MEMORANDUM DECISION

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IN THE

Court of Appeals of Indiana

R.H.,

Appellant-Respondent

v.

State of Indiana,

Appellee-Petitioner

June 30, 2026

Court of Appeals Case No.
25A-JV-3241

Appeal from the Spencer Circuit Court

The Honorable Jonathan A. Dartt, Judge

Trial Court Cause No.
74C01-2409-JD-206

Memorandum Decision by Judge Weissmann
Judges Bailey and Brown concur.

Weissmann, Judge.

[1] Twelve-year-old R.H. was riding the bus home from school when one of her classmates jokingly took and hid her backpack. The whole incident was caught on two separate video recordings. Upon realizing her backpack was missing, R.H. playfully whined for it back. Two of R.H.'s classmates then began joking with R.H. in other ways, and she grew slightly frustrated. Clearly trying to get her backpack returned, R.H. stated without any inflection or accompanying gesture, "If somebody doesn't give my backpack back, I'm bringing a gun and shooting them." Exh. 1 at 31:24. After that statement, she smiled and continued to ask for the return of her backpack. For this, she was adjudged delinquent on what would be two counts of intimidation if committed by an adult. R.H. appeals her delinquency adjudication, arguing that the State failed to prove she intended to place her classmates in fear that she would shoot them. We find the evidence on that issue insufficient and reverse.

Facts

[2] On September 17, 2024, twelve-year-old R.H. rode the bus home from school with roughly ten other students. Three of these students, K.S., K.A., and E.H., were R.H.'s classmates. K.S. sat alone in the row directly behind R.H., and K.A. and E.H. sat alone in separate rows across the aisle. The four classmates socialized, joked, and teased each other throughout the bus ride.

[3] At one point, K.A. playfully snatched R.H.'s cellphone from her hand, prompting R.H. to reach across the aisle to retrieve it. While R.H. was doing

that, K.S. covertly reached over the back of R.H.'s seat, took her backpack, and hid it several rows away. R.H. soon realized her backpack was missing and began looking around for it. Realizing she was being pranked, R.H. also asked "Where'd my backpack go?" in a playfully whiny voice. Exh. 1 at 30:46.[1] This prompted K.A. to start recording R.H.'s reaction on his cellphone.

[4] Meanwhile, K.S. and E.H. began looking at each other and laughing. This caused R.H. to believe one of them had her backpack, so she lunged across the aisle to see if it was in E.H.'s row. Not finding it, R.H. again whined: "Tell me where my backpack is." *Id.* at 31:09. E.H. responded to R.H.'s lunge by asking, "What are you going to do, hit me?" *Id.* at 31:11. He then added, "Hit me and watch what happens." *Id.* at 31:14.

[5] K.S. promptly changed the subject by jokingly telling R.H. there was a "yellow stain" on the back of her shirt. *Id.* at 31:16. To this, R.H. playfully exclaimed, "Where?" while trying to look over her shoulder at her back and smiling. *Id.* at 31:20. Then R.H. stated, "Okay, where is my -- If somebody doesn't give my backpack back, I'm bringing a gun and shooting them." *Id.* at 31:24; Exh. 2 at 0:10 R.H. followed this statement with a smile.

[6] Roughly 20 seconds after making her shooting statement, R.H. located her backpack a few rows behind K.A., but she could not retrieve it because the bus

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[1] We note that the audio in Exhibit 1 is roughly 20 seconds ahead of the video. *Compare* Exh. 2 at 0:06-11 (recognizable moment in which audio and video are in sync), *with* Exh. 1 at 31:16 (audio of same moment), *and* Exh. 1 at 31:36 (video of same moment).

was in motion. The teasing continued for another 40 seconds, at which point an unidentified student retrieved R.H.'s backpack and returned it to her. R.H. and her classmates then resumed socializing and joking with each other for the remainder of the bus ride.

[7] Another unidentified student on the bus, who had overheard R.H.'s shooting statement, later informed police that R.H. had threatened to shoot up their school. After some investigation, the State filed a delinquency petition against R.H., alleging she engaged in conduct that, if committed by an adult, would constitute three counts of Level 6 felony intimidation. The counts differed only as to R.H.'s intent. Count 1 alleged that she intended to interfere with the occupancy of her school. And Counts 2 and 3 alleged that she intended to place E.H. and K.S., respectively, in fear that she would carry out her threat to shoot them. The State, however, voluntarily dismissed Count 1 prior to the fact-finding hearing.

[8] At the fact-finding hearing, the State offered into evidence an 80-minute surveillance video from inside R.H.'s school bus on the date of the incident. The State also offered a portion of the video K.A. recorded on his cellphone. Both videos captured R.H.'s shooting statement as well as the events surrounding it.

