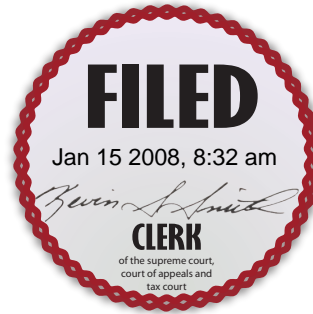


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

WILLIAM MCCLOUD,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 49A02-0707-CR-564

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Jose Salinas, Judge
Cause No. 49G17-0705-CM-084-563

January 15, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

William McCloud (“McCloud”) appeals his conviction for Battery as a Class A misdemeanor. McCloud contends that the State did not present sufficient evidence to prove him guilty beyond a reasonable doubt. Finding that the State set forth sufficient evidence, we affirm the judgment of the trial court.

Facts and Procedural History

On May 8, 2007, Kimberly Taylor (“Taylor”) and her boyfriend, McCloud, fought while walking to a liquor store located near the 3700 block of East 38th Street. During the fight, McCloud hit Taylor with a stick he had earlier picked up from the street to assist him while walking. After being hit, Taylor ran and contacted the police.

The State charged McCloud with Battery as a Class A Misdemeanor.¹ At McCloud’s bench trial, Taylor testified that McCloud “hit me in the head with a stick.” Tr. p. 10. Officer Ann Rivir (“Officer Rivir”) of the Indianapolis Metropolitan Police Department testified that when she arrived at the scene she saw a large bump on Taylor’s forehead and a scrape on her hand. No pictures of Taylor’s injuries were taken, but McCloud admitted that his stick hit Taylor “by the head,” *id.* at 24, and that he was angry during the fight.

Following his bench trial, the trial court found McCloud guilty as charged. When sentencing McCloud, the trial court imposed a 365-day sentence, with forty-two days executed and 323 days suspended. The trial court also ordered McCloud to perform

¹ Ind. Code § 35-42-2-1(a)(1)(A).

eighty hours of community service work, which could be substituted one hour for one hour of alcohol treatment. McCloud now appeals.

Discussion and Decision

McCloud's sole argument on appeal is that the evidence is insufficient to support his conviction. In reviewing a claim of insufficient evidence, we neither reweigh the evidence nor assess the credibility of the witnesses. *Love v. State*, 761 N.E.2d 806, 810 (Ind. 2002). Instead, we look to the evidence most favorable to the verdict and the reasonable inferences drawn therefrom. *Id.* We will affirm the conviction if there is probative evidence from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.* To convict McCloud of Battery as a Class A misdemeanor, the State was required to prove beyond a reasonable doubt that McCloud knowingly or intentionally touched Taylor in a rude, insolent, or angry manner that resulted in bodily injury. Ind. Code § 35-42-2-1(a)(1)(A).

Specifically, McCloud argues that insufficient evidence exists to support his conviction because there were no photographs documenting Taylor's injuries and there "was no evidence presented by the State that conclusively prove[d] [McCloud] touched Ms. Taylor in a rude, insolent, or angry manner." Appellant's Br. p. 4. We disagree.

Taylor testified that McCloud "hit me in the head with a stick." Tr. p. 10. In general, the uncorroborated testimony of the victim is sufficient to sustain a criminal conviction. *Holeton v. State*, 853 N.E.2d 539, 541 (Ind. Ct. App. 2006). Moreover, Officer Rivir testified that she observed the injuries to Taylor's head and hand, and McCloud admitted that he was angry during the altercation with Taylor and that his stick

hit Taylor. This is sufficient evidence to show that McCloud knowingly touched Taylor in an angry manner that resulted in bodily injury.² McCloud's argument otherwise is merely a request that we reweigh the evidence, which we cannot do. Sufficient evidence exists to support McCloud's conviction for Battery as a Class A misdemeanor.

Affirmed.

SHARPNACK, J., and BARNES, J., concur.

² The fact that there were no photographs documenting Taylor's injuries is of no moment because it was reasonable for the trial court to infer injury from Taylor's testimony that McCloud hit her in the head with a stick, Officer Rivir's testimony that she observed injuries to Taylor's head and hand, and McCloud's admission that his stick hit Taylor.