felony attempted murder. Maxey argues that the State failed to prove beyond a reasonable doubt that he acted with the specific intent to kill the victim when he stabbed him multiple times in the chest, head, and abdomen. We affirm.

Facts and Procedural History

- [2] In September 2021, Maxey and B.W. were seniors at North Central High School in Indianapolis. On the evening of September 7, they interacted on social media. B.W. felt like he “was being disrespected” by Maxey and “had to speak up for [him]self.” Tr. Vol. 2 at 200. “At the end [B.W.] thought everything was cool.” *Id.*
- [3] The next morning, however, Maxey and B.W. got into an argument at school and ended up fighting in a parking lot. They threw some punches and wrestled on the ground. B.W.’s friend J.W. pushed Maxey off B.W., and the fighting stopped. B.W. walked back toward the school with J.W. Maxey followed them, “mad and yelling.” *Id.* at 223. Outside the entrance, Maxey brandished a folding knife with a three-inch blade. B.W. “started backing up” and “took off inside the school.” *Id.* at 224. Video footage from a hallway surveillance camera shows Maxey running after B.W., grabbing him by his shirt collar, dragging him to the ground, and plunging the knife into his back. An assistant principal tried to get Maxey off B.W., but Maxey was stabbing B.W. with “such force”

that he “couldn’t get between them.” *Id.* at 180-81. Eventually, Maxey stood up, pointed at B.W., dropped the knife, and put up his hands. He then attempted to retrieve the knife, but an administrator kicked it away. Maxey was taken into custody.

- [4] B.W. was taken to an emergency room. The trauma team found multiple stab wounds in his chest, one in his abdominal wall, one “on the left side of his head,” and another in “the middle of the back, just to the left of midline.” Tr. Vol. 3 at 13. B.W.’s blood pressure dropped to zero, and he “basically was in the process of dying[.]” *Id.* at 14. The trauma surgeon opened B.W.’s chest and found a laceration in “the left ventricle of the heart that was spurting blood.” *Id.* at 15. The location of the laceration indicated that Maxey’s knife blade had penetrated at least three inches into B.W.’s chest. The trauma surgeon plugged the laceration with his finger and summoned a cardiovascular surgeon, who “placed [B.W.] on cardiovascular bypass, was able to stop the heart and was able to repair the laceration on the heart with it stopped.” *Id.* at 18. The cardiovascular surgeon also found and repaired two lacerations in B.W.’s left lung. B.W. received approximately twenty-eight units of blood and developed a clotting abnormality, which was treated in intensive care. He also suffered a skull fracture and bruising and bleeding in the brain, which indicated “a significant blow” that “was able to break his skull and push a piece of bone fragment into his brain.” *Id.* at 23.

- [5] The State charged Maxey with level 1 felony attempted murder, level 3 felony aggravated battery, and level 6 felony possession of a knife on school property

resulting in bodily injury. A jury trial was held in September 2023, and Maxey was found guilty as charged. At sentencing, the trial court vacated the battery and knife-possession convictions and imposed a twenty-year term for the attempted murder conviction, with ten years in the Department of Correction and ten years on home detention. Maxey now appeals.

Discussion and Decision

- [6] Maxey challenges the sufficiency of the evidence supporting his conviction. In a criminal case, “the State [bears] the burden of proving each element of the charged offense beyond a reasonable doubt.” *Stephens v. State*, 992 N.E.2d 935, 937 (Ind. Ct. App. 2013). When reviewing a sufficiency challenge, we consider only the probative evidence and reasonable inferences supporting the factfinder’s determination, and we neither reweigh evidence nor reassess witness credibility. *Veach v. State*, 204 N.E.3d 331, 336 (Ind. Ct. App. 2023), *trans. denied*. We will affirm unless no reasonable factfinder could find that each element of the offense was proven beyond a reasonable doubt. *Id.*
- [7] To convict Maxey of attempted murder, the State was required to prove beyond a reasonable doubt that, acting with the specific intent to kill B.W., Maxey engaged in an act that constituted a substantial step toward the commission of murder. *Majors v. State*, 735 N.E.2d 334, 339 (Ind. Ct. App. 2000); *see also* Ind. Code §§ 35-42-1-1(1) (defining murder), 35-41-5-1(a) (defining attempt). Intent may be proven solely by circumstantial evidence, and it may be inferred from the facts and circumstances of the case. *Lykins v. State*, 726 N.E.2d 1265, 1270

(Ind. Ct. App. 2000). Specifically, “[t]he intent to kill may be inferred from the deliberate use of a deadly weapon in a manner likely to cause death or serious injury.” *Bethel v. State*, 730 N.E.2d 1242, 1245 (Ind. 2000).

[8] Based on the foregoing evidence, a reasonable factfinder could readily conclude that Maxey deliberately used a deadly weapon in a manner likely to cause death or serious injury, and therefore could infer that he acted with the specific intent to kill B.W. Maxey’s argument to the contrary is simply an invitation to reweigh the evidence in his favor, which we may not do. Accordingly, we affirm his conviction for attempted murder.

[9] Affirmed.

Bradford, J., and Tavitas, J., concur.

ATTORNEY FOR APPELLANT

Cynthia M. Carter
Law Office of Cynthia M. Carter, LLC
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Indiana Attorney General

Ian McLean
Supervising Deputy Attorney General
Indianapolis, Indiana