

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Travis Gray,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

August 31, 2021

Court of Appeals Case No.
21A-CR-240

Appeal from the Putnam Circuit
Court

The Honorable Matthew L.
Headley, Judge

Trial Court Cause No.
67C01-2006-F6-520

Pyle, Judge.

Statement of the Case

- [1] Travis Gray (“Gray”) appeals his conviction, following a bench trial, for Class B misdemeanor disorderly conduct.¹ Gray contends that there was insufficient evidence to support his conviction. Concluding that the evidence is sufficient, we affirm Gray’s disorderly conduct conviction.

Issue

Whether there is sufficient evidence to support Gray’s disorderly conduct conviction.

Facts

- [2] On May 31, 2020, Putnam County Sheriff’s Department Deputy Paul Trissel (“Deputy Trissel”) responded to a call regarding a disturbance in Fillmore, Indiana. The caller reported that a man was attempting to get into the caller’s vehicle and was “screaming obscenities and hollering obscenities.” (Tr. Vol. 2 at 26). When Deputy Trissel arrived at the scene, he found Gray wearing only a pair of shorts and acting erratically. When Deputy Trissel approached Gray, he heard Gray “scream[]” an obscenity “really loud[ly].” (Tr. Vol. 2 at 29). Deputy Trissel observed that Gray was “crouched down like he was going to take off[,]” and described Gray as “all over the place.” *Id.* Deputy Trissel also believed that Gray was intoxicated.

¹ IND. CODE § 35-45-1-3.

[3] Deputy Trissel was at the scene with Gray for over an hour and received assistance from Deputy Robert Soilleux (“Deputy Soilleux”) and Deputy Randall Patrick (“Deputy Patrick”). Deputy Trissel determined that he needed assistance with the intoxicated Gray and requested Deputy Soilleux to assist him. Deputy Soilleux watched over Gray while Deputy Trissel collected statements from the witnesses on the scene. Deputy Patrick arrived soon thereafter with the van to transport Gray to the county jail. Over the next hour, Deputy Trissel and the other officers told Gray multiple times to quiet down. Gray briefly complied before “lash[ing] out and scream[ing] obscenities again.” (Tr. Vol. 2 at 30). Gray also yelled out the words “Space Jam” at random intervals while looking up at the sky. (Tr. Vol. 2 at 58-59, 80). Additionally, Gray screamed at his neighbor, and the noise was loud enough to draw the attention of multiple other neighbors who came out of their homes to see what was happening. Aside from his screaming, Gray periodically made unintelligible sounds. Deputy Trissel arrested Gray for the unlawful entry of a vehicle and disorderly conduct.

[4] The State charged Gray with Class B misdemeanor disorderly conduct.² The trial court held a bench trial in December 2020. During closing arguments, Gray’s attorney acknowledged that “he [Gray] was guilty of . . . being disorderly.” (Tr. Vol. 2 at 110). When ruling on the disorderly conduct charge,

² The State also charged Gray with Level 6 felony unlawful possession of a syringe and Level 6 felony possession of methamphetamine. The trial court convicted him of both offenses, but he does not appeal those convictions.

the trial court explained that “[t]here was evidence of unreasonable noise and continuing requests to stop by the police, and [Gray] continued to do so.” (Tr. Vol. 2 at 112).

- [5] Gray now appeals his Class B misdemeanor disorderly conduct conviction.

Decision

- [6] Gray argues that the evidence was insufficient to support his conviction for Class B misdemeanor disorderly conduct. Our standard of review for sufficiency of the evidence claims is well settled. We consider only the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not reweigh the evidence or judge witness credibility. *Id.* We will affirm the conviction unless no reasonable fact finder could find the elements of the crime proven beyond a reasonable doubt. *Id.* at 146-47. The evidence is sufficient if an inference may be reasonably drawn from it to support the verdict. *Id.* at 147.

- [7] INDIANA CODE § 35-45-1-3(a)(2) provides that “[a] person who recklessly, knowingly, or intentionally . . . makes unreasonable noise and continues to do so after being asked to stop . . . commits disorderly conduct[.]” “[T]o support a conviction for disorderly conduct, the State must prove that a defendant produced decibels of sound that were too loud for the circumstances.” *Blackman v. State*, 868 N.E.2d 579, 584 (Ind. Ct. App. 2007) (quoting *Johnson v. State*, 719 N.E.2d 445, 448 (Ind. Ct. App. 1999)), *trans. denied*. The Indiana Supreme Court has explained that loud noise can be considered unreasonable

when it “agitate[s] witnesses and disrupt[s] police investigations,” “make[s] coordination of investigations . . . more difficult,” or when it is “quite annoying to others present at the scene.” *Whittington v. State*, 669 N.E.2d 1363, 1367 (Ind. 1996).

[8] Gray argues that “the State did not prove Gray’s level of noise was too loud for the circumstances or that his noise otherwise annoyed or agitated persons present at the scene.” (Gray’s Br. 8). We disagree.

[9] First and foremost, Gray’s counsel acknowledged that there was sufficient evidence to support the disorderly conduct conviction. Moreover, our review of the record reveals that deputies were dispatched to Gray’s location because he was hollering obscenities that had agitated a neighbor. Upon arrival, Deputy Trissel heard Gray scream an obscenity. Gray’s behavior was loud and uncontrollable, and Deputy Soilleux was called to the scene to watch over Gray while Deputy Trissel collected witness statements. Gray continued to holler obscenities and the words “Space Jam” at random intervals. The deputies repeatedly asked Gray to stop making noise. Gray’s yelling was frequent and loud enough to draw neighbors outside to see what was happening. Gray also directly screamed at another neighbor while the deputies were on the scene.

[10] Given all of these facts, the trial court, as a fact finder in the bench trial, had sufficient evidence to make a reasonable inference to support the verdict. As the trial court aptly stated, “[t]here was evidence of unreasonable noise and continuing requests to stop by the police, and [Gray] continued to do so.” (Tr.

Vol. 2 at 112). Gray's argument is nothing more than a request to reweigh the evidence, which we will not do. *Drane*, 867 N.E.2d at 146. Therefore, we conclude the evidence was sufficient to support the disorderly conduct conviction.

[11] Affirmed.

Najam, J., and Tavitas, J., concur.