

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

D'Drea Dwane Bostic,
Appellant/Defendant

v.

State of Indiana,
Appellee/Plaintiff

August 5, 2025

Court of Appeals Case No.
25A-CR-519

Appeal from the St. Joseph Superior Court

The Honorable David Francisco, Judge

Trial Court Cause No.
71D02-2404-MR-2

Memorandum Decision by Judge Bradford

Judges May and Mathias concur.

Bradford, Judge.

Case Summary

- [1] In March of 2015, D'Drea Bostic and one or two others robbed Claude Ndayahundwa at gunpoint and took his vehicle, running over Ndayahundwa as they drove off. In 2023, Bostic was incarcerated in the St. Joseph County jail when he admitted his involvement in the robbery to another inmate. This admission led to new testing of DNA samples that had been taken from Ndayahundwa's vehicle in 2015, the results of which indicated a high likelihood of the presence of Bostic's DNA. After Bostic admitted to being present at the robbery to police, the State charged him with, *inter alia*, Level 3 felony robbery, for which he was found guilty following a jury trial. Bostic contends that the State failed to produce evidence sufficient to sustain his conviction. Because we disagree, we affirm.

Facts and Procedural History

- [2] On the night of May 17, 2015, Ndayahundwa was returning home to the Park Jefferson Apartments in South Bend when he was approached by Bostic (who was armed with a gun) and another individual. Bostic asked Ndayahundwa "what [he] had on [him]" and searched his pockets, eventually taking his wallet and keys. Tr. Vol. II p. 63. Bostic told Ndayahundwa to lead him to his

vehicle. Bostic had Ndayahundwa lie down on the ground, started his vehicle, and ran over his lower back as he drove off.

[3] Around 10:15 p.m., South Bend Police Officer Kyle Bilinski responded to the report of the robbery and, while he was interviewing Ndayahundwa, received a report of a shooting nearby. Ndayahundwa's automobile and wallet were found in the vicinity of the shooting victim, Guiseppi Bailey, who had died. Police swabbed the steering wheel of Ndayahundwa's vehicle for DNA, and, although analysis indicated the presence of DNA from three individuals, police were unable to draw any useful conclusions at the time.

[4] In March of 2023, Bostic and Devante Jiggets discussed the 2015 carjacking and shooting while both were inmates in the St. Joseph County jail. Bostic told Jiggets that "him and few guys had robbed a guy for a green 4x4 [...] and then they ran over the man." Tr. Vol. III p. 206. After Jiggets reported this conversation to the authorities, new DNA testing indicated "very strong support" for the proposition that Bostic's DNA was among the DNA that had been collected from the steering wheel of Ndayahundwa's vehicle in March of 2015. Tr. Vol. II p. 191. Detective Brett Airy met with Bostic in March of 2024, and Bostic admitted that he, "Tay Tay" Mainer, and another had decided to rob an African man, had taken his vehicle, and had run over his legs as they drove off.

[5] On April 25, 2024, the State charged Bostic with murder, felony murder, Level 3 felony robbery, and Level 3 felony attempted robbery. On December 4, 2024,

the jury found Bostic guilty of Level 3 felony robbery, and, on February 4, 2025, the trial court sentenced him to fourteen years of incarceration.

Discussion and Decision

[6] When reviewing the sufficiency of the evidence, we neither reweigh the evidence nor resolve questions of credibility. *Jordan v. State*, 656 N.E.2d 816, 817 (Ind. 1995). We look only to the evidence of probative value and the reasonable inferences to be drawn therefrom which support the verdict. *Id.* If there is evidence of probative value from which a reasonable trier of fact could conclude that the defendant was guilty beyond a reasonable doubt, we will affirm the conviction. *Spangler v. State*, 607 N.E.2d 720, 724 (Ind. 1993). In order to convict Bostic of Level 3 felony robbery, the State was required to prove that he had knowingly taken car keys from Ndayahundwa by using force or threatening to use force, which had resulted in bodily injury. *See* Ind. Code § 35-42-5-1(1).

[7] Moreover, Indiana Code section 35-41-2-4 provides, in part, that a person who “knowingly or intentionally aids, induces, or causes another person to commit an offense commits that offense[.]” “It is not necessary that a defendant participate in every element of a crime to be convicted of that crime under a theory of accomplice liability.” *Bruno v. State*, 774 N.E.2d 880, 882 (Ind. 2002). “In determining whether there was sufficient evidence for purposes of accomplice liability, we consider such factors as: (1) presence at the scene of the crime; (2) companionship with another at the scene of the crime; (3) failure

to oppose commission of crime; and (4) course of conduct before, during, and after occurrence of crime.” *Id.*

- [8] Bostic concedes that he was present at the robbery but argues that the State produced insufficient evidence to establish any involvement beyond that. While it is true that mere presence at the scene of the crime is insufficient to sustain a conviction on a theory of accomplice liability, *Porter v. State*, 715 N.E.2d 868, 870 (Ind. 1999), we conclude that the State produced ample evidence to establish that Bostic was not merely present. The State produced evidence of Bostic’s police interview, in which he had told police that he had gotten into Ndayahundwa’s stolen vehicle, which had then run over Ndayahundwa. This evidence clearly establishes active participation, even if Bostic did not admit to having driven the vehicle.
- [9] Moreover, Jiggets testified that Bostic had told him that he had committed the robbery with two others, including one Bostic had identified as “Tay Tay[.]” and Monte Mainer testified that he had known Bostic for “a couple years” in 2015 and sometimes went by the nickname “Tay Tay[.]” Tr. Vol. II pp. 160, 161, 207. Jiggets also testified that Bostic had told him that he had pointed the gun at Ndayahundwa, driven the vehicle away, and run over Ndayahundwa’s legs. Finally, there is very strong support for the conclusion that Bostic’s DNA was found on the steering wheel; this, along with Jiggets’s testimony that Bostic had admitted to driving, strongly undermines any suggestion that he was merely present. This is more than enough to support a finding, at the very least,

that Bostic had acted with at least one accomplice to rob Ndayahundwa and had not been a mere bystander.

[10] Bostic's reliance on *Porter*, 715 N.E.2d at 868, is unavailing. In *Porter*, the defendant had merely been on the same basketball court at the same time as the man who had robbed the other basketball players. *Id.* at 871. Here, as mentioned, the evidence clearly supports a finding that Bostic had played an active role in Ndayahundwa's robbery.

[11] Bostic also contends that his conviction must be reversed by operation of the incredible dubiousity rule, *i.e.*, that Jiggets's testimony simply could not have been believed by a reasonable person.

Within the narrow limits of the "incredible dubiousity" rule, a court may impinge upon a jury's function to judge the credibility of a witness. If a sole witness presents inherently improbable testimony and there is a complete lack of circumstantial evidence, a defendant's conviction may be reversed. This is appropriate only where the court has confronted inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiousity. Application of this rule is rare and the standard to be applied is whether the testimony is so incredibly dubious or inherently improbable that no reasonable person could believe it.

Love v. State, 761 N.E.2d 806, 810 (Ind. 2002) (citations omitted). The incredible dubiousity rule simply has no applicability in the case, because, at the very least, Jiggets was not the only witness against Bostic and, as detailed above, there is ample evidence from other sources tying him to Ndayahundwa's robbery. Bostic has failed to establish that the State failed to produce sufficient evidence to sustain his conviction for Level 3 felony robbery.

[12] We affirm the judgment of the trial court.

May, J., and Mathias, J., concur.

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