

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

Connie N. Lefeber,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



March 11, 2024

Court of Appeals Case No.
23A-CR-2274

Appeal from the Marion Superior Court
The Honorable Helen W. Marchal, Judge

Trial Court Cause No.
49D26-2305-CM-15189

Memorandum Decision by Judge Mathias
Judges Tavitas and Weissmann concur.

Mathias, Judge.

- [1] Connie N. Lefebber appeals her conviction for Class B misdemeanor disorderly conduct following a bench trial. Lefebber raises a single issue for our review, namely, whether the State presented sufficient evidence to support her conviction. We affirm.

Facts and Procedural History

- [2] In the evening of May 25, 2023, James Eaton was watering the flowers in his front yard on Milhouse Road in Indianapolis. He noticed a woman, Lefebber, lying under a tree on his neighbor's property about thirty feet away, but Eaton did not pay any attention to her at first. Then, without provocation, Lefebber started yelling profanities at Eaton. Eaton asked Lefebber to be quiet, but she "kept going." Tr. Vol. 2, at 50. Lefebber was "real loud" and "yelling . . . foul-mouthed" language. *Id.* at 51. Eaton got closer to Lefebber and asked her again to be quiet, but he "couldn't get a word in" over her. *Id.* at 50. Lefebber then made a gesture toward Eaton with her fist; Eaton told Lefebber that she "need[ed] to leave" and contacted law enforcement. *Id.*
- [3] Another neighbor, Teresa Wilson, was sitting on her back porch when she suddenly "heard a bunch of [y]elling and screaming." *Id.* at 54. She went around to her front yard and saw Lefebber yelling at a neighbor who lived two doors down and across the street from Wilson. Wilson heard Lefebber slinging profanities around and being "very loud." *Id.* at 56. A third neighbor three doors down, Marvas Rodman, likewise heard Lefebber yelling profanities.

- [4] The Indianapolis Metropolitan Police Department (“IMPD”) dispatched Officers Ryan Wright and Eathan Rendon to the scene. When Officer Wright arrived at the scene, he found Lefeber sitting in a man’s yard on a blanket. Officer Wright engaged the homeowner, and Lefeber kept interjecting “to give her side of the story.” *Id.* at 25. Officer Wright repeatedly asked Lefeber to “be quiet,” but she refused. *Id.* There were also neighbors at the scene, and, while Officer Rendon was speaking with them, Lefeber was arguing “her case to them.” *Id.* Throughout this time, Lefeber was “upset.” *Id.*
- [5] When Officer Rendon initially arrived at the scene, he observed “a large crowd of neighbors” near Lefeber, who was “underneath [a] tree l[y]ing on a blanket yelling at the neighbors and at the homeowner.” *Id.* at 35. Although Lefeber “quieted down for a little bit” as the officers attempted to talk to witnesses, she then became “angry . . . and started making outbursts” *Id.* at 36. And, after Officer Wright had directed Lefeber to be quiet, Officer Rendon observed that she instead “continued to argue and holler” at other people on the scene. *Id.* at 38.
- [6] The State charged Lefeber with Class B misdemeanor disorderly conduct. Following a bench trial, the court found Lefeber guilty. The court then sentenced Lefeber accordingly, and this appeal ensued.

Discussion and Decision

- [7] Lefeber argues on appeal that the State failed to present sufficient evidence to support her conviction. For sufficiency of the evidence challenges, we consider

only probative evidence and reasonable inferences that support the judgment of the trier of fact. *Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021). We will neither reweigh the evidence nor judge witness credibility. *Id.* We will affirm a conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

[8] The court found Lefeber guilty of Class B misdemeanor disorderly conduct. As relevant here, that offense required the State to prove beyond a reasonable doubt that Lefeber “recklessly, knowingly, or intentionally” made “unreasonable noise and continue[d] to do so after being asked to stop.” *Ind. Code § 35-45-1-3(a)(2)* (2022). Lefeber asserts only that the State failed to demonstrate that she made “unreasonable noise.” Appellant’s Br. at 8-10.

[9] As our Supreme Court has explained, in order to demonstrate “unreasonable noise” under the disorderly-conduct statute, the State “must prove that a defendant produced decibels of sound that were too loud for the circumstances.” *Whittington v. State*, 669 N.E.2d 1363, 1367 (Ind. 1996) (emphasis removed).

Loud noise could be found unreasonable . . . on a number of grounds. It could threaten the safety of injured parties by aggravating their trauma or by distracting the medical personnel tending them. Loud outbursts could agitate witnesses and disrupt police investigations. It could make coordination of investigations and medical treatment more difficult. Finally, loud noise can be quite annoying to others present at the scene.

Id.

[10] The State met its burden. Three neighbors testified that they heard Lefeber yelling. Eaton was approximately thirty feet away when he first heard her. He asked her to stop, but she did not. Wilson was two houses down, across the street, and in her back yard when she heard Lefeber yelling. Rodman was three houses down and was able to hear Lefeber's word-choices clearly. And, after the two IMPD officers arrived at the scene, they observed her continuing to yell after Officer Wright had repeatedly asked her to be quiet while the two officers attempted to speak with the homeowner and neighbors.

[11] Lefeber's arguments on appeal simply seek to have this Court reweigh the evidence, which we will not do. We therefore affirm Lefeber's conviction for Class B misdemeanor disorderly conduct.

[12] Affirmed.

Tavitas, J., and Weissmann, J., concur.

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