

COURT OF APPEALS OF VIRGINIA

Record No. 0567-25-1

BIANCA LATOYA FLORES
v.
COMMONWEALTH OF VIRGINIA

Present: Chief Judge Decker, Judges Malveaux and Causey

Argued at Williamsburg, Virginia

Opinion Issued October 20, 2026

FROM THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

Michelle J. Atkins, Judge Designate¹

Lauren E. Brice, Assistant Public Defender (Virginia Indigent Defense Commission, on briefs),
for appellant.

Israel-David J.J. Healy, Assistant Attorney General (Jason S. Miyares,² Attorney General, on
brief), for appellee.

PUBLISHED OPINION BY **CHIEF JUDGE MARLA GRAFF DECKER**

Bianca Latoya Flores appeals her convictions for intentional damage to property and trespassing in violation of Code §§ 18.2-121 and -137(B). She argues that the evidence was insufficient to support her convictions. For the reasons that follow, we hold that the evidence was sufficient and affirm the trial court's judgment.

¹ Judge Atkins presided over the trial and sentencing. Judge Marjorie A. Taylor Arrington signed the final sentencing order for Judge Atkins.

² Jay C. Jones succeeded Jason S. Miyares as Attorney General on January 17, 2026.

BACKGROUND³

This case arises from an incident that occurred between Flores and her husband, Antonio Flores, on September 9, 2023, at the home of Octavish and Ryley Morris. On that date, Antonio planned to stay the night at the Morris home due to marital difficulties between him and Flores.

Around 10:00 p.m., the Morrises were awakened by someone “beating” on their front door. After checking their security camera and recognizing Flores, Octavish woke Antonio.⁴ Octavish told Antonio to “handle” it and admonished him not to “bring problems to [his] home.” When Antonio went to the front door, the Morrises followed but stayed in the living room. Antonio opened the apartment door partially, leaving the chain lock latched, preventing it from being opened further. Antonio and Flores bickered through the chained and partially open door. When the conversation “start[ed] getting a little louder,” Antonio shut the door. Immediately after that, the door “flung open” from the outside, damaging half of the top and “three-quarters” of the left side of the door frame. Flores entered the home, yelling and screaming at Antonio. She hit him and “started tussling” with him. The Morrises told the couple to leave.

When they continued to fight, Ryley called the police. Flores left before law enforcement arrived. Officer Taj-Ud Din Jumanah of the Chesapeake Police Department arrived at the Morrises’ apartment and saw the damage to the door frame. As a result of the incident, Flores was charged with intentional destruction of property and breaking and entering.

³ When reviewing the sufficiency of the evidence, an appellate court recites “the evidence in the light most favorable to the Commonwealth, the prevailing party in the trial court.” *Commonwealth v. Mahoney*, ___ Va. ___, ___ (June 11, 2026) (quoting *Cuffee v. Commonwealth*, ___ Va. ___, ___ (Apr. 16, 2026)). In doing so, the reviewing court “discard[s] the evidence of the accused in conflict with that of the Commonwealth[] and regard[s] as true all the credible evidence favorable to the Commonwealth and all fair inferences to be drawn” from that evidence. *Cappe v. Commonwealth*, 304 Va. 86, 87 (2025) (quoting *Commonwealth v. Perkins*, 295 Va. 323, 323-24 (2018) (per curiam)).

⁴ The only footage saved by the security camera was of Flores’s approach to the front door. None of the remainder of the event was recorded.

At the bench trial, Octavish and Ryley Morris testified on behalf of the Commonwealth. Octavish stated that the damage to the property was less than \$1,000 but the landlord had forced him and his family to leave the apartment because of the episode. Ryley acknowledged that, earlier that evening, she told Flores to “[c]ome get [he]r husband.” She then provided the context of that communication, explaining that she texted Flores, “maybe between 5:00 and 7:00, that [Flores] could come over and talk.” She did not expect Flores to come “in the middle of the night” after they had gone to sleep. Neither Octavish nor Ryley saw Flores open the door before entering their home.

Flores and Antonio testified as defense witnesses. Flores, a convicted felon, testified that she went to the apartment intending only to pick up her husband. She admitted, however, that she had not told the Morrises she was coming and actually told Ryley that she was not. According to Flores, Antonio closed the door on her hand, so she immediately forced it open to free herself. But she denied entering the Morrises’ home. She also said that Octavish had drawn a gun but she left before the police arrived simply because the trip had been a “waste[.]” of “gas and time.”

