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**IN THE  
COURT OF APPEALS OF INDIANA**

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TAUHEEDAH WILLIAMS, )  
 )  
Appellant-Defendant, )  
 )  
vs. ) No. 49A02-1007-CR-720  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable John Boyce, Judge  
Cause No. 49F08-1002-CM-11793

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**March 2, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**FRIEDLANDER, Judge**

Tauheedah T. Williams appeals her conviction of Operating a Vehicle While Intoxicated,<sup>1</sup> a class A misdemeanor, challenging the sufficiency of the evidence supporting that conviction as the sole issue on appeal.

We affirm.

The facts favorable to the conviction are that on February 15 at approximately 2 a.m., Williams was driving on I-65 when she was involved in an accident. Her car, which sustained moderate damage, came to rest facing the wrong direction on or near a bridge cresting a hill. Because the vehicle was blocking traffic, a line of cars began to form on the interstate. Williams was outside of her vehicle when paramedics arrived. She told them that another car had bumped her vehicle from behind, causing her vehicle to spin and hit the median. The paramedics noted the smell of alcohol on her breath and that her gaze was unsteady. They also noted that she was “pretty agitated.” *Transcript* at 11. Williams retrieved some items from her car and began “to stagger into traffic”, *id.*, ignoring the paramedics’ requests for her to stop. The paramedics had to forcefully pull her in front of the ambulance and out of the way of oncoming traffic.

When Officer Michael Eland arrived on the scene a short time later, Williams was sitting on the ground near the edge of a bridge. He watched as she walked to a retaining wall, put one leg over the edge and began lean over the forty-foot drop-off. As the officer pulled Williams off of the wall, he noticed an odor of alcohol on her and observed that her eyes were red and glassy and her speech was slurred. She repeated to Officer Eland her claim that another vehicle had struck her from behind and spun her around. Officer Eland

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<sup>1</sup> Ind. Code Ann. § 9-30-5-2 (West, Westlaw through 2010 2nd Regular Sess.).

examined her vehicle and saw no evidence that it had been struck from behind and no other evidence that another vehicle had been involved in the incident. Williams was charged with operating while intoxicated endangering a person, resisting law enforcement, and driving while suspended, all as class A misdemeanors, and public intoxication as a class B misdemeanor. Following a jury trial, she was found guilty as charged on all counts except the charge of driving while suspended. On appeal, she challenges only the conviction for driving while intoxicated endangering a person.

Williams acknowledges that the evidence was sufficient to prove that she was involved in a car accident and that she was intoxicated. She contends, however, that the State did not present sufficient evidence to prove the endangerment element because it “did not present evidence Williams’ manner of driving caused the accident -- aside from the evidence it presented to prove she was intoxicated.” *Appellant’s Brief* at 4.

Our standard of review for challenges to the sufficiency is well settled:

When reviewing the sufficiency of the evidence needed to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. *Henley v. State*, 881 N.E.2d 639, 652 (Ind. 2008). “We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence.” *Id.* We will affirm if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt. *Id.*

*Bailey v. State*, 907 N.E.2d 1003, 1005 (Ind. 2009).

To convict Williams of operating a vehicle while intoxicated as a class A misdemeanor, the State was required to prove the following elements: (1) Williams operated a vehicle (2) in a manner that endangered a person (3) while intoxicated. *See* I.C. § 9-30-5-2(b). Williams contends the State’s proof was insufficient with respect to the second

element, i.e., endangerment. This court has stated, “pursuant to [I.C. §] 9-30-5-2(b), ... endangerment may be demonstrated by evidence that the defendant’s condition or operating manner could have endangered any person, including the public or the defendant.” *Staley v. State*, 895 N.E.2d 1245, 1250 (Ind. Ct. App. 2008) (quoting *Slate v. State*, 798 N.E.2d 510, 516 (Ind. Ct. App. 2003) (internal citations omitted)), *trans. denied*. Thus, “proof that the defendant’s condition rendered operation of the vehicle unsafe is sufficient to establish the endangerment element of operating a vehicle while intoxicated as a Class A misdemeanor.” *Slate v. State*, 798 N.E.2d at 516. Moreover, in *Outlaw v. State*, 918 N.E.2d 379, 382 (Ind. Ct. App. 2009), *adopted by* 929 N.E.2d 196 (Ind. 2010), we indicated that this element may be proven by evidence that the defendant was operating a motor vehicle in a manner that would endanger himself, his passengers, or any other person. Thus, evidence that the defendant operated a vehicle in an unsafe manner is sufficient to prove endangerment.

In the instant case, Williams drove her vehicle into a median, which spun her car around and left it in a position that at least partially blocked the roadway for cars traveling in her direction. We understand that Williams claimed at the scene and contends upon appeal that her mishap was caused by an unidentified second vehicle that clipped the rear end of her car and spun her around, thus indicating that she did not operate her vehicle in an unsafe manner or at least that such was not the cause of this accident. We note, however, that when she testified at trial, Williams stated that she did not remember how the accident occurred. She reiterated this even when she was specifically asked about her reported claims at the scene that another car was involved. Moreover, other than those reports of Williams’s self-serving claims at the scene, there was no physical or testimonial evidence indicating that

another car was involved. Ultimately, Williams's claim at the scene that another vehicle caused her accident appears to have been rejected by the jury. She asks us to reach a different conclusion on this point, but our limited standard of review forbids it. *See Bailey v. State*, 907 N.E.2d 1003.

We also note Williams's claim that the State "produced no evidence to suggest Williams caused the accident. At best, therefore, the State's evidence shows the cause of the accident is unknown." *Appellant's Brief* at 8. According to Williams, this leaves the state of the evidence in her case in the same condition as the evidence in *Outlaw*, a case in which we determined that the evidence was not sufficient to prove endangerment. This was based upon our conclusion that the State's proof of endangerment must go beyond mere proof of intoxication. *See Outlaw v. State*, 918 N.E.2d at 382 ("the traffic stop of Outlaw's vehicle was based on a non-illuminated license plate rather than erratic or unlawful driving, and no evidence other than the intoxication suggests that Outlaw was operating his motor vehicle in a manner that would endanger himself, his three passengers, or any other person"). This is incorrect.

In *Outlaw*, the State conceded there was absolutely no evidence that the defendant drove his vehicle in an unsafe manner. In the instant case, on the other hand, Williams operated her vehicle such that it spun around and came to rest facing the wrong direction on an interstate highway. Further, the evidence permits reasonable inferences that no other car was involved and that Williams got into that predicament by virtue of the manner in which she operated the vehicle. Thus, the jury finding of "endangerment" in this case is rooted in proof relating to the manner in which Williams operated her vehicle, not merely upon the

basis of her intoxication at the time. Therefore, the evidence was sufficient to support the conviction.

Judgment affirmed.

MAY, J., and MATHIAS, J., concur.