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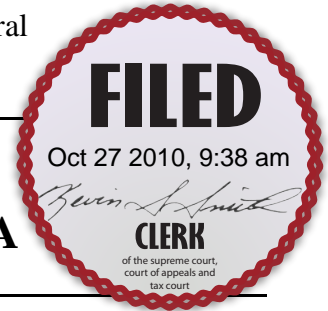
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**IN THE  
COURT OF APPEALS OF INDIANA**

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JOEL MOSES, )  
 )  
Appellant-Defendant, )  
 )  
vs. )  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

No. 49A02-1003-CR-268

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Barbara Collins, Judge  
Cause No. 49F08-0912-CM-98860

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**October 27, 2010**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BARNES, Judge**

## **Case Summary**

Joel Moses appeals his conviction for Class B misdemeanor public intoxication. We affirm.

### **Issue**

Moses raises one issue, which we restate as whether there is sufficient evidence to support his conviction.

### **Facts**

At approximately 12:30 p.m. on December 3, 2009, Moses, who had consumed alcohol earlier in the day, became upset inside a car repair shop because his warranty was not honored. When Indianapolis Metropolitan Police Department Officer Nicholas Hubbs arrived at the scene, Moses was holding onto a counter to prevent himself from swaying. Officer Hubbs immediately noticed the odor of alcohol emanating from Moses's breath. Moses's speech was slurred, and his eyes were bloodshot and glassy.

Moses was arrested, and the State charged him with Class B misdemeanor public intoxication. Following a bench trial, Moses was convicted as charged. He now appeals.

### **Analysis**

Moses argues that there is insufficient evidence to support his conviction. When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). "It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient

to support a conviction.” Id. We affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. Id.

“It is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person’s use of alcohol or a controlled substance (as defined in IC 35-48-1-9).” Ind. Code § 7.1-5-1-3. Moses argues that, although he consumed alcohol earlier in the day, he was not intoxicated. Moses attributes his actions to the effects of the drug Zyprexa, which he takes to control his paranoid schizophrenia. Moses testified that the medication keeps him from being hyperactive and makes his words slur. Moses is simply asking us to reweigh the evidence, which we cannot do.

Officer Hubbs testified that Moses smelled of alcohol, his speech was slurred, and his eyes were bloodshot and glassy. Officer Hubbs also stated that when he arrived at the car repair shop, Moses was holding onto the counter in an effort to keep from swaying. Officer Hubbs testified that he believed Moses was intoxicated. This is evidence from which the trial court could have concluded that Moses committed Class B misdemeanor public intoxication.

### **Conclusion**

There is sufficient evidence to support Moses’s conviction. We affirm.

Affirmed.

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