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**IN THE
COURT OF APPEALS OF INDIANA**

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STATE OF INDIANA,
Appellee-Plaintiff.

FEBRUARY 23, 2010

BARTEAU, Senior Judge

STATEMENT OF THE CASE

Appellant Willie A. Norman appeals from his conviction for battery on a law enforcement officer resulting in injury, a Class D felony. We affirm.

ISSUE

Norman raises one issue for review: whether the evidence is sufficient to support his conviction.

FACTS

In the early morning hours of February 28, 2009, Norman returned to the DuComb Center in South Bend, Indiana, where he had been staying. Norman was there to surrender to the police on an outstanding warrant. Jaime Wolfe, an employee of the DuComb Center, called the police.

Officer Timothy Wiley of the South Bend Police Department arrived at the DuComb Center to take Norman into custody. Officer Wiley walked up to an enclosed porch where Norman and Wolfe were talking. Wolfe let Officer Wiley into the porch area. Officer Wiley identified Norman as having an outstanding warrant and confirmed the validity of the warrant through radio dispatch. Next, Officer Wiley had Norman turn around and handcuffed him. As Officer Wiley escorted Norman out of the porch area and down the sidewalk, Norman began yelling and tried to pull away from Officer Wiley several times. Officer Wiley maneuvered Norman to the ground, pinned him, and radioed for assistance.

Officer Kyle Dombrowski came to the DuComb Center in response to Officer Wiley's request. The two officers lifted Norman off of the ground, and, because Norman

continued to yell and struggle, carried him down the sidewalk and placed him against the side of Officer Wiley's car. Norman was facing the car, and he kicked back at the officers. Norman struck Officer Wiley in the left knee at least twice. The officers placed Norman in the back seat of Officer Wiley's car.

At this point, other officers arrived. Officer Wiley was feeling pain in his left knee and lower back, and he decided to go to the hospital. The other officers removed Norman from Officer Wiley's car and placed him in another vehicle. Officer Kyle Drury took photographs of abrasions on Officer Wiley's knee before Officer Wiley left for the hospital, where he was treated and released.

The State charged Norman with resisting law enforcement and battery on a law enforcement officer resulting in injury. The jury found Norman guilty as charged. The trial court accepted the jury's verdict but only entered a judgment of conviction on the battery charge.

DISCUSSION AND DECISION

I. STANDARD OF REVIEW

Our standard of review for sufficiency of the evidence is well settled. We neither reweigh the evidence nor judge the credibility of witnesses. *Whitlow v. State*, 901 N.E.2d 659, 660 (Ind. Ct. App. 2007). Rather, we consider the evidence most favorable to the verdict and draw all reasonable inferences that support the ruling below. *Id.* at 660-661. We affirm the conviction if there is probative evidence from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. *Id.* at 661.

II. SUFFICIENCY OF THE EVIDENCE

In order to obtain a conviction for battery on a law enforcement officer resulting in injury, the State had to prove beyond a reasonable doubt that (1) Norman (2) knowingly or intentionally (3) touched Officer Wiley (4) in a rude, insolent, or angry manner (5) that resulted in injury to Officer Wiley (6) while Officer Wiley was engaged in the execution of his official duties. *See* Indiana Code § 35-42-2-1.

The State presented evidence that Officer Wiley came to the Ducomb Center to take Norman into custody on an outstanding warrant. After he was handcuffed, Norman struggled with Officer Wiley and yelled, and Officer Wiley put Norman on the ground until Officer Dombrowski arrived. As the two of them were placing Norman in Officer Wiley's car, Norman kicked backward and struck Officer Wiley on his left knee. Officer Wiley had abrasions on his knee and experienced knee pain and back pain as a result of Norman's struggles, and he sought treatment at a hospital. This evidence is sufficient to sustain the conviction.

Norman argues that he did not kick Officer Wiley and that he was merely upset because he was not allowed to take his personal property with him to jail. It is the function of the trier of fact to resolve conflicts in testimony and to determine the weight of the evidence and the credibility of the witnesses. *K.D. v. State*, 754 N.E.2d 36, 39 (Ind. Ct. App. 2001). Norman's claims amount to a request to reweigh the evidence, and we will not disturb the jury's determination.

Affirmed.

DARDEN, J., and CRONE, J., concur.