

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

R.W.,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

March 24, 2021

Court of Appeals Case No.
20A-JV-1931

Appeal from the Marion Superior
Court

The Honorable Mark Jones, Judge

The Honorable Ryan Gardner,
Magistrate

Trial Court Cause No.
49D15-1911-JD-1363

Riley, Judge.

STATEMENT OF THE CASE

- [1] Appellant-Respondent, R.W., appeals his adjudication for what would have been resisting law enforcement, a Level 6 felony, Ind. Code §§ 35-44.1-3-1(a)(3), (c)(1)(A), if committed by an adult.
- [2] We affirm.

ISSUE

- [3] R.W. presents the court with one issue, which we restate as: Whether the State proved beyond a reasonable doubt that he was the driver of the vehicle that did not stop after an officer signaled with his patrol car's lights and sirens.

FACTS AND PROCEDURAL HISTORY

- [4] On November 5, 2019, Officer Evan Meyer (Officer Meyer) of the Indianapolis Metropolitan Police Department was on patrol near College Avenue and 30th Street in Indianapolis. He observed a red Dodge Journey without its headlights on turn onto Park Avenue from 33rd Street. Officer Meyer checked the vehicle's license plate number and learned that the vehicle had been reported as stolen. Officer Meyer followed the vehicle for several blocks until it suddenly began to accelerate. At that time, Officer Meyer activated his patrol car's lights and sirens and continued to follow the vehicle as it entered the Blackburn Terrace Apartments complex. Officer Todd Hammons (Officer Hammons) joined the pursuit behind Officer Meyer's patrol car.

- [5] The Dodge Journey drove through the apartment complex at approximately forty miles per hour, twice the posted speed limit, hitting multiple speed bumps along the way. Officer Hammons narrated the pursuit over the police radio and, at one point, called out that subjects had bailed from the vehicle and might run north, although they had not. The vehicle eventually came to a dead end, left the roadway, and crashed into an apartment building.
- [6] The officers initiated a felony stop with their guns drawn. They ordered front-seat passenger D.D. out of the vehicle first. The vehicle had penetrated the building to such an extent that D.D. was forced to climb out the back passenger window to exit the vehicle. R.W., who was in the driver's seat, similarly had to crawl out the back driver-side window. R.W. was taken into custody and reported that he was a juvenile. He was searched by Officer Robert Camphor (Officer Camphor), who found the key fob for the Dodge Journey in R.W.'s pocket.
- [7] On November 6, 2019, the State filed its Petition, alleging that R.W. had committed acts that would have constituted Level 6 felony resisting law enforcement and Class B misdemeanor reckless driving if committed by an adult. On August 24, 2020, the juvenile court held a hearing on the Petition. Officers Hammons and Camphor both testified that they observed R.W. in the vehicle's driver's seat after the crash. Officer Hammons explained at trial that he had preemptively or mistakenly called out that subjects had bailed from the vehicle but that he had not actually seen anyone exit the vehicle prior to the crash. R.W. testified on his own behalf that a third person drove the vehicle

that day, he had asked the driver to stop, and that the driver had exited the moving vehicle on a curve and run away. At the conclusion of the evidence, the juvenile court entered a true-finding as to the resisting law enforcement allegation only. On September 24, 2020, the juvenile court held a dispositional hearing at which it ordered the case closed and discharged R.W. to Community Corrections, which was supervising him by that time.

[8] R.W. now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

[9] R.W. challenges the evidence supporting his adjudication for Level 6 felony resisting law enforcement. “When reviewing the sufficiency of the evidence in a juvenile adjudication, we do not reweigh the evidence or judge witness credibility.” *B.T.E. v. State*, 108 N.E.3d 322, 326 (Ind. 2018). In addition, we consider only the evidence favorable to the adjudication and the reasonable inferences supporting it. *Id.* We will affirm the adjudication if a reasonable trier of fact could conclude that the juvenile was guilty beyond a reasonable doubt. *Id.*

[10] The State alleged that R.W. committed Level 6 felony resisting law enforcement as follows:

On or about the 5th day of November, 2019, [R.W.], using a vehicle, did knowingly or intentionally flee from [Officer] Meyer, a law enforcement officer, after said officer had identified himself by visible and/or audible means, to wit: being in a fully marked

police vehicle with lights and siren activated, and ordered said [R.W.] to stop.

(Appellant's App. Vol. II, p. 17). R.W. challenges only the evidence supporting his identity as the driver of the vehicle.

[11] Officers Hammons and Camphor both testified at the hearing that R.W. was in the driver's seat of the vehicle after it had crashed into the apartment building. Officer Hammons testified that he had not observed anyone exit the vehicle prior to the crash, and Officer Meyer, who was directly behind the fleeing vehicle, did not testify that he saw a third person exit the vehicle at any time. The key fob, the means to operate the vehicle, was found in R.W.'s pocket after the crash. It was reasonable for the juvenile court to infer from this evidence that R.W. was the driver of the vehicle and had fled after Officer Meyer activated his patrol car's lights and sirens.

[12] R.W. argues that the State did not make its case because evidence was presented at the hearing that viewing conditions inside the vehicle were poor, Officer Hammons reported that subjects had bailed from the vehicle prior to the crash, he had exited from the back seat of the car after the crash, and a third person was the driver. However, these arguments are simply an invitation for us to reweigh the evidence and reassess the credibility of the witnesses, which is contrary to our standard of review. *See B.T.E.*, 108 N.E.3d at 326. As such, we will not disturb the juvenile court's true-finding.

CONCLUSION

- [13] Based on the foregoing, we conclude that the State proved beyond a reasonable doubt that R.W. committed what would have been Level 6 felony resisting law enforcement if committed by an adult.
- [14] Affirmed.
- [15] Mathias, J. and Crone, J. concur