Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

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IN THE COURT OF APPEALS OF INDIANA

)

DAMIAN RAY RAMIREZ,	
Appellant-Defendant,	
vs.	
STATE OF INDIANA,	
Appellee-Plaintiff.	

No. 71A04-1205-CR-274

Nov 20 2012, 9:20 am

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APPEAL FROM THE ST. JOSEPH SUPERIOR COURT The Honorable R.W. Chamblee, Jr., Judge Cause No. 71D08-1109-FC-204

November 20, 2012

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Damien Ray Ramirez appeals his conviction for battery with a deadly weapon, a Class C felony, ¹ contending the evidence was insufficient to support his conviction. At trial, Theresa Hensel, Ramirez's former girlfriend, testified that in the early morning hours of September 3, 2011, she and Ramirez were engaged in an argument in her house when Ramirez jumped on top of her and stabbed her with a knife in her chest while screaming, "Die, bitch, die, I'll go to prison for killing you stupid ass bitch." *Tr.*, p.24. This evidence is sufficient to support the conviction. Although Ramirez testified to a different version of the events, it was the exclusive province of the jury to determine the credibility of the witnesses. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007).

Affirmed.

NAJAM, J., and MAY, J., concur.

¹ Ind. Code § 35-42-2-1(a)(3)