

# MEMORANDUM DECISION

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## ATTORNEY FOR APPELLANT

Barbara J. Simmons  
Batesville, Indiana

## ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General  
  
Steven J. Hosler  
Deputy Attorney General  
Indianapolis, Indiana

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# IN THE COURT OF APPEALS OF INDIANA

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Brandon Butterfield,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

September 25, 2023  
Court of Appeals Case No.  
23A-CR-558  
  
Appeal from the  
Marion Superior Court  
  
The Honorable  
Charnette Garner, Judge  
  
Trial Court Cause No.  
49D35-2202-CM-3721

**Memorandum Decision by Judge Vaidik**  
Judges Mathias and Pyle concur.

**Vaidik, Judge.**

## Case Summary

- [1] Brandon Butterfield appeals his convictions for Class A misdemeanor domestic battery and Class B misdemeanor criminal mischief, arguing the evidence is insufficient to support the convictions. We affirm.

## Facts and Procedural History

- [2] The evidence most favorable to the convictions is as follows. Butterfield and R.Z. lived together. One night, they were drinking and smoking marijuana when R.Z. found a bottle of pills she believed to be Xanax that was not hers. R.Z. and Butterfield argued about the pills, and R.Z. disposed of them in the sink. Their fight escalated, and R.Z. told Butterfield to leave and locked herself in the bedroom. Butterfield began kicking or punching the bedroom door, which left a hole. When R.Z. opened the door, Butterfield snatched her phone from her, and the two wrestled for the phone. During the struggle, Butterfield “grabbed” R.Z.’s left wrist, leaving a red mark that developed into a painful bruise. Tr. Vol. II p. 51. R.Z. was eventually able to call a friend and leave the apartment.
- [3] R.Z. and her friend returned to the apartment later the same night, and Butterfield was no longer there. They barricaded the front door by pushing the couch up against it to prevent Butterfield from getting inside if he came back. Butterfield returned and attempted to open the front door, which caused the couch to slam into the wall behind it, leaving a dent in the drywall and paint on

the couch. R.Z. called the police. Indianapolis Metropolitan Police Department Officer Christopher Pickerrell went to the apartment, but Butterfield left before he arrived. Officer Pickerrell spoke with R.Z. and saw the red mark on her wrist.

[4] The State charged Butterfield with Class A misdemeanor domestic battery and Class B misdemeanor criminal mischief for the damage to “the door and/or door frame and/or wall[.]” Appellant’s App. Vol. II p. 26. At the bench trial, the State presented testimony from R.Z. and Officer Pickerrell and photos from the night of the incident. Butterfield testified in his own defense and gave a different version of events. He maintained that he “never touched” R.Z. that night and that she often came home with bruises from her job as a dog groomer. Tr. Vol. II p. 83. Butterfield admitted he caused the damage to the bedroom door by kicking it open but said he did so on a different date. He also denied returning to the apartment after he left and claimed the damage to the drywall and couch occurred when he and R.Z. initially moved into the apartment.

[5] The trial court found Butterfield guilty of both counts and sentenced him to concurrent terms of 365 days for domestic battery and 180 days for criminal mischief, all suspended to probation.

## Discussion and Decision

[6] Butterfield contends the evidence is insufficient to sustain his convictions. When reviewing sufficiency-of-the-evidence claims, we neither reweigh the

evidence nor judge witness credibility. *Willis v. State*, 27 N.E.3d 1065, 1066 (Ind. 2015). We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from it, and we view conflicting evidence in a light most favorable to the conviction. *Id.* at 1066-67. We will affirm a conviction if there is substantial evidence of probative value such that a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id.* at 1066.

[7] To convict Butterfield of Class A misdemeanor domestic battery as charged here, the State had to prove he knowingly touched R.Z., a family or household member, in a rude, insolent, or angry manner. Ind. Code § 35-42-2-1.3(a)(1); Appellant’s App. Vol. II p. 26. This is a classic he-said/she-said case. R.Z. testified that Butterfield grabbed her wrist during their fight over her phone, causing bruising. Butterfield denied touching R.Z. and claimed she sustained the bruising in her dog-grooming job. After hearing both sides, the trial court believed R.Z. Butterfield is essentially asking this Court to reassess witness credibility, which we will not do. *See Willis*, 27 N.E.3d at 1066.

[8] Butterfield also argues the evidence cannot sustain his criminal-mischief conviction. To convict Butterfield of Class B misdemeanor criminal mischief as charged here, the State had to prove he recklessly, knowingly, or intentionally damaged or defaced R.Z.’s “door and/or door frame and/or wall” without her consent. I.C. § 35-43-1-2(a); Appellant’s App. Vol. II p. 26. R.Z. testified that Butterfield punched or kicked a hole in the bedroom door after she locked herself in the room and that he dented the drywall when he tried to open the

front door and slammed the couch into the wall. Butterfield claimed the damage to both the bedroom door and the drywall by the front door did not occur the night of the incident. Again, the trial court heard R.Z.'s and Butterfield's accounts of that night and believed R.Z. The court did not find Butterfield's version of events credible, and we will not second guess that assessment. *See Willis*, 27 N.E.3d at 1066.

[9] There is sufficient evidence to support Butterfield's convictions.

[10] Affirmed.

Mathias, J., and Pyle, J., concur.