

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

Christopher Williams,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*



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April 24, 2024

Court of Appeals Case No.  
23A-CR-1257

Appeal from the Henry Circuit Court

The Honorable Bob A. Witham, Judge Pro Tempore

Trial Court Cause No.  
33C02-1811-F1-000004

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**Memorandum Decision by Judge Felix**  
Chief Judge Altice and Judge Bradford concur.

**Felix, Judge.**

## **Statement of the Case**

[1] During a drug deal, Christopher Williams tied up Alejandra Tellez, strangled her until she lost consciousness, and dropped her off in a ravine. Law enforcement recovered Tellez the next day, and the State charged Williams with multiple counts, including attempted murder. During jury selection, the parties learned that one of the prospective jurors had previously been a victim of sexual assault and confinement, which were two of the charges against Williams. Throughout questioning, the juror indicated she could be impartial. Williams filed a motion to strike this juror for cause; the trial court denied this motion. The jury found Williams guilty of all but two charges. Williams presents one issue for our review: Whether the trial court abused its discretion by denying Williams's request to exclude a juror for cause.

[2] Affirmed.

## **Facts and Procedural History**

[3] On June 12, 2018, Tellez went to Brookside Park in Indianapolis to buy pills from Williams and his friend Johnathan O'Connor. When she arrived, Williams told Tellez to get in the back seat of his car. Once she got into the car, O'Connor used duct tape to tie Tellez's feet together and tie her hands behind her back. Williams then forced Tellez to take a pill, threatened her with a knife, and made her lie down on his lap to avoid being seen through the window.

- [4] O'Connor began driving the vehicle on the interstate towards Knightstown. While they were driving, Williams began groping Tellez and placing his hands under her shirt. Tellez told Williams, "[I]f you're gonna kill me you better make sure I'm dead because you don't know who you are f[\*]cking with." Tr. Vol. IV at 44. In response, Williams choked Tellez until she lost consciousness.
- [5] Once they arrived in Knightstown, Williams directed O'Connor to drive to a remote, gravel road in a wooded area. Once they arrived, Williams asked O'Connor to help him throw Tellez's body into a ravine. O'Connor refused and walked away. When O'Connor returned to the car a few minutes later, he discovered that Williams had thrown Tellez into the ravine. O'Connor and Williams then drove back to Indianapolis.
- [6] Tellez remained in the ravine tied up and gagged throughout the evening. She was discovered and rescued from the ravine the next day. After she was taken to the hospital, doctors discovered that she had suffered brain injuries from the strangulation. These injuries left her partially paralyzed and required her to be in a wheelchair for two years.
- [7] On November 30, 2018, the State charged Williams with attempted murder as a Level 1 felony, criminal confinement as a Level 3 felony, and battery as a Level 5 felony. Later, the State amended the battery charge to aggravated battery as a Level 3 felony and added the following charges against Williams: intimidation as a Level 5 felony, sexual battery as a Level 6 felony, theft as a Class A misdemeanor, and criminal mischief as a Class B misdemeanor.

[8] On March 6, 2023, Williams’s jury trial began. After Williams had exhausted all his peremptory challenges, the parties conducted individual voir dire on Juror S. In her juror questionnaire, Juror S indicated that she had previously been the victim of a sexual battery. The trial court inquired of Juror S’s prior experience:

COURT: . . . So, we are dealing with an allegation of sexual battery. Is the fact that that allegation is there do you think even though your past experiences is that going to allow you to be fair and impartial in the case?

JUROR: Yes.

COURT: You think you can put any of those things aside, you may have personally experienced or question too [sic] is about a relative or close friend. You can set those things aside and give both sides a fair trial in this case?

JUROR: Yes.

\* \* \*

[Defense Counsel]: [Juror S], you indicated that one of the, on the questioner [sic] that you yourself were the victim in a case. Did anything when you heard those charges than anything kind of rise up in you or did you start thinking about your experience in a new way?

JUROR: No, I think that I know that there's a lot of people that do lie about that, and I think that makes it even more insulting to people who have been a victim of sexual abuse. So, I feel like that does give me, like I would be fair.

[Defense Counsel]: Okay. Was the person in your case prosecuted?

JUROR: Yes.

[Defense Counsel]: Okay. Do you have any issues about how that was handled on either side?

JUROR: I was very young so.

[Defense Counsel]: Okay, so don't remember a lot of it probably. So, you don't have a feeling one way or another?

JUROR: Yes.

