



## **Case Summary**

Justin Heintzelman appeals his convictions for Class D felony resisting law enforcement and Class A misdemeanor operating a vehicle while suspended. We affirm.

### **Issue**

Heintzelman raises one issue, which we restate as whether the evidence is sufficient to sustain his convictions.

### **Facts**

Heintzelman, who had a suspended driver's license, occasionally lived with his grandmother, Edith Maddex, at the Grabill Mobile Home Park in Allen County. In August 2008, Heintzelman purchased a motorcycle and repaired it. On the evening of September 15, 2008, Officer Chad Vaughn of the Allen County Sheriff's Department saw a motorcycle traveling eighty-six miles per hour in a forty mile per hour speed limit zone. Officer Vaughn turned around and followed the motorcycle, which entered a mobile home park and came to a stop. Officer Vaughn stopped behind the motorcycle with his emergency lights activated, noted the license plate number, and walked up to the motorcycle. The passenger got off the motorcycle, and Officer Vaughn directed the driver to turn off the motorcycle. The driver was a balding male with some facial hair and was wearing a dark hooded sweatshirt. Instead of turning off the motorcycle, the driver made a U-turn and left the mobile home park. A high speed pursuit ensued with speeds reaching 120 miles per hour. Eventually, the driver turned onto a pedestrian bridge, and Officer Vaughn could not follow him. Officer Vaughn found fresh tracks on the other side of the bridge heading toward the Grabill Mobile Home Park.

Officer Alan Cook was looking for the motorcycle at the Grabill Mobile Home Park and found a motorcycle with a matching license plate number at Maddex's residence. There was a leather-type jacket with a hood on the motorcycle. The motorcycle was hot, and he could smell gasoline fumes. Officer Cook could see footprints in the grass leading away from the motorcycle and bicycle tracks leading away from the area. A bicycle was missing from the mobile home. Maddex told Officer Vaughn that her grandson, Heintzelman, owed the motorcycle and that Heintzelman and a passenger had left the residence on the motorcycle three hours earlier. Officer Vaughn identified the driver of the motorcycle as Heintzelman.

The State charged Heintzelman with resisting law enforcement as a Class D felony, operating a vehicle while suspended as a Class A misdemeanor, and being an habitual offender. A jury found Heintzelman guilty as charged. He now appeals.

### **Analysis**

Heintzelman argues that the evidence is insufficient to sustain his convictions. When reviewing the sufficiency of the evidence needed to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. Bailey v. State, 907 N.E.2d 1003, 1005 (Ind. 2009). “We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence.” Id. We will affirm if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt. Id. It is well established that “circumstantial evidence will be deemed sufficient if inferences may

reasonably be drawn that enable the trier of fact to find the defendant guilty beyond a reasonable doubt.” Pratt v. State, 744 N.E.2d 434, 437 (Ind. 2001).

Heintzelman argues only that the evidence is insufficient to prove that he was the driver of the motorcycle. He does not dispute the other elements of the offenses. According to Heintzelman, if he was the driver of the motorcycle, a police canine could have detected his scent at Maddex’s mobile home but failed to do so. Heintzelman also points out that Maddex testified he was not at her residence that evening, and Kent Schumm testified that Heintzelman spent the evening with him. Heintzelman also suggests that Officer Vaughn’s identification of him after viewing his picture was suggestive. Heintzelman’s arguments are merely requests that we reweigh the evidence, which we cannot do. We conclude that the evidence discussed above is sufficient to prove that Heintzelman was the driver of the motorcycle, and the evidence is sufficient to sustain his convictions.

### **Conclusion**

The evidence is sufficient to sustain Heintzelman’s convictions.

Affirmed.

FRIEDLANDER, J., and CRONE, J., concur.