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IN THE
COURT OF APPEALS OF INDIANA

RON WASHINGTON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0804-CR-364
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Annie Christ-Garcia, Judge
Cause No. 49G17-0802-CM-030380

October 24, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

Ron Washington appeals his conviction for battery as a class A misdemeanor.[1] Washington raises one issue, which we restate as whether the evidence is sufficient to sustain his conviction. We affirm.

The relevant facts follow. Washington was in a relationship with Sheri Fields. On February 2, 2008, Fields found out that Washington had "cheated" on her. Transcript at 7. Fields confronted Washington and asked him to take her home. When Washington refused, Fields called her sister and left Washington's residence. Fields then discovered that she had forgotten her cell phone charger and returned to the residence. As she was retrieving her cell phone charger, Washington approached Fields, and they began yelling at each other. Washington then grabbed Fields by the throat and threw her against the refrigerator. When Washington threw her against the refrigerator, Fields bit her tongue, resulting in a laceration. Police officers responding to the scene found Fields bleeding from her mouth.

The State charged Washington with domestic battery as a class A misdemeanor and battery as a class A misdemeanor. After a bench trial, the trial court found Washington guilty of battery as a class A misdemeanor. The trial court sentenced Washington to 365 days in jail with 271 days suspended to probation.

The issue is whether the evidence is sufficient to sustain Washington's conviction for battery as a class A misdemeanor. When reviewing the sufficiency of the evidence to

[1] Ind. Code § 35-42-2-1 (Supp. 2007) (subsequently amended by Pub. L. No. 120-2008, § 93 (eff. July 1, 2008)).

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). We do not assess witness credibility or reweigh the evidence. Id. We consider conflicting evidence most favorably to the trial court's ruling. Id. We affirm the conviction unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." Id. (quoting Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000)). It is not necessary that the evidence overcome every reasonable hypothesis of innocence. Id. at 147. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. Id.

The offense of battery as a class A misdemeanor is governed by Ind. Code § 35-42-2-1, which provides: "(a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is: (1) a Class A misdemeanor if: (A) it results in bodily injury to any other person." Thus, the State was required to prove beyond a reasonable doubt that Washington knowingly or intentionally touched Fields in a rude, insolent, or angry manner, resulting in bodily injury to Fields.

On appeal, Washington seems to argue that Fields's testimony was incredibly dubious. "Under the 'incredible dubiosity' rule, a reviewing court may impinge on the fact-finder's responsibility to judge witness credibility when 'a sole witness presents inherently contradictory testimony which is equivocal or the result of coercion and there is a complete lack of circumstantial evidence' of the defendant's guilt." Corbett v. State,

764 N.E.2d 622, 626 (Ind. 2002) (quoting Tillman v. State, 642 N.E.2d 221, 223 (Ind. 1994)).

Our review of the record reveals that the incredible dubiosity rule simply does not apply here. Fields's testimony is not inherently contradictory and circumstantial evidence is present here. Washington merely asks that we reweigh the evidence and judge the credibility of the witnesses, which we cannot do. Drane, 867 N.E.2d at 146. We note that it is well settled that "the uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal."[2] Pinkston v. State, 821 N.E.2d 830, 842 (Ind. Ct. App. 2004), trans. denied. Based upon the evidence discussed above, we conclude that the State presented evidence of probative value from which the trial court could have found Washington guilty beyond a reasonable doubt of battery as a class A misdemeanor. See, e.g., K.S. v. State, 849 N.E.2d 538, 543-544 (Ind. 2006) (holding that the evidence was sufficient to sustain the defendant's conviction for battery).

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

Affirmed.

BAKER, C. J. and MATHIAS, J. concur

[2] Washington also relies upon Vest v. State, 621 N.E.2d 1094 (Ind. 1993), for the proposition that Fields's testimony was unreliable because it was "unverified." Appellant's Brief at 5. We presume that Washington is arguing that Fields's testimony was unreliable because no one witnessed Washington throwing Fields against the refrigerator. Vest does not stand for the proposition that a witness's testimony must be "verified." Rather, in Vest, the Indiana Supreme Court found that the evidence was insufficient to sustain the defendant's conviction where no admissible evidence was presented establishing that the

defendant injured the child. 621 N.E.2d at 1096. Here, Fields's testimony was admissible and established the elements of battery.