

COURT OF APPEALS OF VIRGINIA

Record No. 0481-25-1

DESTINY EQUANNA BROWARD

v.

COMMONWEALTH OF VIRGINIA

Present: Judges Beales, White and Duffan

Opinion Issued September 1, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS

Christopher R. Papile, Judge

(Charles E. Haden, on brief), for appellant.

(Jason S. Miyares,¹ Attorney General; Andrew T. Hull, Assistant Attorney General, on brief), for appellee.

**MEMORANDUM OPINION BY
JUDGE KIMBERLEY SLAYTON WHITE**

Following a bench trial, the trial court convicted Destiny Equanna Broward of stalking and using profane, threatening, or indecent language on public airways. On appeal, Broward contends that the evidence is insufficient to support her convictions. We disagree and affirm the trial court's judgment.²

* This opinion is not designated for publication. *See* Code § 17.1-413(A).

¹ Jay C. Jones succeeded Jason S. Miyares as Attorney General on January 17, 2026.

² Having examined the briefs and record in this case, the panel unanimously agrees that oral argument is unnecessary because “the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.” *See* Code § 17.1-403(ii)(c); Rule 5A:27(c).

BACKGROUND

“On appeal, ‘we review the evidence in the “light most favorable” to the Commonwealth,’ the prevailing party below.” *Diaz v. Commonwealth*, 80 Va. App. 286, 295 (2024) (quoting *Clanton v. Commonwealth*, 53 Va. App. 561, 564 (2009) (en banc)). “That principle requires us to ‘discard the evidence of the accused in conflict with that of the Commonwealth, and regard as true all the credible evidence favorable to the Commonwealth and all fair inferences that may be drawn therefrom.’” *Id.* (quoting *Kelly v. Commonwealth*, 41 Va. App. 250, 254 (2003) (en banc)).

For several months in 2022, Broward and Ashley Johnson were in a romantic relationship. Johnson ended the relationship in July 2022 and blocked Broward’s number on her phone and social media accounts. On July 31, 2022, Broward contacted Johnson through CashApp, an application that assists with money transfers and allows users to communicate with each other. Broward also drove to Johnson’s residence. For about two hours Broward sat outside honking her car horn and yelling for Johnson to come outside. While outside, Broward continued to message Johnson via CashApp and text (using other peoples’ phones), stating that she was “not leaving” and she threatened to “expose” Johnson if she did not come outside. Johnson stated that she believed Broward intended to post nude photographs of Johnson on the internet.

Broward also called Johnson and left voice messages. In the messages, Broward repeatedly told Johnson to come outside and threatened not to leave and to “expose” Johnson, this time specifically stating she would post nude photos on Facebook. She also said “I got something for you, and I’m not leavin’, bitch, so you might as well come outside.” Broward then approached Johnson’s house and kicked the door, damaging it.

In August 2022, Broward posted livestream videos on Facebook referencing Johnson and threatening her and berating her for having contacted the police. In the video she said, “Stop playin’ with me, talkin’ about I was stalkin’ you in your neighborhood [and] [you’re] gonna show the

police[,]”³ and “Bitch, you can’t show the police shit about me, bitch. I just beat fourteen felonies, one attempted murder. Do you think I give a fuck about you tellin’ the police that I was ridin’ by your house?” She stated further that she would fight the police.

In September, Broward posted another video admitting having contacted Johnson using other people’s phones, demanding that Johnson unblock her, and contacting Johnson through CashApp. She threatened to return to Johnson’s house, knock on her door, and punch whoever answered. She threatened to rob anyone at Johnson’s house and stated that she wanted to “just fight” and “beat up anybody” she could. Johnson testified that the videos caused her to feel threatened.

Broward left more voice messages for Johnson in September, stating that she had come to Johnson’s house the previous night. She posted Johnson’s mother’s address on social media. In another message, referencing Johnson’s neighborhood, Broward threatened to “spray that whole bitch up.” She repeatedly stated that she would “pull up” to Johnson’s house, which Johnson understood to mean that Broward intended to come to her house. In a video posted in October 2022, in which she directly “tagged” Johnson, Broward threatened to come to Johnson’s house and “smack her ass upside the head.”

