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**IN THE
COURT OF APPEALS OF INDIANA**

GARY TIPLER,)
)
Appellant-Defendant,)
)
vs.) No. 49A02-0604-CR-343
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION COUNTY COURT
The Honorable Danielle Gaughan, Commissioner
Cause No. 49G16-0502-FD-024783

November 3, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Gary Tipler appeals his convictions for class D felony intimidation¹ and class A misdemeanor domestic battery.² He claims the evidence is insufficient to support his convictions. In reviewing claims of insufficient evidence, we consider only the evidence most favorable to the judgment and the reasonable inferences therefrom, and we may not reweigh the evidence or reassess witness credibility. *Brown v. State*, 830 N.E.2d 956, 967-68 (Ind. Ct. App. 2005). Therefore, we may not, as Tipler requests, reconsider his testimony. Dana Bryant testified that Tipler threatened to kill her for talking to his mother on the phone. Bryant’s testimony is sufficient to sustain Tipler’s intimidation conviction. *See Id.* (“We will affirm if there is probative evidence from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt.”). Bryant also testified that Tipler hit her in the eye and in the chest with his closed fist, causing her pain in both locations as well as swelling around her eye.³ This testimony is sufficient to sustain Tipler’s domestic battery conviction. *Id.* Accordingly, we affirm.

Affirmed.

BAKER, J., and VAIDIK, J., concur.

¹ Ind. Code § 35-45-2-1.

² Ind. Code § 35-42-2-1.3.

³ *See* Ind. Code § 35-41-1-4 (defining “bodily injury” as “any impairment of physical condition, including physical pain.”).