

SUPREME COURT OF WYOMING

Flores v. State

403 P.3d 993 (Wyo. 2017) · Decided October 10, 2017

SUMMARY

The Wyoming Supreme Court affirmed Michael Flores's felony conviction for interfering with a peace officer. The court held that sufficient evidence supported findings that Flores intentionally kicked Officer Zabriskie and caused bodily injury, including physical pain, during the officer's lawful duties.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Davis, Justice; Burke, Justice; Fox, Justice; Hill, Justice; Kautz, Justice
JURISDICTION	Wyoming
DECIDED	October 10, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Flores appealed his felony conviction for interfering with a peace officer, arguing that the evidence was insufficient to prove that he intentionally and knowingly caused bodily injury to Officer Zabriskie.
STANDARD OF REVIEW	The court asks whether a rational trier of fact could find the essential elements of the crime proven beyond a reasonable doubt. It views the evidence in the light most favorable to the State, gives the State every favorable inference reasonably and fairly drawn from its evidence, and disregards conflicting defense evidence.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Michael Flores v. State of Wyoming

TOPICS

- evidence
- criminal procedure
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate litigation

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Flores's conviction for felony interference with a peace officer by intentionally and knowingly causing bodily injury to Officer Zabriskie.
2. Whether the evidence established that Flores's kick was intentional rather than reflexive.
3. Whether Officer Zabriskie's testimony concerning pain and tenderness was sufficient to establish bodily injury.

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that Flores intentionally kicked Officer Zabriskie.
2. An officer's testimony that he experienced physical pain, including pain and tenderness caused by the kick, was sufficient to establish the bodily-injury element of felony interference.

KEY QUOTATIONS

“In evaluating the sufficiency of the evidence to support a criminal conviction, this Court considers whether a rational trier of fact could find that the essential elements of a crime were proven beyond a reasonable doubt.” (¶ 12)

“Accordingly, an officer’s testimony that he suffered pain is sufficient to establish the bodily injury element of felony interference with a peace officer.” (¶ 16)

FACTUAL BACKGROUND

Police officers entered Flores's apartment after a neighbor reported loud yelling and threats and officers received no response at the doors. Flores physically obstructed Officer Allen, struggled with officers while being restrained and escorted to a patrol vehicle, and pushed against the vehicle during a weapons search. After being placed in the vehicle, Flores intentionally kicked Officer Zabriskie in the solar-plexus area, causing temporary loss of breath, tenderness for several days, and pain when the area contacted his body armor.

PROCEDURAL HISTORY

Flores was convicted of felony interference with a peace officer for kicking Officer Zabriskie, as well as misdemeanor interference and breach of the peace. He timely appealed only the felony conviction to the Wyoming Supreme Court, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Bush v. State, 908 P.2d 963 (Wyo. 1995)
- Tanner v. State, 2002 WY 170, 57 P.3d 1242 (Wyo. 2002)

- Simmons v. State, 2003 WY 84, 72 P.3d 803 (Wyo. 2003)
- Brown v. State, 2014 WY 104, 332 P.3d 1168 (Wyo. 2014)
- Grimes v. State, 2013 WY 84, 304 P.3d 972 (Wyo. 2013)
- Mascarenas v. State, 2003 WY 124, 76 P.3d 1258 (Wyo. 2003)

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