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IN THE
COURT OF APPEALS OF INDIANA

BRYANT BELL,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0605-CR-435
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Clark Rogers, Judge
Cause No. 49G16-0505-CM-87114

DECEMBER 8, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

ROBERTSON, Senior Judge

STATEMENT OF THE CASE

Defendant-Appellant Bryant Bell ("Bell") is appealing his conviction after a bench trial of the Class A misdemeanor, domestic battery.

We affirm.

ISSUE

Bell states the issue as:

> Whether the State proved Mr. Bell guilty beyond a reasonable doubt of Domestic Battery, Class A Misdemeanor?

FACTS

Facts viewed in a light most favorable to the judgment show that Bell was the father of Denesha Gregory's two children. Bell went to Gregory's home because she was expecting money from him to pay the rent in order to avoid eviction. After Bell arrived, Gregory asked for the money, but Bell told her to get a job. When Gregory refused, Bell picked her up by her shoulders from the chair, and threw her toward the door that was about two or three feet away. Bell picked her up again, and threw her against the door causing her to strike her head and causing her pain. Bell picked her up yet another time, and threw her out the door onto a concrete porch, causing her to fall down three steps. Bell picked her up again, and threw her down some more steps. By now, even though Gregory was on the sidewalk, Bell threw her down more steps.

A police officer who observed the battery quelled the disturbance, and after talking with Bell allowed him to leave. Gregory called the police. Officer Hayth responded, and found Gregory pretty upset, worried, and complaining about pain from

her injuries. Gregory was treated at the hospital the next day for injuries to her head and leg.

At trial, Gregory and Officer Hayth testified for the State. Bell testified on his own behalf, denying his guilt.

Additional facts will be added as needed.

DISCUSSION AND DECISION

Our standard of review when considering the sufficiency of the evidence is well settled. We will not reweigh the evidence or assess the credibility of witnesses. *Morrison v. State*, 824 N.E.2d 734, 742 (Ind. Ct. App. 2005). We will only consider the evidence most favorable to the judgment, together with all reasonable inferences that can be drawn therefrom. *Id.* We will uphold a conviction if there is substantial evidence of probative value from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.*

Ind. Code §35-42-2-1.3 defines Class A misdemeanor domestic battery, as applicable to these facts, as when a person, who knowingly or intentionally touches a person who is or was living as if a spouse of the other person, in a rude, insolent, or angry manner that results in bodily injury.

Bell argues that there is no evidence that conclusively proved that he touched Gregory in a rude, insolent, or angry manner. Any touching, however slight, may constitute battery. *Impson v. State*, 721 N.E.2d 1275, 1285 (Ind. Ct. App. 2000). We hold, under our standard of review, that the evidence was sufficient to satisfy the "rude, insolent, or angry manner" element, because the evidence shows that Bell committed a

series of assaults or batteries on Gregory causing her to sustain bodily injuries. *See K.D. v. State*, 754 N.E.2d 36, 41 (Ind. Ct. App. 2001).

Bell also argues that his testimony negates the testimony of Gregory and the police officer.

We note that generally the uncorroborated evidence of a victim is sufficient to sustain a conviction. *Holeton v. State*, 853 N.E.2d 539, 541 (Ind. Ct. App. 2006). Under the facts of this case Gregory's testimony was corroborated by the police officer.

Additionally, we view Bell's evidence as conflicting evidence that raises an issue of credibility, but does not present reversible error. *Capps v. State*, 598 N.E.2d 574, 579 (Ind. Ct. App. 1992). Triers of fact determine not only the facts presented to them and their credibility, but any reasonable inferences from facts established either by direct or circumstantial evidence. *Brink v. State*, 837 N.E.2d 192, 197 (Ind. Ct. App. 2005).

Bell also directs us to the case of *Vest v. State*, 621 N.E.2d 1094 (Ind. 1993) in which the supreme court held that a victim's statement to a medical attendant may not be used as proof of the facts contained in that statement. We are of the opinion that *Vest* is factually dissimilar and not applicable to this appeal.

CONCLUSION

The evidence is sufficient to sustain the conviction.

Judgment affirmed.

BAKER, J., and MATHIAS, J., concur.