[Defense Counsel]: I just want to make sure, ma'am, that the facts of this case aren't too similar to what happened to you, was it a relative or somebody you knew?

JUROR: The step-father.

[Defense Counsel]: Okay.

JUROR: However, there was another incident with an ex of mine and he did confine me one night and actually bit part of my lip off. So, there are similarities there.

[Defense Counsel]: So, does the confinement charge give you any pause?

JUROR: No, that was my experience. I don't know this case. I don't have social media, so I don't have no idea what happened.

Like I said, I know that people aren't honest, and people can get angry and try to charge someone. It would really depend on the evidence with how I would feel about that.

Tr. Vol. II at 209–11. In a sidebar outside the presence of the potential jurors, Williams moved to strike Juror S for cause based on her being a past victim of sexual assault and confinement. The trial court addressed this motion:

My recollection of her response when questioned was that she thought she could set aside both of those incidents and could listen to the evidence in this case. I think actually she was fairly adamant that she could do that. So, I'm going to find at this point in time I don't think she can be stricken for cause.

*Id.* at 211. Juror S was eventually sworn in as a member of the jury.

[9] The jury found Williams guilty of attempted murder as a Level 1 felony, criminal confinement as a Level 6 felony, intimidation as a Class A misdemeanor, theft as a Class A misdemeanor, and criminal mischief as a Class B misdemeanor. The trial court sentenced Williams to a total sentence of 38 years in the Department of Correction. Williams now appeals.

## **Discussion and Decision**

[10] Williams claims the trial court erred in denying his motion to strike Juror S for cause. “Generally, ‘[a] trial court has broad discretionary power to regulate the form and substance of voir dire.’” *Easler v. State*, 131 N.E.3d 584, 587 (Ind. 2019) (quoting *Ward v. State*, 903 N.E.2d 946, 955 (Ind.), *aff'd on reh'g*, 908 N.E.2d 595 (Ind. 2009)). When a trial court denies a party's request to strike a

juror for cause, we review the decision for abuse of discretion and will reverse only “if the decision is illogical or arbitrary.” *Id.* (quoting *Oswalt v. State*, 19 N.E.3d 241, 245 (Ind. 2014)).

[11] The trial court will strike a prospective juror for good cause if it determines that the juror “is biased or prejudiced against the defendant.” Ind. Code § 35-37-1-5(a)(11). The court may remove a juror for either actual or implied bias. *Caruthers v. State*, 926 N.E.2d 1016, 1020 (Ind. 2010). Implied bias occurs “where a relationship exists between the juror and one of the parties.” *Id.* (citing *Joyner v. State*, 736 N.E.2d 232, 238 (Ind. 2000)). On appeal, Williams does not assert that any such relationship exists between Juror S and any of the parties, so we review Williams’s claim for actual bias. *See id.* at 1020–21.

[12] Here, Williams argues that Juror S was biased against Williams because she had previously been the victim of sexual assault and confinement, which were two of the charges against Williams at trial. During individual voir dire, the court noted that Juror S had been the victim of crimes similar to those on trial and asked her if she had the ability to be impartial. Jurors S twice told the trial court that she had the ability to give Williams a fair trial. Further, upon questioning from defense counsel, Juror S reiterated that she would be fair and decide based on the evidence.

[13] Williams argues that Juror S’s statement of “[i]t would really depend on the evidence with how I would feel about that” indicated she was uncertain about whether she would be biased towards Williams. “The trial court has the unique

position to observe and ‘assess the demeanor of prospective jurors as they answer the questions posed by counsel.’” *Oswalt*, 19 N.E.3d at 245 (quoting *Smith v. State*, 730 N.E.2d 705, 708 (Ind. 2000)). Here, the trial court evaluated Juror S’s answers, determined that “she could set aside both of those incidents and could listen to the evidence in this case,” and noted that “she was fairly adamant that she could do that.” Tr. Vol. II at 211. The record supports the trial court’s interpretation of Juror S’s comments, and, at trial, Williams did not ask Juror S any further questions to clarify what she meant by this statement. Williams asks us to speculate and reject the trial court’s interpretation of Juror’s answers, which we will not do. See *Gibson v. State*, 43 N.E.3d 231, 240 (Ind. 2015) (declining to second guess the trial court’s observation that a juror was impartial). Thus, Williams has not demonstrated that Juror S had an actual bias, and we conclude that the trial court did not abuse its discretion by denying Williams’s motion to strike for cause.

[14] Affirmed.

Altice, C.J., and Bradford, J., concur.

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