## MEMORANDUM DECISION





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# IN THE COURT OF APPEALS OF INDIANA

Ronald Williams, III,
*Appellant-Defendant,*

v.

State of Indiana,
*Appellee-Plaintiff*

September 29, 2023

Court of Appeals Case No.
22A-CR-2553

Appeal from the
Allen Superior Court

The Honorable
Frances C. Gull, Judge

Trial Court Cause No.
02D05-2010-MR-31
02D04-1810-F6-1271

**Memorandum Decision by Judge Vaidik**
Judges Mathias and Pyle concur.

**Vaidik, Judge.**

# Case Summary

[1] Ronald Williams, III, was convicted of murder, Level 5 felony battery with a deadly weapon, and a firearm enhancement and sentenced to ninety-one years in the Department of Correction. In addition, his probation in an earlier case was revoked, and he was ordered to serve the entire suspended sentence of two-and-a-half years. Williams appeals the convictions, the ninety-one-year sentence, and the probation sanction. We affirm.

# Facts and Procedural History

[2] The evidence most favorable to Williams's convictions is as follows. Williams, who goes by "Royal," had a child with Emoni Martin. On September 27, 2020, Martin, who lived in Fort Wayne, went missing. She called her mother via FaceTime on October 1 and said she was in Indianapolis with Willams. "She was in tears, hysterical. She didn't look like herself. Her hair was just all over her head." Tr. Vol. II p. 162. When she arrived back in Fort Wayne, she was afraid, shaken, and crying and generally "looked a mess." *Id.* at 165, 170, 172. She told her father that Williams brandished a gun, took her against her will, and drove out of town.

[3] On October 3, Martin went out with her friend Breniya Holman. In the early morning of October 4, they picked up Markus Donahue and Romona Suel, and the four went to Martin's apartment. Holman and Suel went to Martin's children's bedroom to sleep, and Martin and Donahue went to Martin's

bedroom. At some point, Suel was awakened by gunshots, and she heard a guy in the other room yell "No." *Id.* at 202-03. Suel woke Holman, and they crawled under the bed. Suel heard Martin coming down the hall saying "Royal, no." *Id.* at 203. Martin was then backed into the children's room where Holman and Suel were hiding. Martin was saying "No, no" and "My kids. My kids." *Id.* at 190, 203. Then there were more gunshots, and Martin fell to the floor, spraying Suel with blood. Someone turned off the lights and ran. Martin died. She had been shot ten times, including four times after she was already on the floor. Suel was later shown a photo array and identified Williams as the shooter.

[4] Police were called, and some went to Martin's apartment, while others went to a different location where they found Donahue lying in the middle of the road, bleeding profusely from multiple gunshots wounds and lacerations. Donahue said he was shot by his "girl's boyfriend." *Id.* at 230. He identified his girl as Martin and called her boyfriend "Royal." *Id.*

[5] Later that day, police received a tip that the shooter was at a different apartment. A man exited the apartment wearing a hoodie with the hood pulled tight around his face. When approached by police, he ran. He was eventually apprehended and identified as Williams. He was wearing a white belt and had two nine-millimeter bullet cartridges in his front pocket.

[6] Surveillance video shows that two men—one wearing a white belt—were outside Martin's apartment about two hours before the shooting. They

eventually entered and then exited the apartment and ran away. The man in the white belt was carrying what looked like a gun in his left hand.

[7] Eight nine-millimeter cartridge cases found at Martin's apartment were examined and determined to have been fired from the same gun. The cartridge cases were manufactured by Fiocchi. One of the bullet cartridges found in Williams's pocket was also manufactured by Fiocchi and was "quite easily recognizable as being similar to those at the scene" because of its distinctive coloring. Tr. Vol. III pp. 138-39. The cartridge was all gold, which is not "common" because most cartridges are two-toned with a copper bullet and either a brass or silver cartridge case. *Id.* at 138.

[8] A friend of Williams, Alexis Parker, had purchased a nine-millimeter handgun and Fiocchi ammunition in July 2020. Williams was with her at the time of purchase, and the gun was stored in Williams's safe. Parker did not have the code to the safe and had access to the gun only if Williams opened the safe.

[9] The State charged Williams with murder, Level 5 felony battery with a deadly weapon, and a firearm enhancement. A jury found Williams guilty as charged. The trial court imposed consecutive sentences of eighty-five years for murder (sixty-five years plus a twenty-year firearm enhancement) and six years for battery, for a total of ninety-one years. Based on the new convictions, the court also revoked Williams's probation for a 2019 conviction for Level 6 felony possession of cocaine and ordered him to serve his entire suspended sentence of two-and-a-half years. *See* No. 02D04-1810-F6-1271.

