

STATEMENT OF THE CASE

Detra Johnson appeals her conviction, after a bench trial, of pointing a firearm, as a class D felony.

We affirm.

ISSUE

Whether sufficient evidence exists to support Johnson's conviction.

FACTS

On January 12, 2000, members of Johnson's family gathered at her grandmother's home because her grandfather had recently passed away. Among those present were Johnson; her parents, Willie and Jessie Johnson; her four sisters, LaTeeka Crim; April Johnson; Sasha Breeding; and Crystal Johnson; Crystal's boyfriend, Jason Gibson; and two young children. Johnson and her mother argued about Johnson's failure to make payments on a car for which her parents had co-signed a loan. The argument escalated and Johnson struck her mother. In response, Johnson's sisters "jumped on her" and "started fighting her." Tr. 4. Jason intervened, trying to stop the fight.

The children became frightened and Crystal took them upstairs. When she returned, she "saw [Johnson] put a gun – a very shiny gun . . . directly to [Jason's] head and she told him she was going to kill him." Tr. 5. A family member, Ricky Johnson, rushed through the front door and forcibly removed the .357 Smith and Wesson handgun from Johnson's hand. Afterwards, Jason and Johnson resumed fighting and Jason "hit [Johnson] maybe once, maybe twice" on her head. Tr. 16. Willie overheard the scuffle and attempted to separate Jason and Johnson. During the commotion, someone alerted

the police. When the police arrived, Ricky gave the gun to them. An officer “opened up the gun and spinned [sic] the barrel and the bullets fell out into his hand.” Tr. 8.

On January 12, 2000, the State charged Johnson with pointing a firearm, as a class D felony. Her bench trial was conducted six years later, on July 18, 2006.¹ At the trial, Crystal and Jason testified that Johnson had pointed the gun at Jason’s head and had threatened to kill him. Johnson’s father, Willie, testified that he owned the silver .357 Smith and Wesson handgun that was involved in the incident and that he always slept with the loaded gun under his pillow. Willie testified further that on the night before the incident, Johnson telephoned to tell him that she had borrowed his gun and would return it on the following day. During her testimony, Johnson admitted that she had borrowed her father’s gun and was carrying it in her bag when she arrived at her grandmother’s house.

The trial court found Johnson guilty as charged, and thereafter, imposed a sentence of 545 days, with 525 days suspended to probation. Johnson now appeals.

DECISION

Johnson contends that the evidence is insufficient to support her conviction. In reviewing sufficiency of the evidence, we will affirm a conviction if, considering only the probative evidence and reasonable inferences supporting the verdict and without

¹ At her pre-trial conference on February 7, 2000, Johnson was advised in open court of her next court date, February 28, 2000. In a subsequent court filing, she specifically acknowledged the pending court date. However, on February 28, Johnson failed to appear as ordered and the trial court ordered a warrant issued for her arrest. She was finally arrested six years later, at which time she stood trial. At her sentencing hearing, the trial court found two aggravators, namely, that Johnson had been dishonest in suggesting that she was unaware of her pending court date; and “the fact that [Johnson was] gone for over six [years] before [she] was finally arrested on the warrant.” Tr. 83.

weighing evidence or assessing witness credibility, a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. *Davis v. State*, 857 N.E.2d 1050, 1050 (Ind. Ct. App. 2006).

In order to support a conviction for pointing a firearm as a class D felony, the State was required to prove beyond a reasonable doubt that Johnson knowingly or intentionally pointed a firearm at another person. Ind. Code § 35-47-4-3(b). The testimony of the witnesses supports the elements of the charged offense. Crystal and Jason testified that at the height of the altercation, Johnson pointed a shiny silver .357 handgun at Jason's head and stated that she was going to kill him. Willie confirmed that he owned the gun involved in the incident, and that Johnson had borrowed it on the night before the incident. In her testimony, Johnson admitted that she had borrowed Willie's gun and that the gun was in her bag when she visited her grandmother's house on January 12, 2000.

We conclude that the evidence presented at trial supports a reasonable inference that Johnson knowingly or intentionally pointed a gun at Jason. Accordingly, we find that there is sufficient evidence to support the trial court's verdict.

Affirmed.

KIRSCH, J., and MATHIAS, J., concur.