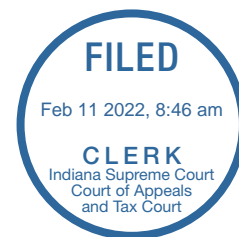


## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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### ATTORNEY FOR APPELLANT

Deborah K. Smith  
Thorntown, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General of Indiana

Steven J. Hosler  
Deputy Attorney General  
Indianapolis, Indiana

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## IN THE COURT OF APPEALS OF INDIANA

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Ron Hale,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

February 11, 2022

Court of Appeals Case No.  
21A-CR-1253

Appeal from the Boone Superior  
Court

The Honorable Bruce E. Petit,  
Judge

Trial Court Cause No.  
06D02-2003-CM-503

**Riley, Judge.**

## STATEMENT OF THE CASE

- [1] Appellant-Defendant, Ron Hale (Hale), appeals his conviction for battery resulting in bodily injury, a Class A misdemeanor, Ind. Code § 35-42-2-1(c)(1), (d)(1).
- [2] We affirm.

## ISSUE

- [3] Hale presents this court with one issue on appeal, which we restate as:  
Whether the State presented sufficient evidence beyond a reasonable doubt to support his conviction.

## FACTS AND PROCEDURAL HISTORY

- [4] On December 18, 2019, Charles Reagan (Charles), and his wife Dara Reagan (Dara) went to help Charles' mother, Mercy Hale (Mercy), move out of her home in Lebanon, Indiana. Charles was delivering Mercy's items to a storage unit nearby. At some point during that night, Mercy's ex-husband, Hale, and his son, Jack Hale (Jack), arrived at Mercy's house in Hale's pickup truck. Both Hale and Jack were intoxicated. Hale had to lean against a wall to remain standing, and he "urinated all over himself down his leg and onto the carpet." (Transcript Vol. II, p. 8). Hale verbally expressed his displeasure with the fact that Mercy was moving out and moving in with Charles and Dara. Mercy did not address his concerns, instead, she asked Hale to move his truck so as to make room for Charles, who was expected to return shortly from the storage unit.

[5] As he returned to his truck, Hale became more upset and continued to yell and curse. Hale had trouble finding his keys, which were in the ignition, but eventually found them and started the truck. While in the truck, he verbally abused Dara with “every name in the book.” (Tr. Vol. II, p. 10). After Hale drove out of the driveway, Charles reversed into the driveway. Hale then began “bumping the front of [Charles’] truck,” and that prompted Charles to pull back into the driveway further. (Tr. Vol. II, p. 10). Upon seeing Hale’s actions, Dara approached Hale and ordered Hale to go home because he was intoxicated, and she was worried that Hale would hurt somebody while driving. Prior to leaving, Hale reached out of his truck window and with a closed fist hit Dara in the face. Dara felt pain and she stumbled back. Dara or Charles thereafter called the police. The officer who was dispatched to the scene found Charles and Dara upset, and he saw that Dara’s left cheek was red near her nose.

[6] On March 4, 2020, the State filed an Information, charging Hale with battery resulting in bodily injury, a Class A misdemeanor. On May 21, 2021, a bench trial was conducted, and at the close of the evidence, the trial court found Hale guilty as charged. On June 9, 2021, the trial court conducted a sentencing hearing and sentenced Hale to 180 days in jail.

[7] Hale now appeals. Additional information will be provided as necessary.

## DISCUSSION AND DECISION

- [8] Hale contends that there was insufficient evidence to convict him of Class A misdemeanor battery resulting in bodily injury. When reviewing a claim of insufficient evidence, it is well-established that our court does not reweigh evidence or assess the credibility of witnesses. *Walker v. State*, 998 N.E.2d 724, 726 (Ind. 2013). Instead, we consider all of the evidence, and any reasonable inferences that may be drawn therefrom, in a light most favorable to the judgment. *Id.* We will uphold the conviction “if there is substantial evidence of probative value supporting each element of the crime from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt.” *Id.* (quoting *Davis v. State*, 813 N.E.2d 1176, 1178 (Ind. 2004)).
- [9] Indiana Code section 35-42-2-1(c)(1), provides that “[a] person who knowingly or intentionally . . . touches another person in a rude, insolent, or angry manner . . . commits battery, a Class B misdemeanor.” The offense is a Class A misdemeanor if the battery results in bodily injury to the other person. I.C. § 35-42-2-1(d)(1). Thus, to convict Hale of Class A misdemeanor battery, the State was required to prove beyond a reasonable doubt that Hale knowingly or intentionally touched Dara in a rude, insolent, or angry manner, which resulted in bodily injury.
- [10] On appeal, Hale argues that the evidence submitted at his trial did not support an inference that he was acting in a rude, insolent, or angry manner; rather, he

contends that the evidence showed that he was just upset that his ex-wife Mercy was moving away. He also claims that Dara did not sustain bodily injury.

[11] At Hale's bench trial, Dara testified that when Hale arrived at Mercy's house, he was upset by the fact that Mercy was moving out. According to Dara, Hale was intoxicated, his speech was slurred, and he verbally abused everyone at the house. When Dara asked Hale to leave after he bumped into Charles' truck several times, Hale reached out of his truck window and hit Dara in the face with his closed fist. This evidence was sufficient for the factfinder to infer that Hale struck Dara in a rude, insolent, or angry manner.

[12] As for Hale's claim that Dara did not sustain any bodily injury, Indiana Code section 35-31.5-2-29 defines bodily injury to mean "any impairment of physical condition, including physical pain." To show bodily injury, the Indiana Supreme Court has explained that no particular level of pain is required to rise to the level of impairment of physical condition; rather, physical pain is an impairment of physical condition. *Bailey v. State*, 979 N.E.2d 133, 138 (Ind. 2012). Thus, "any degree of physical pain may constitute a bodily injury. . . ." *Id.* at 142. At Hale's bench trial, Dara testified that it "stung" when Hale hit her in the face and that she stumbled back. (Tr. Vol. II, p. 11). Dara stated that she felt pain after Hale struck her, and she later saw that her face was red. The officer who was dispatched to the scene found Charles and Dara upset, and he testified that Dara's left cheek was red near her nose. Here, we conclude that the evidence presented was sufficient to show that the result of Hale's attack on Dara was an impairment of physical condition that included physical pain.

[13] For the reason stated, we conclude that the State presented sufficient evidence beyond a reasonable doubt that Hale committed Class A misdemeanor battery resulting in bodily injury.

### **CONCLUSION**

[14] Based on the foregoing, we conclude that the State presented sufficient evidence beyond a reasonable doubt to convict Hale of Class A misdemeanor battery resulting in bodily injury.

[15] Affirmed.

[16] Robb, J. and Molter, J. concur