[10] Williams now appeals.

# Discussion and Decision

## I. Sufficiency of the Evidence

[11] Williams contends the evidence is insufficient to support his convictions. 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 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.*

[12] Williams's argument is fundamentally flawed. Instead of addressing the sufficiency of the evidence that was presented, he focuses on evidence that was not presented. For example, he notes that there is no fingerprint or DNA evidence placing him at the scene or identifying him as the shooter, there was no blood from the victims on him or his clothes, there is no evidence placing his cell phone near the apartment, and no one who was in the apartment at the time of shootings identified him as the shooter at trial. But there is substantial evidence supporting the convictions.

[13] A few days before the shootings, Williams, whose nickname is "Royal," abducted Martin at gunpoint. Just before Martin was shot, Suel heard her say,

"Royal, no." Suel later picked Williams from a photo array when asked to identify the shooter, and Donahue said he was shot by his "girl's boyfriend," whom he called "Royal." When police located Williams, he was trying to hide his face, and when they approached him, he ran. Williams had two nine-millimeter bullet cartridges and was wearing a white belt. A man who ran from Martin's apartment after the shooting was wearing a white belt and carrying what looked like a gun. The cartridge cases found at Martin's apartment were manufactured by Fiocchi, and Williams had access to a nine-millimeter handgun and Fiocchi ammunition. One of the bullet cartridges found in Williams's pocket matched the cartridges found at the scene. All this circumstantial evidence, taken together, is sufficient to support Williams's convictions. Williams's argument about what wasn't presented is merely a request for us to reweigh the evidence, which we do not do. *Willis*, 27 N.E.3d at 1066.

## II. Sentence

[14] In the alternative, Williams contends his sentence is inappropriate and asks us to reduce it. Indiana Appellate Rule 7(B) provides that an appellate court "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, the court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender." The court's role under Rule 7(B) is to "leaven the outliers," and "we reserve our 7(B) authority for exceptional cases." *Faith v. State*, 131 N.E.3d 158, 160 (Ind. 2019). "Whether a sentence is inappropriate ultimately turns on the culpability of the defendant,

the severity of the crime, the damage done to others, and a myriad of other factors that come to light in a given case." *Thompson v. State*, 5 N.E.3d 383, 391 (Ind. Ct. App. 2014) (citing *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008)). Because we generally defer to the judgment of trial courts in sentencing matters, defendants must persuade us that their sentences are inappropriate. *Schaaf v. State*, 54 N.E.3d 1041, 1044-45 (Ind. Ct. App. 2016).

[15] The sentencing range for murder is forty-five to sixty-five years, with an advisory sentence of fifty-five years. Ind. Code § 35-50-2-3(a). The range for a firearm enhancement is five to twenty years (with no advisory). I.C. § 35-50-2-11(g). The sentencing range for a Level 5 felony is one to six years, with an advisory sentence of three years. I.C. § 35-50-2-6(b). The trial court imposed consecutive maximum sentences, for a total of ninety-one years.

[16] Williams concedes that the offenses were "aggressive" and "particularly aggravating," but he argues that his "general character demonstrated some positive aspects." Appellant's Br. pp. 28-29. He notes that the pre-sentence investigation report indicated that his "Family & Social Support domain level was low," his "Peer Associations domain level was low," his "Substance Use domain level was moderate," and his "Criminal Attitudes & Behavior Patterns domain level was moderate." *Id.* at 28-29 (citing Appellant's App. Vol. III pp. 9-12). Williams does not tell us why these levels justify a sentence reduction or how they reflect favorably on his character. Moreover, he acknowledges that his criminal and juvenile history (five felony convictions, nine misdemeanor

convictions, and five juvenile adjudications) is "a serious aggravating factor[.]" *Id.* at 29. Williams has not persuaded us that his sentence is inappropriate.

## III. Probation Revocation

[17] Finally, Williams argues the trial court should not have imposed the entire two-and-a-half years of suspended time in the probation-revocation matter. Trial courts enjoy broad discretion in determining the appropriate sanction for a probation violation, and we review only for an abuse of that discretion. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007).

[18] Williams asserts that, given the length of the sentence for the new convictions, "it was unnecessary to order the full suspended sentence be executed and a one (1) year sentence on a probation violation would have been appropriate." Appellant's Br. p. 30. But Williams didn't commit a technical violation or a new misdemeanor. He committed murder. As probation violations go, it doesn't get any more serious. The trial court did not abuse its discretion in this regard.

[19] Affirmed.

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