MEMORANDUM DECISION

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IN THE
COURT OF APPEALS OF INDIANA

Daniel Jacob Bellm,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

December 8, 2023

Court of Appeals Case No. 23A-CR-1668

Appeal from the Vanderburgh Circuit Court

The Honorable David D. Kiely, Judge

Trial Court Cause No. 82C01-2303-F5-1802

Memorandum Decision by Judge May
Judges Bailey and Felix concur.

May, Judge.

[1] Daniel Jacob Bellm appeals following his convictions of Level 5 felony domestic battery[1] and Level 6 felony criminal confinement.[2] Bellm asserts the State presented insufficient evidence to support his domestic battery conviction.[3] We affirm.

Facts and Procedural History

[2] At approximately 9:22 p.m. on March 18, 2023, an anonymous 911 caller reported that his neighbor was "yelling help." (State's Ex. 1(B) at 0:13.) He identified the neighbor as S.O., a woman who "lives with Daniel Bellm." (*Id.* at 0:22-0:25.) Officer Zackary Baehl and Officer Mason Cooley of the Evansville Police Department responded to the call. Officer Cooley encountered the wife of the 911 caller standing outside. She identified Bellm's house and told Officer Cooley that "screaming and yelling and loud knocking" sounds were coming from the house. (Tr. Vol. II at 39.)

[3] The two officers heard S.O. yelling as they approached the front door of Bellm's house, and Officer Baehl requested that the home's occupants open the door. The door opened slightly but quickly slammed shut. S.O. then yelled: "I'm

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[1] Ind. Code § 35-42-2-1.3(c)(4).

[2] Ind. Code § 35-42-3-3(a).

[3] Bellm does not challenge his conviction of Level 6 felony criminal confinement.

trying. He won't let me." (State's Ex. 2 at 2:10-2:15.) Seconds later, Bellm opened the door, and Officer Baehl wrestled Bellm to the floor and handcuffed him. Officer Cooley also entered the house, and he observed that S.O. "had a scratch on her face and some marks on her bottom lip." (Tr. Vol. II at 42.) She was also crying and had a runny nose. Officer Cooley took pictures of S.O.'s injuries as part of his investigation.

[4] On March 24, 2023, the State filed charges against Bellm alleging that he committed Level 5 felony domestic battery after having a previous conviction of domestic battery against the same victim, Level 6 felony domestic battery after having a previous conviction of battery,[4] and Level 6 felony criminal confinement.[5] With respect to the domestic battery charges, the parties agreed to a bifurcated trial in which the jury would first decide whether Bellm committed the offense of Class A misdemeanor domestic battery[6] and then the jury would decide whether Bellm's offense qualified for enhancement. The trial court held Bellm's trial on May 25, 2023.

[5] At trial, the State played the 911 call for the jury, showed bodycam footage recorded by the responding officers, and introduced the photographs Officer

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[4] Ind. Code § 35-42-2-1.3(b)(1).

[5] The State also initially alleged Bellm was a habitual offender pursuant to Indiana Code section 35-50-2-8, but the State later dismissed that allegation.

[6] Ind. Code § 35-42-2-1.3(a).

Cooley took of S.O.'s injuries. Officer Cooley testified the injuries in the photographs appeared "fresh." (*Id.* at 55.) S.O. did not testify at trial.

[6] The jury found Bellm guilty of Class A misdemeanor domestic battery and Level 6 felony criminal confinement. After the jury rendered its verdict, Bellm admitted he had a previous conviction of domestic battery against S.O. and agreed to elevation of his domestic battery conviction to a Level 5 felony. On June 20, 2023, the trial court imposed sentences of four-and-a-half years for Bellm's Level 5 felony domestic battery conviction and eighteen months for his Level 6 felony criminal confinement conviction. The trial court ordered Bellm to serve the two sentences concurrently in the Indiana Department of Correction, resulting in an aggregate sentence of four-and-a-half years.

Discussion and Decision

1. Sufficiency of the Evidence

[7] Bellm asserts the State failed to present sufficient evidence that he committed domestic battery. Our standard of review for such claims is well-settled:

> Sufficiency-of-the-evidence claims . . . warrant a deferential standard, in which we neither reweigh the evidence nor judge witness credibility. Rather we consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence. We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt.

Powell v. State, 151 N.E.3d 256, 262-63 (Ind. 2020) (internal citation omitted).

[8] A person commits domestic battery if the person "knowingly or intentionally touches a family or household member in a rude, insolent, or angry manner[.]" Ind. Code § 35-42-2-1.3(a). The offense is a Level 5 felony if the person "has a previous conviction for a battery offense . . . against the same family or household member." Ind. Code § 35-42-2-1.3(c)(4). "A conviction may rest on circumstantial evidence alone. Circumstantial evidence need not overcome every reasonable hypothesis of innocence. It is sufficient if an inference drawn from the circumstantial evidence reasonably tends to support the conviction." *Peters v. State*, 959 N.E.2d 347, 355 (Ind. Ct. App. 2011) (internal citations omitted).

