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IN THE COURT OF APPEALS OF INDIANA

AARON HILLIARD,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0906-CR-538
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda E. Brown, Judge
Cause No. 49F10-0901-CM-18842

December 31, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Aaron Hilliard appeals his conviction for Class A misdemeanor battery. Specifically, he contends that the evidence is insufficient to support his conviction. Finding the evidence sufficient, we affirm.

Facts and Procedural History

The facts most favorable to the judgment reveal that on January 26, 2009, Donald Stafford pulled his car into a handicapped parking space at an Indianapolis Kroger. Stafford then began to exit his car. As Stafford reached for his cane and put his leg out of the car, Hilliard approached Stafford, told Stafford that he "took his parking spot," and kicked him in the knee. Tr. p. 6, 7. Two women witnessed the event, and they called the police. Hilliard was apprehended inside the store. As a result of the kick, Stafford's knee was skinned and bruised, which caused him pain.

The State charged Hilliard with Class A misdemeanor battery. A bench trial was held in May 2009. At trial, Hilliard testified that he exited his truck and approached Stafford, who was sitting in his car, because Stafford almost hit his truck as he pulled into the handicapped parking space. Hilliard also testified that Stafford initially did not exit his car but instead lodged racial remarks toward him. Then later, Stafford exited his car and poked Hilliard with his cane. The court found Hilliard guilty as charged and sentenced him to 365 days with 355 days suspended and credit for time served and eighty hours of community service. Hilliard now appeals his conviction.

Discussion and Decision

Hilliard contends that the evidence is insufficient to support his conviction. When reviewing the sufficiency of the evidence, appellate courts must only consider the probative evidence and reasonable inferences supporting the judgment. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient. *Id.* To preserve this structure, when appellate courts are confronted with conflicting evidence, they must consider it "most favorably to the trial court's ruling." *Id.* Appellate courts affirm the conviction unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Id.* at 146-47 (quotation omitted). It is therefore not necessary that the evidence "overcome every reasonable hypothesis of innocence." *Id.* at 147 (quotation omitted). "[T]he evidence is sufficient if an inference may reasonably be drawn from it to support the [judgment]." *Id.* (quotation omitted).

In order to convict Hilliard as charged here, the State had to prove that he knowingly touched Stafford in a rude, insolent, or angry manner and that the touching resulted in bodily injury to Stafford, specifically, pain and/or redness. Ind. Code § 35-42-2-1; Appellant's App. p. 15. On appeal, Hilliard in essence argues that the evidence is insufficient to support his conviction because the record is so short. *See* Appellant's Br. p. 4 ("Counsel would state that the shortness of the record is significant . . . ."). However, the fact that the transcript from the trial consists of less than twenty pages has no bearing on whether the State has met its burden of proving each element of the offense beyond a reasonable doubt. Rather, we look to the evidence presented. That evidence

shows that Hilliard approached Stafford as Stafford was exiting his car and kicked him in the knee, skinning and bruising it and causing him pain. The evidence is sufficient to support Hilliard's conviction. As such, Hilliard is merely asking us to reweigh the evidence, which we cannot do. We therefore affirm the trial court.

Affirmed.

RILEY, J., and CRONE, J, concur.