MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

John Tovey,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

February 2, 2022

Court of Appeals Case No. 21A-CR-1980

Appeal from the St. Joseph Superior Court

The Hon. Cristal Brisco, Judge

The Hon. Julie P. Verheye, Magistrate

Trial Court Cause No. 71D04-2105-CM-1224

Bradford, Chief Judge.

Case Summary

[1] John Tovey appeals from his conviction for Class A misdemeanor domestic battery, contenting only that the State failed to establish that he struck his wife Cathy in a rude, insolent, or angry manner. Because we disagree, we affirm.

Facts and Procedural History

[2] On May 7, 2021, Tovey and Cathy were in their Mishawaka home when they began to argue about whether to lend their car to Tovey's nephew. Tovey became upset, stood up, and approached Cathy, getting close enough to pin her to a chair. Tovey began "screaming, screaming, rage, [and] yelling" and hit Cathy on the jaw with his left hand. Tr. Vol. II p. 6. Cathy suffered pain, later testifying that she had "never felt so much pain" and that she had "cried and cried for hours in pain with [a] bag of [frozen] peas on it because it hurt so bad." Tr. Vol. II p. 8. The State charged Tovey with Class A misdemeanor domestic battery, and the trial court found him guilty as charged and sentenced him to ninety days of incarceration, all suspended.

Discussion and Decision

[3] 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 [factfinder's] ruling." *Wright v. State*, 828 N.E.2d 904, 906 (Ind. 2005). To convict Tovey of domestic battery, the State was required to prove that he knowingly touched Cathy, a family or household member, in a rude, insolent, or angry manner. Ind. Code § 35-42-2-1.3(a)(1).

[4] Tovey contends only that the State failed to produce sufficient evidence to establish that he struck Cathy in a rude, insolent, or angry manner. To get straight to the point, Cathy's testimony is more than sufficient to sustain such a finding. Cathy testified that Tovey approached her yelling, screaming, and in a "rage" before striking her on the jaw. Tr. Vol. II p. 6. The testimony of a single witness can provide sufficient evidence for a conviction, and, as mentioned, we do not reweigh the credibility of witnesses. *C.T.S. v. State*, 781 N.E.2d 1193 (Ind. Ct. App. 2003), *trans. denied*. While Tovey testified that any contact with Cathy's jaw was accidental, the trial court was not required to credit this testimony, and did not. Tovey's argument is nothing more than an invitation to reweigh the evidence, which we will not do. *See Alkhalidi*, 753 N.E.2d at 627.

[5] The judgment of the trial court is affirmed.

Crone, J., and Tavitas, J., concur.