At first, Antonio testified that he accidentally closed the front door on Flores’s fingers and in response she “pushed the door . . . and the chain lock just came off so easily.” Later, however, Antonio claimed that *he* opened the door with enough force to break the chain after realizing Flores’s fingers were stuck in the door. Antonio also denied that Flores set foot in the Morrises’ apartment.

After the close of the evidence, defense counsel argued that Flores went to the apartment solely to pick up her husband. Counsel suggested that the Commonwealth had not proven the intent needed to support either of the charges.

The trial court rejected Flores’s and Antonio’s testimony, expressly finding them to be incredible witnesses. Based on the evidence, the court found that Flores was angry when she arrived at the Morrises’ home and the evidence was sufficient to find Flores guilty of both

intentional destruction of property and breaking and entering. The court deferred a finding of guilt, however, pending the preparation of a presentence report.

At sentencing, Flores explained that she worked to financially support her five children. Defense counsel asked the court to exercise leniency by “consider[ing] a trespass as an alternative conviction” to breaking and entering. After reviewing the presentence report and considering the evidence at sentencing, the trial court amended the felony breaking-and-entering charge to misdemeanor trespassing. It then found Flores guilty of both intentional damage to property and trespassing. Flores was sentenced to eighteen months of incarceration, all suspended.

ANALYSIS

On appeal, Flores argues that the Commonwealth did not present sufficient evidence to support her convictions. Our review of challenges to the sufficiency of the evidence is guided by well-established legal principles. “When an appellate court reviews the sufficiency of the evidence underlying a criminal conviction, its role is a limited one.” *Commonwealth v. Mahoney*, ___ Va. ___, ___ (June 11, 2026) (quoting *Commonwealth v. Garrick*, 303 Va. 176, 182 (2024)). This analysis “begins with the presumption that the decision in the circuit court is correct and cannot ‘be disturbed unless it is ‘plainly wrong or without evidence to support it.’”” *Cuffee v. Commonwealth*, ___ Va. ___, ___ (Apr. 16, 2026) (quoting *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017)). As a result, when “there is evidentiary support for the conviction, ‘the reviewing court is not permitted to substitute its own judgment, even if its opinion might differ from the conclusions reached by the finder of fact.’” *Bennett v. Commonwealth*, 84 Va. App. 607, 619 (2025) (quoting *McGowan v. Commonwealth*, 72 Va. App. 513, 521 (2020)); see *Commonwealth v. Richerson*, ___ Va. ___, ___ (Apr. 23, 2026). “The only ‘relevant question’” for this Court on appeal “is, after reviewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have

found the essential elements of the crime beyond a reasonable doubt.” *Commonwealth v. Barney*, 302 Va. 84, 97 (2023) (quoting *Sullivan v. Commonwealth*, 280 Va. 672, 676 (2010)).

We also recognize the role of the trial judge in a bench trial, such as this one, as the finder of fact. *See Blankenship v. Commonwealth*, 71 Va. App. 608, 619 (2020). “The judgment of the trial court, sitting without a jury, is ‘entitled to the same weight as a jury verdict.’” *Commonwealth v. Perkins*, 295 Va. 323, 327 (2018) (per curiam) (quoting *Cole v. Commonwealth*, 294 Va. 342, 361 (2017)). And, significant to any sufficiency analysis, determining the credibility of witnesses is a matter for the trier of fact. *Sample v. Commonwealth*, 303 Va. 2, 16 (2024). “In its role of judging witness credibility, the fact finder is entitled to disbelieve the self-serving testimony of the accused and to conclude that the accused is lying to conceal [her] guilt.” *Belcher v. Commonwealth*, 75 Va. App. 505, 522 (2022) (alteration in original) (quoting *Marable v. Commonwealth*, 27 Va. App. 505, 509-10 (1998)).

With this framework in mind, we consider Flores’s specific challenges to the sufficiency of the evidence. In both of her assignments of error, Flores contends that the Commonwealth did not prove that she acted with the requisite intent. “Whether the defendant has the required intent is a question for the trier of fact.” *Welch v. Commonwealth*, 79 Va. App. 760, 768 (2024). “Because intent is a ‘state of mind,’ it ‘may be proved by a person’s conduct or by h[er] statements.’” *Fletcher v. Commonwealth*, 72 Va. App. 493, 506 (2020) (quoting *Barrett v. Commonwealth*, 210 Va. 153, 156 (1969)). In addition, “the ‘fact finder may infer that a person intends the immediate, direct, and necessary consequences of h[er] voluntary acts.’” *Brown v. Commonwealth*, 68 Va. App. 746, 788 (2018) (quoting *Robertson v. Commonwealth*, 31 Va. App. 814, 820 (2000)).

