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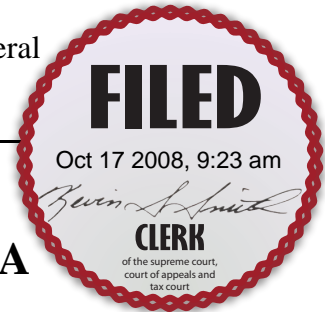
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**IN THE
COURT OF APPEALS OF INDIANA**

YULONDA GLOVER)
a/k/a BASHON GLOVER,)
)
Appellant-Defendant,)

vs.)

No. 49A02-0803-CR-275)

STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Clark H. Rogers, Judge
The Honorable Melissa Kramer, Commissioner
Cause No. 49G16-0706-CM-104632

October 17, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Bashon Glover was convicted after a bench trial of battery¹ as a Class A misdemeanor. She appeals, raising one issue, which we restate as whether sufficient evidence was presented to rebut her claim of self-defense.

We affirm.

FACTS AND PROCEDURAL HISTORY

Glover approached Barbara Burnett as Burnett arrived home. *Tr.* at 10. The two, who had previously lived together and recently separated, argued, and Glover pushed Burnett and struck her in the face with an open hand causing a scratch on Burnett's face. Glover then sprayed mace into Burnett's face. *Id.* at 10-12. Burnett ran from Glover and called the police. *Id.* at 12.

The State charged Glover with battery, a Class A misdemeanor. During a bench trial, Glover admitted to the battery but claimed that her actions were in self-defense. *Id.* at 25. The court found her guilty as charged. Glover now appeals.

DISCUSSION AND DECISION

A challenge to sufficiency of the evidence to rebut a claim of self-defense is reviewed under the same standard as any sufficiency of the evidence claim. *Boyer v. State*, 883 N.E.2d 158, 162 (Ind. Ct. App. 2008). We do not reweigh the evidence or judge the credibility of the witnesses. *Williams v. State*, 873 N.E.2d 144, 147 (Ind. Ct. App. 2007). We will consider only the evidence most favorable to the judgment together with the reasonable inferences to be drawn therefrom. *Id.*; *Robinson v. State*, 835 N.E.2d 518, 523 (Ind. Ct. App. 2005). We will affirm the conviction if sufficient probative evidence exists from which the

¹ See IC 35-42-2-1.

fact finder could find the defendant guilty beyond a reasonable doubt. *Williams*, 873 N.E.2d at 147; *Robinson*, 835 N.E.2d at 523.

Glover maintains that there was insufficient evidence to rebut her claim of self-defense. “A person is justified in using reasonable force against another person to protect the person . . . from what the person reasonably believes to be the imminent use of unlawful force.” IC 35-41-3-2(a). When a claim of self-defense is raised, the burden is on the State to disprove that claim, either by “affirmatively showing that the defendant did not act to defend [herself] . . . or by relying on the evidence elicited in its case-in-chief.” *Hollowell v. State*, 707 N.E.2d 1014, 1021 (Ind. Ct. App. 1999). Glover testified that she struck Burnett “[b]ecause she looked like she was about to hit me.” *Tr.* at 25. However, the evidence most favorable to the verdict suggests otherwise. Both Burnett and another witness testified that Glover was the aggressor, that Glover first pushed Burnett, then struck her, then sprayed her with mace. *Tr.* at 10-12, 17. We believe there was sufficient evidence for the trial court to find beyond a reasonable doubt that the State successfully rebutted Glover’s claim of self-defense and to support Glover’s conviction of battery.

Affirmed.

VAIDIK, J., and CRONE, J., concur.