

STATEMENT OF THE CASE

Richard West appeals his conviction for battery, as a Class A misdemeanor, following a bench trial. West raises a single issue for our review, namely, whether the State presented sufficient evidence to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On August 4, 2009, Claude Moore, Sr., and West were at Moore's residence in Marion County. West was living with Moore at the time. While West was sitting on the front porch, Moore approached him. Moore was yelling. Moore asked West why he had told Moore's oldest son to hit his other son, who is learning disabled, in the face. West told Moore to not come toward him, and Moore stopped about fifty feet from the front porch.

West then stepped off the porch, came to within forty feet of Moore, and "got in [a] karate stance." Transcript at 12-13. The two then went onto the porch. There, West "raised [his head] back and took his face and head-butted" Moore in the face, near Moore's nose and right eye, an area where Moore had previously been injured. Id. at 13-14. As a result, Moore suffered pain to his eye and blood ran down his face. Moore's face later swelled, and his eyes blackened.

Moore reported the incident to police. Thereafter, the State charged West with battery, as a Class A misdemeanor. The court found him guilty after a bench trial, and this appeal ensued.

DISCUSSION AND DECISION

On appeal, West argues that the State failed to present sufficient evidence to rebut his claim of self-defense. When reviewing a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences that may be drawn from that evidence to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

If an affirmative defense is supported by the evidence, the State must disprove at least one element of the defense beyond a reasonable doubt. See Nantz v. State, 740 N.E.2d 1276, 1280 (Ind. Ct. App. 2001), trans. denied. However, the State may refute a claim of defense by direct rebuttal or by relying on the evidence presented in its case-in-chief. Id. It is the factfinder's decision to determine whether a claim of defense has been disproved. Id. A conviction in spite of a claim of defense will be reversed only if no reasonable person could say that the claim was negated by the prosecution beyond a reasonable doubt. Id. (quotation omitted).

To prove that West committed battery, as a Class A misdemeanor, the State was required to show beyond a reasonable doubt that he knowingly or intentionally touched Moore in a rude, insolent, or angry manner, which resulted in bodily injury to Moore. See Ind. Code § 35-42-2-1(a)(1)(A). However, “[a] person is justified in using reasonable force against another person to protect the person . . . from what the person

reasonably believes to be the imminent use of unlawful force.” I.C. § 35-41-3-2(a). When a defendant raises a claim of self-defense, he is required to show three facts: (1) he was in a place where he had a right to be; (2) he acted without fault; and (3) he had a reasonable fear of death or serious bodily harm. Wallace v. State, 725 N.E.2d 837, 840 (Ind. 2000).

West does not dispute that the State met its initial burden of showing that he committed battery, as a Class A misdemeanor. Rather, he argues only that the State failed to rebut his claim of self-defense. But West’s arguments on appeal rely exclusively on his version of the facts rather than the facts favorable to the judgment, which was based on Moore’s testimony. On appeal, we will not reweigh the witnesses’ respective testimonies. See Jones, 783 N.E.2d at 1139. West’s conviction for battery is affirmed.

Affirmed.

VAIDIK, J., and BROWN, J., concur.