

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

Ryan Ridner,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



February 5, 2024

Court of Appeals Case No.
23A-CR-1814

Appeal from the Marion Superior Court
The Honorable Jeffrey L. Marchal, Judge

Trial Court Cause No.
49D31-2208-F1-23551

Memorandum Decision by Judge Tavitias
Judges Mathias and Weissmann concur.

Tavitas, Judge.

Case Summary

- [1] Following a bench trial, Ryan Ridner was convicted of two counts of attempted murder, Level 1 felonies. Ridner appeals and argues that the State presented insufficient evidence to establish that Ridner had the specific intent to kill the police officers at whom Ridner fired his rifle. We disagree and affirm.

Issue

- [2] Ridner presents one issue for our review, which we restate as whether the State presented sufficient evidence to establish that Ridner had the specific intent to kill when he fired his rifle at police officers.

Facts

- [3] On August 24, 2022, Indianapolis Metropolitan Police Department (“IMPD”) Officer Ryan Deuel went to a house in Indianapolis to take a report from Ridner. Officer Deuel observed that Ridner was depressed and “generally disgruntled,” so Officer Deuel was unable to complete the report. Tr. Vol. II p. 28.
- [4] The next day, Officer Deuel, accompanied by IMPD Officer Joseph Doucleff, went back to the home to conduct a welfare check on Ridner. Ridner’s mother had requested the welfare check because she believed Ridner was intoxicated and suicidal. Officer Deuel parked his marked patrol car across the street from the front door of Ridner’s home. Officer Doucleff parked in front of a

neighboring house. The officers knocked on the front door of Ridner's house, and Ridner eventually answered the door, holding a handgun at his side in his right hand. The officers saw the gun and backed away from the door. Ridner opened the front door and leaned his head out. Officer Doucleff ordered Ridner to put the handgun down. Ridner complied and placed the weapon on the front porch. Officer Doucleff then asked Ridner to step off the porch and away from the handgun so that they could speak with him. Instead, Ridner picked the handgun up and went back inside his home.

[5] The officers requested backup given the nature of the situation. Officer Doucleff then moved his patrol car onto Ridner's yard, between Ridner's house and the neighboring house. Both officers then stood behind Officer Doucleff's car, but Officer Deuel eventually took cover behind a nearby tree. Soon thereafter, IMPD Officer Edgar Soto arrived on the scene and took cover behind Officer Doucleff's patrol car. The officers then heard a gunshot accompanied by glass breaking and falling from an upstairs window of Ridner's home. Seconds later, another gunshot rang out. The gunshots were much louder than those accompanied by firing a pistol, and the officers believed that Ridner had fired a rifle at them. Officer Deuel ran to the neighbor's driveway to take cover behind a truck.

[6] A SWAT team arrived on the scene and was able to take Ridner into custody without further incident. A search of Ridner's person revealed unfired .270 caliber rounds, and the police recovered a .270 caliber rifle with an attached scope from Ridner's home. The police also recovered three shotguns from

Ridner's home. Officer Doucleff inspected his patrol car and noticed that it had been hit by one of the shots Ridner fired; the shot went through the passenger-side door below the door handle. The other shot struck the street near the patrol car and left a divot in the asphalt.

- [7] On August 30, 2022, the State charged Ridner with two counts of attempted murder, Level 1 felonies; one count of criminal recklessness, a Level 5 felony; and one count of resisting law enforcement, a Level 6 felony. Ridner waived his right to a jury trial, and the court held a bench trial on June 23, 2023. Ridner did not testify, but his counsel argued that the State failed to prove that Ridner had the specific intent to kill the officers. The trial court rejected this argument and found Ridner guilty on all counts except the Level 6 felony:

The specific facts in this case are what doom you. This wasn't a knock at the door, an argument, throw your hand up, fire off a shot with your pistol and run back in the house. If that had happened, we would be talking about some lesser crime. But as pointed out by the State, there was a significant period of time from which you grabbed that weapon and went back in, went upstairs, got into an advantageous firing position, chose from your array of weapons, picked a rifle with a scope, and shot at a police vehicle where two officers were sitting behind it. That in my mind is overwhelming evidence of your specific intent to kill.

Tr. Vol. II p. 100. On July 13, 2023, the trial court entered judgments of conviction only on the two counts of attempted murder and sentenced Ridner to concurrent terms of twenty-one years on each count. Ridner now appeals.

Discussion and Decision

[8] On appeal, Ridner claims that the State failed to prove that he acted with the specific intent to kill, which is required to convict a defendant of attempted murder. We recently summarized our standard of review in claims of insufficient evidence as follows:

Claims of insufficient evidence warrant a deferential standard, in which we neither reweigh the evidence nor judge witness credibility. On appeal, [w]e consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence. We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt, and we will affirm a conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.

Young v. State, 217 N.E.3d 571, 572-73 (Ind. Ct. App. 2023) (citations and internal quotations omitted).