1.1 "Family or Household Member"

[9] Bellm first argues the State failed to present sufficient evidence that S.O. qualified as a "family or household member" under the domestic battery statute. (Appellant's Br. at 9.) Our legislature defined family or household member, in relevant part, as a person who "is dating or has dated the other person" or "is or was engaged in a sexual relationship with the other person[.]" Ind. Code § 35-31.5-2-128(a)(2) & (a)(3). Bellm acknowledges the anonymous 911 caller stated S.O. and Bellm lived together, but he asserts "[i]t is pure speculation . . . to assume that because Bellm and [S.O.] were a man and a woman that lived together, they must have been in a dating relationship." (Appellant's Reply Br. at 5.)

[10] We disagree. It is common for two people in a romantic relationship to live together, and "when determining whether an element exists, the jury may rely on its collective common sense and knowledge acquired through everyday experiences." *Halsema v. State*, 823 N.E.2d 668, 673 (Ind. 2005). The relationship between Bellm and S.O. was sufficiently well-established that their neighbors knew who they were and knew to call 911 when they heard S.O. crying for help. Thus, it was reasonable for the jury to infer S.O. was a "family or household member" of Bellm, and Bellm's assertion that he and S.O. were merely roommates is nothing more than a request for us to reweigh the evidence, which we will not do. *See*, *e.g.*, *Jackson v. State*, 165 N.E.3d 641, 649 (Ind. Ct. App. 2021) (holding the State presented sufficient evidence that a battery victim was a family or household member of the defendant when victim and defendant stayed together while visiting with each other and defendant sponsored victim's fiancé visa), *trans. denied*.

1.2 Cause of Injuries

[11] Second, Bellm contends the State failed to present sufficient evidence that Bellm caused S.O.'s injuries. He notes S.O. "did not testify at Bellm's trial, and all evidence presented by the State reflected what occurred after police were called and arrived at the home." (Appellant's Br. at 10) (emphasis in original).

[12] The facts of the instant case are analogous to those in *Perry v. State*, 78 N.E.3d 1 (Ind. Ct. App. 2017). In *Perry*, an anonymous person called 911 and reported "that a man was being belligerent and throwing a crying woman against a wall

in a room" at a hotel in Fort Wayne. *Id.* at 5 (internal quotation marks omitted). Two police officers responded to the call and heard a male yelling inside the room. *Id*. When the defendant, Perry, answered the door, he appeared angry, and the victim was crying. *Id*. One of the officers "saw that [the victim] had a bloody lip, and she told him that Perry had done that just now by hitting her in the face." *Id*. (internal quotation marks omitted). At trial, the victim testified that she received the bloody lip when she tripped and fell, but the jury returned a verdict finding Perry guilty of domestic battery. *Id*. at 7-8. We held that sufficient evidence supported Perry's conviction despite the victim's testimony because a reasonable factfinder could conclude from the 911 call, the officer's testimony, and the victim's bloody lip at the scene that Perry had battered the victim. *Id*. at 9-10.

[13] Likewise, in the instant case, the anonymous 911 caller reported S.O. crying for help. The officers heard yelling as they approached the door, and Bellm would not let S.O. open the front door for the officers. When Bellm did open the door, Officer Baehl explained: "He was angry, he was belligerent, he appeared to be intoxicated, slurring his words." (Tr. Vol. II at 60.) S.O. had a "fresh" scratch on her cheek and injuries around her lip. (*Id*. at 55.) She was also crying. Thus, even though S.O. did not testify at trial, the jury could reasonably infer from this evidence that Bellm caused the injuries to S.O.'s face, and Bellm's contention that something else could have caused S.O.'s injuries is simply a request for us to reweigh the evidence, which we will not do. *See Woodson v. State*, 966 N.E.2d 135, 142 (Ind. Ct. App. 2012) (holding defendant's

argument "is little more than a request to reweigh the evidence, which we will not do"), *trans. denied*. Therefore, we hold the State presented sufficient evidence to sustain Bellm's domestic battery conviction. *See*, *e.g.*, *Perry*, 78 N.E.3d at 9-10 (holding the State presented sufficient evidence to support the defendant's domestic battery conviction based on witness testimony and evidence of victim's injuries).

Conclusion

[14] The State presented sufficient evidence to permit a reasonable juror to conclude that S.O. was a "family or household member" of Bellm and that Bellm battered her. Accordingly, we affirm the trial court.

[15] Affirmed.

Bailey, J., and Felix, J., concur.