Flores argues that the evidence did not establish that she intended to damage any property, an obvious necessary element of the offense of intentional destruction of property under Code

§ 18.2-137(B). She also contends that the Commonwealth failed to prove that she acted with the intent necessary to support her conviction for trespassing under Code § 18.2-121.⁵

I. Intentional Destruction of Property

Intentional destruction of property is a statutory offense. Destruction of property occurs “[i]f any person unlawfully destroys[or] . . . damages . . . any property, real or personal, not his own.” Code § 18.2-137(A). If the damage is intentional and “the value of or damage to the property . . . is less than \$1,000,” the offense constitutes a Class 1 misdemeanor. Code § 18.2-137(B). To prove the offense under Code § 18.2-137(B), the Commonwealth must establish that “the person specifically intend[ed] to cause damage to the property” through “a volitional act.” *Scott v. Commonwealth*, 58 Va. App. 35, 49 (2011).

Flores specifically argues that the Commonwealth failed to prove that she intentionally damaged the door frame. In support of this argument, she contends that neither Octavish nor Ryley saw her open the door and that the evidence did not prove that she opened it with enough pressure to pull the lock from the door frame. Finally, Flores suggests that the Commonwealth failed to exclude every reasonable hypothesis of innocence because the damage to the door could have resulted from “an accident or mistake.”

The legal context in which we review this assignment of error is well-settled. “[W]hen the evidence is wholly circumstantial[,] . . . all necessary circumstances proved must be consistent with

⁵ At oral argument, the parties were questioned about whether Flores waived her ability to challenge her trespassing conviction by asking the trial court to find her guilty of that offense rather than breaking and entering. “The invited[-]error doctrine allows an appellate court to consider errors of law as waived when a party ‘attempt[s] to take advantage of the situation created by his own wrong.’” *Nelson v. Commonwealth*, 71 Va. App. 397, 404 (2020) (second alteration in original) (quoting *Cangiano v. LSH Bldg. Co.*, 271 Va. 171, 181 (2006)). We assume without deciding that Flores’s argument regarding her conviction for trespassing is properly before us and decide the appeal on the merits. See, e.g., *McGinnis v. Commonwealth*, 296 Va. 489, 501 (2018) (assuming without deciding that an issue was suitably before the Court because addressing it on the merits provided the best and narrowest ground for resolution).

guilt and inconsistent with innocence and exclude every reasonable hypothesis of innocence.” *Haas v. Commonwealth*, 299 Va. 465, 468 (2021) (third alteration in original) (quoting *Rogers v. Commonwealth*, 242 Va. 307, 317 (1991)). “The statement that circumstantial evidence must exclude every reasonable theory of innocence is simply another way of stating that the Commonwealth has the burden of proof beyond a reasonable doubt.” *Vasquez v. Commonwealth*, 291 Va. 232, 249-50 (2016) (quoting *Commonwealth v. Hudson*, 265 Va. 505, 513 (2003)); see *Cuffee*, ___ Va. at ___.

“Whether an alternate hypothesis of innocence is reasonable is a question of fact and, therefore, is binding on appeal unless plainly wrong.” *Mahoney*, ___ Va. at ___ (quoting *Cuffee*, ___ Va. at ___). “[T]he question” on appellate review “is not whether there was ‘some evidence’ to support a defendant’s hypothesis of innocence, because the totality of the circumstantial evidence may allow a factfinder to reject an asserted hypothesis of innocence as unreasonable.” *Commonwealth v. Wilkerson*, 304 Va. 92, 102 (2025) (quoting *Commonwealth v. Moseley*, 293 Va. 455, 464 (2017)). Unless a finding of fact or inference is plainly wrong, the “appellate court may neither find facts nor draw inferences . . . favor[ing] the losing party that the factfinder did not.” *Richerson*, ___ Va. at ___ (quoting *Garrick*, 303 Va. at 182).