[9] To prove that a defendant has attempted to commit a crime, the State must usually show that the defendant engaged in conduct that constitutes a substantial step toward the commission of the attempted crime, while acting with the same culpability required for that crime. Ind. Code § 35-41-5-1. “A person who knowingly or intentionally kills another human being . . . commits murder, a felony.” Ind. Code § 35-42-1-1. Looking at only the language of the murder and attempt statutes, one might conclude that a defendant who takes a

substantial step toward knowingly killing another person would be guilty of attempted murder.

[10] Our Supreme Court, however, has emphasized the importance of requiring the “specific intent to kill” before a defendant can be convicted of attempted murder, even though the culpability requirement for murder includes the lesser standard of knowingly. *Miller v. State*, 77 N.E.3d 1196, 1197 n.1 (Ind. 2017) (“[A]ttempted murder is different in that it requires the State to prove ‘the defendant’s specific intent to kill.’”) (quoting *Rosales v. State*, 23 N.E.3d 8, 12 (Ind. 2015)); see also *Bethel v. State*, 730 N.E.2d 1242, 1246 (Ind. 2000) (citing *Spradlin v. State*, 569 N.E.2d 948, 950 (Ind. 1991)) (both holding that specific intent to kill is required for a conviction for attempted murder). This requirement stems from the stringent penalties for attempted murder and the ambiguity often involved in its proof. *Miller*, 77 N.E.3d at 1197 n.1 (citing *Rosales*, 23 N.E.3d at 12; *Hopkins v. State*, 759 N.E.2d 633, 637 (Ind. 2001)).

[11] Accordingly, to convict Ridner of attempted murder, the State was required to prove that Ridner, acting with the specific intent to kill, took a substantial step toward killing Officers Deuel and Doucleff. See *Fry v. State*, 885 N.E.2d 742, 750 (Ind. Ct. App. 2008) (holding that, to convict defendant of attempted murder, State was required to prove that he acted with the specific intent to kill the victim and took a substantial step toward killing the victim), *trans. denied*.

[12] “Intent is a mental function and, absent a confession, usually must be proved by circumstantial evidence.” *Merriweather v. State*, 128 N.E.3d 503, 515 (Ind. Ct.

App. 2019) (citing *Hightower v. State*, 866 N.E.2d 356, 368 (Ind. Ct. App. 2007)), *trans. denied*. The intent to kill may be inferred from the use of a deadly weapon in a manner likely to cause death or great bodily injury, along with the nature of the attack and circumstances of the crime. *Fuentes v. State*, 10 N.E.3d 68, 75 (Ind. Ct. App. 2014) (citing *Corbin v. State*, 840 N.E.2d 424, 428 (Ind. Ct. App. 2006)). Our Supreme Court has held that discharging a weapon in the direction of a victim is substantial evidence from which the jury could infer intent to kill. *Id.* (citing *Leon v. State*, 525 N.E.2d 331, 332 (Ind. 1988)); *see also Powell v. State*, 151 N.E.3d 256, 270 (Ind. 2020) (noting that firing multiple gunshots in the direction of police officers was sufficient to support multiple attempted murder convictions) (citing *Simmons v. State*, 999 N.E.2d 1005, 1008, 1010-11 (Ind. Ct. App. 2013)).

[13] Here, Ridner answered the door with a handgun at his side. Although he at first put the weapon down, he picked it back up and went inside his house. Then he grabbed a rifle, a much more accurate and powerful weapon than the handgun and shotguns that were also at his disposal. From a window on the second floor of the home, Ridner fired the rifle at the car behind which the police were taking cover. The bullet hit the passenger door on the opposite side of the vehicle from where the police were. After the first shot, Officer Soto moved to the back end of the car, at which time Ridner fired another shot, which hit the pavement near the car. The rifle Ridner fired had a scope, so he could easily see where he was aiming and firing the weapon.

[14] From this evidence, the trial court, acting as the trier of fact, could reasonably infer that Ridner acted with the specific intent to kill the police officers who were taking cover behind the car at which Ridner fired the rifle. *See Davis v. State*, 558 N.E.2d 811, 811 (Ind. 1990) (evidence was sufficient to support a conviction for attempted murder where defendant ran from the police, turned, and fired a shot which struck an automobile directly behind the pursuing officer); *Fuentes*, 10 N.E.3d at 75-76 (evidence that defendant pointed a gun at police officer and officer took cover when he heard a gunshot supported finding that defendant acted with specific intent to kill sufficient to support conviction for attempted murder), *trans. denied*; *Perez v. State*, 872 N.E.2d 208, 214 (Ind. Ct. App. 2007) (evidence that defendant fired his gun directly at passengers inside a car supported an inference that defendant intended to kill the victims). Ridner's arguments to the contrary are merely requests that we reweigh the evidence, which we will not do.

Conclusion

[15] The State presented evidence from which the trial court could reasonably conclude that Ridner acted with the specific intent to kill the police officers when he fired two shots from his rifle in the direction of the officers. We, therefore, affirm the judgment of the trial court.

[16] Affirmed.

Mathias, J., and Weissmann, J., concur.

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