

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.

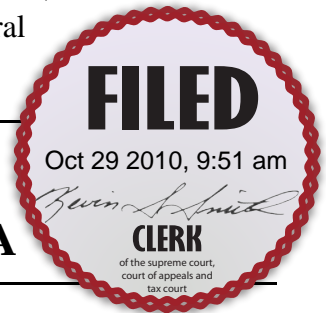
ATTORNEY FOR APPELLANT:

TIMOTHY J. BURNS
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

GEORGE P. SHERMAN
Deputy Attorney General
Indianapolis, Indiana



**IN THE
COURT OF APPEALS OF INDIANA**

IVETTE HAYLETT,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 49A02-1002-CR-113

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Steven J. Rubick, Judge
Cause No. 49F10-0906-CM-55427

October 29, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Ivette Haylett appeals her conviction of Class B misdemeanor criminal mischief.¹ Finding the evidence most favorable to the judgment sufficient to permit a reasonable trier of fact to infer Haylett committed the act in question, we affirm.

FACTS AND PROCEDURAL HISTORY

On the evening of May 30, 2009, Sherrell Humphries-Strong was at home with her husband and son. Humphries-Strong's sister, Cherish Wimberly, and Wimberly's son were visiting. Humphries-Strong was standing near the front door when she noticed a vehicle stop in front of her house. Haylett² and her sister exited the vehicle and walked toward the house, each carrying a brick. Humphries-Strong closed the front door and called for her sister to come see what was happening. Haylett threw her brick at the front door of the house and her sister threw her brick through a window of a car parked in Humphries-Strong's driveway. Haylett's brick broke the glass out of the storm door and damaged the frame beyond repair.

Humphries-Strong reported the incident to the police, who came to take pictures of the damage. The State charged Haylett with two counts of criminal mischief, one Class A misdemeanor, and one Class B misdemeanor. After the State presented its evidence at Haylett's bench trial, the court involuntarily dismissed the Class A count. After Haylett rested, the court found her guilty of Class B misdemeanor criminal recklessness.

¹ Ind. Code § 35-43-1-2(a)(1) provides in pertinent part: "A person who . . . recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent . . . commits criminal mischief."

² Humphries-Strong knew Haylett because Haylett had an affair with Humphries-Strong's husband.

DISCUSSION AND DECISION

Haylett asserts there was insufficient evidence she committed this crime because she and her sister each testified they did not go to Humphries-Strong's house on the night in question, but rather were at a birthday party for their brother at Haylett's house. When addressing claims of insufficient evidence, we neither reweigh the evidence nor reevaluate the credibility of the witnesses. *Wallace v. State*, 896 N.E.2d 1249, 1251 (Ind. Ct. App. 2008), *reh'g denied, trans. denied*. Rather, we view the evidence most favorable to the verdict, and the reasonable inferences therefrom, and we affirm if the record contains "substantial evidence of probative value" from which a reasonable fact-finder could find beyond a reasonable doubt that the defendant was guilty. *Id.*

Humphries-Strong and Wimberly each testified they saw Haylett throw a brick at the front door of Humphries-Strong's house. This was sufficient to permit a finding Haylett committed the offense. *See, e.g., Roose v. State*, 610 N.E.2d 256, 258-59 (Ind. Ct. App. 1993) (evidence sufficient to support identification of defendant as driver of truck committing criminal recklessness, when two witnesses identified truck as defendant's and one witness identified defendant as the driver), *trans. denied*. Haylett's request is an invitation to reassess the credibility of the witnesses, which we may not do. *See Amos v. State*, 896 N.E.2d 1163, 1171 (Ind. Ct. App. 2008) (declining to find evidence insufficient where defendant argued witness was biased), *trans. denied*.

Affirmed.

ROBB, J., and VAIDIK, J., concur.