[9] R.H. testified that the words she spoke came out without any thought or planning. She denied having access to any weapons. And she was adamant that she did not intend to cause E.H. or K.S. to fear that she would shoot them.

According to R.H., she simply wanted her backpack back, and she spontaneously chose "powerful words that might convince them" to return it. Tr. Vol. II, p. 74. She intended for her classmates to feel she was serious about getting her backpack, not serious about shooting them.

[10] E.H., K.A., and K.S. also testified at the hearing. They each described the events surrounding R.H.'s shooting statement as playful teasing and banter that was typical of their bus rides home. Both E.H. and K.A. acknowledged that R.H. had grown frustrated with the backpack prank by the time she made her shooting statement. But they, along with K.S., testified that R.H.'s statement did not cause them to fear she would shoot anyone. The three classmates also agreed that, after R.H. made the statement, everyone continued to interact normally for the remainder of the bus ride.

[11] After the fact-finding hearing, the juvenile court found that R.H. committed acts that, if committed by an adult, would be Level 6 felony intimidation against both E.H. and K.S. According to the court:

> 4. The issue was whether [R.H.] made [the shooting] statement "with the intent that E.H. and K.S. be placed in fear that the threat will be carried out." It is true [that the classmates] the threats were directed towards did not indicate they were in fear because of her statement. However, the real inquiry is whether [R.H.] intended they be in fear. The State developed [R.H.'s] testimony that she was upset and frustrated and said it to get her backpack back from the [classmates]. There was sufficient evidence the statement was not made in jest but as a coercive statement driven by [R.H.'s] frustration with them. That evidence is sufficient to justify the intimidation charge.

App. Vol. II, p. 93. The court therefore adjudged R.H. delinquent and later ordered her to complete six months' probation.

Discussion and Decision

[12] R.H. appeals her delinquency adjudication, challenging the sufficiency of the evidence to prove she committed acts that, if committed by an adult, would constitute Level 6 felony intimidation. When reviewing the sufficiency of the evidence to support a delinquency adjudication, we do not reweigh evidence or judge witness credibility. *B.T.E. v. State*, 108 N.E.3d 322, 326 (Ind. 2018). We view all evidence and reasonable inferences in a light most favorable to the judgment and will affirm if there is substantial evidence of probative value from which a reasonable trier of fact could have found the allegations true beyond a reasonable doubt. *Id.*

[13] To adjudicate R.H. delinquent for acts of intimidation, as alleged, the State had to prove that she communicated to E.H. and K.S. a threat to commit a forcible felony with intent that E.H. and K.S. be placed in fear that the threat would be carried out. Ind. Code § 35-45-2-1(a)(4), (b)(1)(A). R.H. does not dispute that she communicated her shooting statement to E.H. and K.S. or that it constitutes a threat to commit a forcible felony under our intimidation statute. She argues only that the State failed to prove she made the statement with intent that E.H. and K.S. be placed in fear that the threat would be carried out—that is, that she would shoot them if they did not return her backpack.

[14] Intent is a mental function that is "determined from consideration of the defendant's conduct and the natural and usual consequences of that conduct." *Matter of K.Y.*, 175 N.E.3d 820, 825 (Ind. Ct. App. 2021). In determining intent, the trier of fact typically must resort to reasonable inferences based upon an examination of the surrounding circumstances. *Id.* Here, the juvenile court found that R.H. was frustrated that her backpack had been taken and made the shooting statement to coerce either E.H. or K.S. to return it. From this, the court inferred that R.H. intended to accomplish the coercion by placing E.H. and K.S. in fear that she would shoot them if her backpack was not returned.

[15] We do not find the juvenile court's inference to be reasonable under the facts and circumstances of the case. Although R.H. had grown frustrated with the backpack prank and made the shooting statement in the hope that either E.H. or K.S. would return her backpack, nothing about the way R.H. made the statement or the circumstances surrounding it indicated that she intended her classmates to fear being shot. The videos show that R.H. did not raise her voice or make any sort of gesture when she made the statement. They also show that R.H. smiled immediately before and after making it and then resumed socializing and joking with her classmates. And, though not dispositive, E.H. and K.S. both testified that R.H.'s statement did not place them in any fear.

[16] The State describes R.H. as being angry when she made the shooting statement, but the videos show only slight frustration. The State also contends that R.H.'s statement did, in fact, place E.H. and K.S. in fear because they immediately returned her backpack upon hearing it. But the bus surveillance video shows

that an unidentified student retrieved R.H.'s backpack for her roughly a minute after she made the statement. Thus, we are not persuaded by the State's characterization of the evidence.

[17] For these reasons, we find the State presented insufficient evidence to prove R.H. engaged in acts that, if committed by an adult, would constitute Level 6 felony intimidation. We therefore reverse R.H.'s delinquency adjudication.

Bailey, J., and Brown, J., concur.

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