MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Devvion Williams,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

November 15, 2023

Court of Appeals Case No. 23A-CR-1271

Appeal from the Marion Superior Court

The Honorable Linda E. Brown, Judge

Trial Court Cause No. 49D26-2211-CM-29586

Memorandum Decision by Judge Bailey
Judges May and Felix concur.

Bailey, Judge.

Case Summary

[1] Devvion Williams appeals his conviction for intimidation, as a Class A misdemeanor.[1] Williams raises one issue for our review, namely, whether the State presented sufficient evidence to support his conviction. We affirm.

Facts and Procedural History

[2] On October 31, 2022, Claudia Chaverri, who was a student at the University of Indianapolis, went to the university library to attend an online class. While she was taking her class, Williams entered the library and sat "right in front of" her. Tr. at 33. Williams then ended a phone call he was on and asked Chaverri if she could hand him her food. Chaverri declined, and Williams "continued to stare at her." *Id.* Chaverri then "turned aggressive" and asked Williams: "Do you have a problem?" *Id.* Williams responded: "Yes," and continued to stare at Chaverri. *Id.* Chaverri then asked Williams to leave, at which point Williams told Chaverri to "shut the f**k up." *Id.*

[3] Chaverri then "g[o]t on the defensive" for Williams to "leave [her] alone[.]" *Id.* But Williams "continue[d] to threaten" Chaverri, and he told her: "I will f**k you up." *Id.* Chaverri muted her class and again asked Williams to leave her

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[1] Ind. Code § 35-45-2-1(a)(1) (2022).

alone. Williams stood up, grabbed Chaverri's computer charger, threw it on the floor, and "walked away." *Id*. at 34. Chaverri called the university police to report the incident.

[4] The State charged Williams with one count of intimidation, as a Class A misdemeanor.[2] The court held a bench trial on May 10, 2023. During the trial, Chaverri testified as to the incident that had occurred in the library. At the conclusion of the trial, the court found Williams guilty of intimidation. Following a sentencing hearing, the court sentenced Williams to 365 days, with 351 days suspended to probation. This appeal ensued.

Discussion and Decision

[5] Williams contends that the State presented insufficient evidence to support his conviction. Our standard of review on a claim of insufficient evidence is well settled:

> For a sufficiency of the evidence claim, we look only at the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess the credibility of witnesses or reweigh the evidence. *Id*. We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id*.

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[2] The State also charged Williams with one count of criminal trespass, as a Class A misdemeanor, but the trial court dismissed that count on Williams' motion.

Love v. State, 73 N.E.3d 693, 696 (Ind. 2017).

[6] To demonstrate that Williams committed intimidation, as charged, the State was required to prove that Williams had communicated a threat to Chaverri with the intent that Chaverri engage in conduct against her will. *See* Ind. Code § 35-45-2-1(a)(1) (2022). "'Threat' means an expression, by words or action, of an intention to . . . unlawfully injure the person threatened" or "commit a crime." I.C. § 35-45-2-1(c). A defendant's intent may be proven by circumstantial evidence alone, and knowledge and intent may be inferred from the facts and circumstances of each case. *B.B. v. State*, 141 N.E.3d 856, 860 (Ind. Ct. App. 2020).

[7] On appeal, Williams contends that, while he had a "verbal encounter" with Chaverri in the library, his actions "did not rise to a level sufficient . . . to constitute a threat[.]" Appellant's Br. at 7. Specifically, he contends that the encounter was "of short duration with no physical action and very few words." *Id*. And he asserts that "[n]owhere in the conversation or interaction was there a threat to hurt Ms. Chaverri unless she shared her food" with him. *Id*. at 10. Rather, he asserts that his request for food "appears to have been dropped" and that the "continued interaction was about leaving or keeping quiet." *Id*. Thus, he maintains that, while his language was "inappropriate and wrong," it was not a "threat." *Id*. at 11.

[8] However, the evidence most favorable to the judgment shows that Chaverri was in the library taking an online class when Williams entered and sat close to her.

He then asked for her food, and she declined. At that point, Williams "stared" at Chaverri. Tr. at 33. Chaverri then asked Williams if he had a problem, and Williams responded: "yes" and continued to stare at Chaverri. *Id*. Chaverri then asked Williams to leave, at which point Williams told her to "shut the f**k up." *Id*. Chaverri told Williams to leave her alone, but Williams responded that he "will f**k her up." *Id*. Chaverri then asked Williams to leave again, and Williams responded by getting up, grabbing her computer charger, throwing it on the ground, and walking away.

[9] In other words, Williams sat near Chaverri in the library and asked Chaverri to share her food. When she declined, Williams stared at her, and a verbal confrontation occurred. During that confrontation, Williams stated that he would "f**k [Chaverri] up." Tr. at 33. Based on that evidence, a reasonable fact-finder could readily infer that Williams had communicated a threat to Chaverri with the intent that she share her food against her will. We therefore hold that the State presented sufficient evidence to show that Williams intimidated Chaverri.

Conclusion

[10] The State presented sufficient evidence to show that Williams had committed intimidation. We therefore affirm his conviction.

[11] Affirmed.

May, J., and Felix, J., concur.