

MEMORANDUM DECISION

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.



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IN THE COURT OF APPEALS OF INDIANA

Larnelle Bocot,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

October 6, 2022

Court of Appeals Case No.
22A-CR-687

Appeal from the Marion Superior
Court

The Hon. Angela Dow Davis,
Judge

Trial Court Cause No.
49D27-2105-CM-15519

Bradford, Chief Judge.

Case Summary

[1] In May of 2021, Larnelle Bocot and A.A. lived together in Indianapolis and had a “sometimes” sexual relationship. On May 19, 2021, Bocot and A.A. were arguing about money when Bocot “flipped” a plate, which struck her in the nose, causing it to bleed. The State charged Bocot with domestic battery and battery causing bodily injury, both Class A misdemeanors, and, following a bench trial, the trial court found him guilty as charged, entered judgment of conviction for domestic battery, and sentenced him to 365 days of incarceration, all suspended to probation. Bocot contends that the State produced insufficient evidence to sustain his conviction for domestic battery. Because we disagree, we affirm.

Facts and Procedural History

[2] Bocot and A.A. began living together in Indianapolis in March of 2020 and had a sexual relationship “sometimes.” Tr. Vol. II p. 61. On May 19, 2021, Bocot and A.A. got into an argument because A.A. owed him money. When A.A. sat down in the living room with a plate of food, the “aggravated” and “frustrated” Bocot “flipped” the plate, which hit her in the nose, causing it to bleed. Tr. Vol. II pp. 62–63. The State charged Bocot with domestic battery and battery resulting in bodily injury, both Class A misdemeanors. A bench trial was held on February 28, 2021, after which the trial court found Bocot guilty as charged while vacating the battery causing bodily injury due to double jeopardy concerns. The trial court sentenced Bocot to 365 days of incarceration, all suspended to probation.

Discussion

- [3] Bocot contends that the State produced insufficient evidence to sustain his conviction for Class A misdemeanor domestic battery. When evaluating a challenge to the sufficiency of the evidence to support a conviction, we do not “reweigh the evidence or judge the credibility of the witnesses,” nor do we intrude within the factfinder’s “exclusive province to weigh conflicting evidence[.]” *Alkhalidi v. State*, 753 N.E.2d 625, 627 (Ind. 2001). Rather, a conviction will be affirmed unless “no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Jenkins v. State*, 726 N.E.2d 268, 270 (Ind. 2000). The evidence need not exclude every reasonable hypothesis of innocence, but instead, “the evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.” *Pickens v. State*, 751 N.E.2d 331, 334 (Ind. Ct. App. 2001). When we are confronted with conflicting evidence, we must consider it “most favorably to the trial court’s ruling.” *Wright v. State*, 828 N.E.2d 904, 906 (Ind. 2005).
- [4] In order to convict Bocot of Class A misdemeanor domestic battery, the State was required to prove that he knowingly or intentionally touched a “family or household member in a rude, insolent, or angry manner[.]” Ind. Code § 35-42-2-1.3(a)(1). A person is a household member of “another person if the individual [...] is or was engaged in a sexual relationship with the other person[.]” Ind. Code § 35-31.5-2-128(a)(3). Moreover, “[w]hile battery requires defendant to have intended to touch another person, defendant need not personally touch another person since battery may be committed by the

unlawful touching by defendant or by any other substance put in motion by defendant.” *Matthews v. State*, 476 N.E.2d 847, 850 (Ind. 1985)

[5] Bocot alleges that the State failed to prove that he and A.A. had been members of the same household on May 19, 2021, and that he had intentionally flipped the plate that had struck her. A.A., however, testified that, at the very least, she and Bocot had been in a sexual relationship at some point in the past, which is sufficient to prove membership of the same household and which the trial court found credible. A.A. also testified that she and Bocot had been arguing about a debt, Bocot had already been upset that her friend was there, and that he had “flipped” the plate, testimony accompanied by a demonstration consisting of an “upward” hand gesture. Tr. Vol. II p. 62. The trial court was free to infer from this testimony and A.A.’s demonstration that the flipping had been done with intent and, in fact, indicated on the record that it had made just such an inference. Bocot’s argument is nothing more than an invitation to reweigh the evidence, which we will not do. *See Davis v. State*, 791 N.E.2d 266, 270-71 (Ind. Ct. App. 2003) (“It is the trier-of-fact’s prerogative to weigh the credibility of the witnesses and to weigh the evidence.”), *trans. denied*.

[6] We affirm the judgment of the trial court.

Robb, J., and Pyle, J., concur.