

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

Eddie Lee Wade, Jr.,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*

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March 14, 2024

Court of Appeals Case No.  
23A-CR-810

Appeal from the St. Joseph Superior Court  
The Honorable John M. Marnocha, Judge

Trial Court Cause No.  
71D02-2205-F5-99

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**Memorandum Decision by Judge Mathias**  
Judges Tavitas and Weissmann concur.

## **Mathias, Judge.**

[1] Eddie Lee Wade, Jr. appeals his convictions for Level 5 felony battery and Class A misdemeanor domestic battery following a jury trial. Wade also appeals his resulting sentence. Wade presents the following two issues for our review:

1. Whether the State presented sufficient evidence to support his convictions.

2. Whether his aggregate sentence of four years executed is inappropriate in light of the nature of the offenses and Wade's character.

[2] We affirm.

## **Facts and Procedural History**

[3] In May 2022, Artrice Brown and Wade were in an “on and off” relationship. Tr. Vol. 2, p. 29. Artrice's adult daughter, Latasia, had known Wade her “whole life” and referred to him as her “step[-]dad.” *Id.* at 26. Wade was also “like a grandfather” to Latasia's children. *Id.*

[4] On May 6, Artrice drove Latasia, who was nine-months pregnant, to Artrice's apartment in South Bend. When they arrived, they observed Wade's vehicle at a female neighbor's apartment. Artrice knocked “aggressive[ly]” on the neighbor's door and yelled for Wade to come outside. *Id.* at 30. Wade did so and was “very aggressive.” *Id.* He told Artrice “he was gonna fight for” the neighbor, and then “[h]e started swinging.” *Id.* He punched Artrice multiple

times. Latasia yelled at him to stop and placed herself “between” Artrice and Wade. *Id.* at 32. Wade “push[ed]” Latasia, then “hit [her] right in [her] face,” and then he attempted to hit her again. *Id.* Latasia responded by grabbing a broom and hitting Wade with it.

[5] The State charged Wade with Level 5 felony battery (for hitting Latasia) and with Class A misdemeanor domestic battery (against Artrice). After Latasia and several responding officers testified at his trial, the jury found Wade guilty of both offenses. The court then held a sentencing hearing, after which it ordered Wade to serve an aggregate term of four years executed.

[6] This appeal ensued.

## **1. The State presented sufficient evidence to support Wade’s convictions.**

[7] On appeal, Wade first argues that the State failed to present sufficient evidence to support his convictions. For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. *Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021). We will neither reweigh the evidence nor judge witness credibility. *Id.* We will affirm a conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

[8] To prove that Wade committed Level 5 felony battery against Latasia, the State was required to show that Wade knowingly or intentionally touched her in a rude, insolent, or angry manner, which resulted in bodily injury to a pregnant

woman, and that Wade knew of the pregnancy. [Ind. Code § 35-42-2-1\(g\)\(3\) \(2021\)](#). Wade’s only argument against his Level 5 conviction is that Latasia may have simply been “inadvertently struck when she attempted to break up the fight.” Appellant’s Br. at 11. But Latasia testified that Wade first pushed her, then he struck her, and then he attempted to strike her again. A reasonable fact-finder could conclude from her testimony that Wade struck Latasia knowingly or intentionally, and Wade’s arguments against this conviction simply seek to have this Court reweigh the evidence, which we will not do.

[9] To prove that Wade committed Class A misdemeanor domestic battery, the State was required to show that he knowingly or intentionally touched a family or household member in a rude, insolent, or angry manner. [I.C. § 35-42-2-1.3 \(2021\)](#). Here, Wade’s only argument is that Latasia’s recollection was questionable, and it was “impossible to discern who struck who first” between Artrice and Wade. Appellant’s Br. at 12. But, again, Latasia testified that Wade exited the female neighbor’s apartment, said he was ready to fight for her, and then began hitting Artrice. A reasonable fact-finder could conclude from that testimony that Wade committed Class A misdemeanor domestic battery against Artrice, and Wade’s arguments again seek to have this Court reweigh the evidence, which we will not do.

## **2. Wade’s sentence is not inappropriate.**

[10] Wade also contends that his aggregate four-year sentence is inappropriate. Under [Indiana Appellate Rule 7\(B\)](#), we may modify a sentence that we find is “inappropriate in light of the nature of the offense and the character of the

offender.” Making this determination “turns on our sense of the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case.” *Cardwell v. State*, 895 N.E.2d 1219, 1224 (Ind. 2008). Sentence modification under Rule 7(B), however, is reserved for “a rare and exceptional case.” *Livingston v. State*, 113 N.E.3d 611, 612 (Ind. 2018) (*per curiam*).

[11] When conducting this review, we generally defer to the sentence imposed by the trial court. *Conley v. State*, 972 N.E.2d 864, 876 (Ind. 2012). Our role is to “leaven the outliers,” not to achieve what may be perceived as the “correct” result. *Id.* Thus, deference to the trial court’s sentence will prevail unless the defendant persuades us the sentence is inappropriate by producing compelling evidence portraying in a positive light the nature of the offense—such as showing restraint or a lack of brutality—and the defendant’s character—such as showing substantial virtuous traits or persistent examples of positive attributes. *Robinson v. State*, 91 N.E.3d 574, 577 (Ind. 2018); *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[12] Wade was convicted of Level 5 felony battery and Class A misdemeanor battery. A Level 5 felony carries a sentencing range of one to six years, with an advisory sentence of three years. I.C. § 35-50-2-6(b) (2021). A Class A misdemeanor carries a possible maximum term of one year. I.C. § 35-50-3-2 (2021). In imposing an aggregate term of four years here, the trial court relied in significant part on Wade’s four prior felony convictions. *See* Tr. Vol. 2, p. 143.

[13] We cannot say that Wade’s four-year sentence is inappropriate. Regarding the nature of the offenses, he started a fight with a woman he had had an “on and off” relationship with during Latasia’s whole life. Tr. Vol. 2, p. 29. In the course of that fight, he struck Latasia, who was nine-months pregnant and viewed him as a “step[-]dad” to her and as a “grandfather” to her children. *Id.* at 26. Those facts and circumstances also speak poorly of Wade’s character, as do his four prior felony convictions. We affirm Wade’s sentence.

## **Conclusion**

[14] For all of the above-stated reasons, we affirm Wade’s convictions and sentence.

[15] Affirmed.

Tavitas, J., and Weissmann, J., concur.

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