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**IN THE
COURT OF APPEALS OF INDIANA**

AUNDRE JACKSON,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A05-0706-CR-327

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Louis F. Rosenberg, Magistrate
Cause No. 49F10-0612-CM-243625

February 14, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

SHARPNACK, Judge

Audre Jackson appeals his conviction for battery as a class A misdemeanor.¹ Jackson raises one issue, which we revise and restate as whether the evidence is sufficient to sustain Jackson's conviction. We affirm.²

The relevant facts follow. Isaiah Watson is the infant son of Zachary Watson and Brittany Brown and the grandson of Christina and Brian Watson. Jackson is Brittany's husband. On December 17, 2006, Christina, Brian, and Zachary had Isaiah at their house. Brittany called Zachary, and they argued. Brittany told Zachary that she was coming to get Isaiah and threatened to forcibly remove Isaiah from the residence. Zachary called the police because of Brittany's threats.

When Brittany and Jackson arrived at the Watsons' home, Brittany and Zachary talked outside, and Jackson waited in the car. Brittany and Zachary came into the entryway because it was cold, and Brittany started yelling and "cussing" at Zachary. Transcript at 10. Brittany then "bolted into the family room and tried to get Isaiah." Id. Christina stepped between Brittany and Isaiah. Brittany and Zachary started pushing each other. Brittany called Jackson on her cell phone and told him that Zachary had hit her.

¹ Ind. Code § 35-42-2-1 (Supp. 2005) (subsequently amended by Pub. L. No. 99-2007, § 209 (eff. May 2, 2007); Pub. L. No. 164-2007, § 1 (eff. July 1, 2007)).

² We direct Jackson's attention to Ind. App. Rule 46(A)(6)(c), which states that the statement of facts "shall be in narrative form and shall not be a witness by witness summary of the testimony."

Jackson knocked on the door, and Zachary answered. Jackson asked Zachary if he had hit Brittany, and Zachary told him that he had not. Jackson grabbed Zachary by the shoulder, pulled him to the front yard, and started hitting him in the stomach. Jackson bit Zachary on the thumb. At some point, Zachary's left earring was ripped out of his ear, and his ear began bleeding. Zachary suffered scratches, bite marks, bruises, and pain from the encounter.

The State charged Jackson with battery as a class A misdemeanor. After a bench trial, the trial court found Jackson guilty as charged. The trial court sentenced Jackson to 365 days, with 357 days suspended, and 180 days of probation.

The sole issue is whether the evidence is sufficient to sustain Jackson's convictions. When reviewing claims of insufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jordan v. State, 656 N.E.2d 816, 817 (Ind. 1995), reh'g denied. Rather, we look to the evidence and the reasonable inferences therefrom that support the verdict. Id. We will affirm the conviction if there exists evidence of probative value from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. Id. Moreover, uncorroborated testimony of one witness, even if it is the victim, is sufficient to sustain a conviction. Ferrell v. State, 565 N.E.2d 1070, 1072-1073 (Ind. 1991).

The offense of battery is governed by Ind. Code § 35-42-2-1, which provides that “[a] person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery.” The offense is a class A misdemeanor if “it results in

bodily injury to any other person.” I.C. § 35-42-2-1. Thus, to convict Jackson of battery as a class A misdemeanor, the State needed to prove that: (1) Jackson knowingly or intentionally touched Zachary in a rude, insolent, or angry manner; and (2) such contact resulted in bodily injury to Zachary.

Jackson argues that “[t]here was no evidence presented by the State that conclusively proven [sic] Mr. Jackson touched Mr. Watson in a rude, insolent, or angry manner.” Appellant’s Brief at 4. Jackson merely asks that we reweigh the evidence and judge the credibility of the witnesses, which we cannot do. Jordan, 656 N.E.2d at 817. The evidence most favorable to the verdict shows that Jackson grabbed Zachary by the shoulder, pulled him to the front yard, and started hitting him in the stomach. Jackson bit Zachary on the thumb. At some point, Zachary’s left earring was ripped out of his ear, and his ear began bleeding. Zachary suffered scratches, bite marks, bruises, and pain from the encounter. Evidence of probative value exists from which the trial court could have found Jackson guilty of battery as a class A misdemeanor. See, e.g., K.D. v State, 754 N.E.2d 36, 40-41 (Ind. Ct. App. 2001) (holding that the evidence was sufficient to support a conviction of battery).

For the foregoing reasons, we affirm Jackson’s conviction for battery as a class A misdemeanor.

Affirmed.

BARNES, J. and VAIDIK, J. concur