The trial court found that Broward’s tone in the messages was “extraordinarily intimidating and threatening.” The trial court found that Broward was frustrated, hurt, and “very angry” about the breakup. The court convicted Broward of the charged offenses. Broward appeals.

ANALYSIS

“In reviewing a challenge to the sufficiency of the evidence to support a conviction, ‘the relevant question is whether, after viewing the evidence in the light most favorable to the

³ Apparently Broward’s sister had told her that Johnson had called the police following the July encounter.

prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Raspberry v. Commonwealth*, 71 Va. App. 19, 29 (2019) (quoting *Melick v. Commonwealth*, 69 Va. App. 122, 144 (2018)). “This familiar standard gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.” *Id.* (quoting *Burrous v. Commonwealth*, 68 Va. App. 275, 279 (2017)). “In conducting our analysis, we are mindful that ‘determining the credibility of the witnesses and the weight afforded the testimony of those witnesses are matters left to the trier of fact, who has the ability to hear and see them as they testify.’” *Id.* (quoting *Miller v. Commonwealth*, 64 Va. App. 527, 536 (2015)). “Thus, we will affirm the judgment of the trial court unless that judgment is ‘plainly wrong or without evidence to support it.’” *Id.* (quoting *Kelly*, 41 Va. App. at 257).

Stalking

Under Code § 18.2-60.3, any person “who on more than one occasion engages in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, directed at another person with the intent to place,” or when she “knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person’s family or household member is guilty of a Class 1 misdemeanor.”

There are three elements necessary to prove stalking under Code § 18.2-60.3: “(1) the defendant directed his or her conduct toward the victim on at least two occasions; (2) the defendant intended to cause fear or knew or should have known that his or her conduct would cause fear;” and, finally, “(3) the defendant’s conduct caused the victim ‘to experience reasonable fear of death, criminal sexual assault, or bodily injury.’” *Stephens v. Rose*, 288 Va. 150, 155 (2014) (quoting

Parker v. Commonwealth, 24 Va. App. 681, 685 (1997)). “A victim need not specify what particular harm she fears to satisfy the third element of stalking.” *Id.* at 157.

Here, Broward directed her conduct and communications to Johnson on numerous occasions. She repeatedly used threatening language and menaced Johnson by sitting in her car outside Johnson’s residence for hours and approaching the house and damaging the front door. Broward’s behavior and multiple threats reasonably placed Johnson in fear. Johnson testified that she was frightened by Broward’s behavior, conduct, and communications. The trial court specifically found that Broward’s actions were intimidating, threatening, “highly aggressive,” and “highly inflammatory.” Broward threatened to physically harm and rob Johnson and any guests or family she had with her at her residence. Broward also threatened to expose nude pictures of Johnson and publish them on the internet.

The record supports the trial court’s conclusion that Broward’s words and conduct reasonably put Johnson in fear of harm and that Broward acted with the specific intent to cause Johnson fear. Accordingly, we find no error with the trial court’s denial of Broward’s motions to strike the stalking charge.

Use of profane, threatening, or indecent language over public airways

Under Code § 18.2-427, any person “who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio,” is guilty of a Class 1 misdemeanor. The term “[o]ver any telephone” includes, for purposes of this section, any electronically transmitted communication producing a visual or electronic message that is received or transmitted by cellular telephone or other wireless telecommunications device.” *Id.*

Here, the record fully supports the trial court's holding that Broward violated the statute through the repeated rude, offensive, and threatening voice messages she left for Johnson. "[T]he question whether language used in telephonic communications is obscene is immaterial in cases involving threats to commit illegal or immoral acts, where the threat is made with the intent to coerce, intimidate or harass any person." *Rives v. Commonwealth*, 284 Va. 1, 4 (2012). Broward's language "was clearly sufficient to enable a rational fact-finder to conclude that [s]he was threatening [Johnson] with physical injury . . . with the obvious intent to intimidate and harass her." *Id.* Broward left repeated voice messages for Johnson threatening her and any visitors she had at her house. Accordingly, we find no error with the trial court's holding that Broward violated Code § 18.2-427.

CONCLUSION

For the foregoing reasons, we affirm the trial court's judgment.

Affirmed.