Flores’s argument fails to view the evidence in the light most favorable to the Commonwealth, the applicable standard of appellate review. Looking at the record through that lens supports the trial court’s finding that Flores intentionally broke the door when forcing her way into the Morris’ apartment during a heated dispute with her husband. She arrived, angry, at the Morris home at night after everyone there had gone to sleep. Antonio was told to answer the door. He did so, leaving the chain lock latched while they argued with one another. As the argument

escalated, Antonio shut the door, and Flores immediately forced the door open.⁶ She did so with enough physical force that the frame broke, and she entered the apartment. A reasonable fact finder could easily conclude that Flores intended the natural consequences of her actions—damage to the Morris’ front door or frame—when she forcefully opened the chain-locked door, breaking the frame. *See Brown*, 68 Va. App. at 788. Based on the record before it, the trial court did not err when it convicted Flores of intentional damage to property.

II. Trespass

Code § 18.2-121, in relevant part, prohibits a person from “enter[ing] the . . . dwelling . . . of another for the purpose of damaging such property or any of the contents . . . or in any manner to interfere with the rights of the owner, user, or occupant . . . to use such property free from interference.” Significantly, the law makes clear that “there is a presumption from an unlawful entry that the entry was made for an unlawful purpose, and the specific intent with which it was done may be inferred from the surrounding facts and circumstances.” *Velasquez v. Commonwealth*, 276 Va. 326, 330 (2008); *see Sandoval v. Commonwealth*, 20 Va. App. 133, 138 (1995).

Ryley testified that sometime between 5:00 and 7:00 p.m. she texted Flores to “[c]ome get [he]r husband” and said that Flores “could come over and talk.” Hours later, the Morris’ went to sleep believing that Flores was not coming. Then, around 10:00 p.m., they awoke due to Flores banging on their front door. Octavish told Antonio to “handle” it. Antonio answered the door, and the pair argued. During their brief verbal confrontation, Antonio kept the door latched with the chain lock. Antonio left the chain in place as he spoke with Flores through the partially open door.

⁶ Flores argues that the evidence did not prove that she “was the person responsible for reopening the door.” Although neither Octavish nor Ryley were able to see how the door was opened, Octavish testified that the door was “flung open” either with a “kick” or a “push.” It was entirely reasonable for the fact finder to conclude that either a kick or a push would require that the force was applied from the *outside* of the door—from the side on which only Flores stood.

During the argument, he closed the door, but then the chained door burst open, breaking the door frame. Immediately after the door no longer barred her entry, Flores went into the apartment, yelling at her husband. She then hit him. A rational fact finder could conclude that she broke the door frame in order to gain access to the apartment. Although Flores and Antonio testified that Flores did not break the door open with any ill intent, the trial court expressly stated in the record that it did not find their testimony credible. It was entirely within the trial court's purview, as the finder of fact, to disbelieve them. *See Sample*, 303 Va. at 16. And "[i]n its role of judging witness credibility," the trial court was "entitled to disbelieve" Flores's "self-serving testimony" and conclude she was "lying to conceal [her] guilt." *See Belcher*, 75 Va. App. at 522 (second alteration in original) (quoting *Marable*, 27 Va. App. at 509-10).

To the extent Flores suggests that her behavior was to chastise her husband to the exclusion of any intent to interfere with the Morris's property rights, that argument fails. A person can act with more than one intent. *See Eberhardt v. Commonwealth*, 74 Va. App. 23, 39 (2021). The claim that Flores acted with the intent to admonish Antonio, therefore, even if accepted as true by the trier of fact, does not preclude a finding that she simultaneously acted with the intent to interfere with the Morris's use of their home. Clearly, Flores disrupted the Morris's peace and enjoyment of their apartment when she entered the home late at night to further confront Antonio. *See generally Kyer v. Commonwealth*, 45 Va. App. 473, 480 (2005) ("[T]he privacy interest in one's home has few equals."). And a fact finder can infer that someone intended the natural and probable consequences of her actions. *Brown*, 68 Va. App. at 788. The chain on the door remained locked in the position necessarily rendering any entry disruptive—a fact that should have been obvious to any visitor. For these reasons, the evidence was sufficient for the trial court to find that Flores acted with the intent necessary for the trespass conviction under Code § 18.2-121.

CONCLUSION

The evidence was sufficient to prove that Flores acted with the intent to damage property when she broke the Morrises' door frame and forced her way into their apartment. In addition, the Commonwealth presented sufficient evidence supporting the trial court's finding that she entered the home with the purpose of interfering with the Morrises' use of the property. As a result, this Court affirms the convictions.

Affirmed.