

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Robert A. Gaddie,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

November 29, 2023

Court of Appeals Case No.
23A-CR-1059

Appeal from the Decatur Superior
Court

The Honorable Kenneth R. Bass,
Magistrate

Trial Court Cause No.
16D01-2109-CM-929

Memorandum Decision by Judge Crone
Judges Riley and Mathias concur.

Crone, Judge.

Case Summary

- [1] Robert A. Gaddie appeals his conviction, following a bench trial, for class A misdemeanor operating a vehicle while suspended with a prior conviction within the previous ten years. The sole issue presented for our review is whether the State presented sufficient evidence to support his conviction. Finding the evidence sufficient, we affirm.

Facts and Procedural History

- [2] On September 26, 2021, Greensburg Police Department Officer Kaitlin Jackowicz was out on patrol when she observed a vehicle stop at a yield sign, make an abrupt U-turn, drive thirty-four miles per hour in a forty-five-mile-per-hour zone, and then turn from a lane that was not designated as a turn lane. Officer Jackowicz initiated a traffic stop of the vehicle. She approached the driver, later identified as Gaddie, and he explained that his erratic driving was due to him being on the phone getting directions from his girlfriend. Gaddie gave Officer Jackowicz his driver's license, and, after contacting dispatch, she determined that his driving privileges were suspended. His license indicated a birthdate of May 15, 1959, and Officer Jackowicz observed that the photograph on the license matched Gaddie, the driver with whom she was speaking. Gaddie informed Officer Jackowicz that "he did not need a license to drive" because he was a "freemason." Tr. Vol. 2 at 28. Officer Jackowicz issued Gaddie a summons to appear and allowed him to drive to his girlfriend's house to avoid having to pay towing costs.

[3] The State charged Gaddie with class A misdemeanor operating a vehicle while suspended with a prior conviction within the previous ten years. A bench trial was held on March 2, 2023. At the close of the State’s evidence, Gaddie’s counsel moved for a directed verdict, which the trial court took under advisement. Gaddie testified in his own defense. At the conclusion of trial, the trial court found Gaddie guilty as charged and fined him \$195. This appeal ensued.

Discussion and Decision

[4] Gaddie asserts that the State presented insufficient evidence to support his conviction, and therefore the trial court erred in denying his motion for a directed verdict. “The standard of review following denial of a motion for directed verdict is essentially the same as that upon a challenge to the sufficiency of the evidence.” *Russell v. State*, 217 N.E.3d 544, 549 (Ind. Ct. App. 2023) (citation and quotation marks omitted), *trans. denied*.¹ “If the evidence is sufficient to sustain a conviction on appeal, the denial of a motion for directed verdict cannot be error.” *Id.* (quoting *Beverly v. State*, 543 N.E.2d 1111, 1114 (Ind. 1989)). In reviewing a claim of insufficient evidence, we do not reweigh the evidence or judge the credibility of witnesses, and we consider only the

¹ Gaddie suggests that our review is limited to the evidence presented before the State rested its case and he moved for a directed verdict. However, because Gaddie introduced additional evidence after his motion was taken under advisement, and he did not renew his motion or request a ruling at the close of evidence, we review his claim “in light of all the evidence presented at trial.” *Romero v. State*, 124 N.E.3d 1287, 1290-91 (Ind. Ct. App. 2019).

evidence supporting the conviction and the reasonable inferences arising therefrom. *Schaaf v. State*, 54 N.E.3d 1041, 1043 (Ind. Ct. App. 2016). It is “not necessary that the evidence ‘overcome every reasonable hypothesis of innocence.’” *Drane v. State*, 867 N.E.2d 144, 147 (Ind. 2007) (quoting *Moore v. State*, 652 N.E.2d 53, 55 (Ind. 1995)). “We will affirm if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt.” *Garth v. State*, 182 N.E.3d 905, 919 (Ind. Ct. App. 2022) (quoting *Bailey v. State*, 907 N.E.2d 1003, 1005 (Ind. 2009)), *trans. denied*.

[5] To convict Gaddie of class A misdemeanor operating a vehicle while suspended with a prior conviction within the previous ten years as charged, the State was required to prove beyond a reasonable doubt that Gaddie, knowing that his driver’s license had been suspended or revoked, operated a motor vehicle upon a highway while having a prior conviction within the previous ten years. Ind. Code § 9-24-19-2. Gaddie’s sufficiency of the evidence challenge centers solely on whether the State presented sufficient evidence to prove his identity in relation to a prior conviction. Indiana Code Section 9-30-3-15 provides,

In a proceeding, prosecution, or hearing where the prosecuting attorney must prove that the defendant had a prior conviction for an offense under this title, the relevant portions of a certified computer printout or electronic copy made from the records of the bureau [of motor vehicles] are admissible as prima facie evidence of the prior conviction. However, the prosecuting attorney must establish that the document identifies the defendant by the defendant’s driver’s license number or by any other identification method utilized by the bureau.

[6] Here, the State introduced into evidence a certified copy of Gaddie's driving record, which showed that Gaddie's license was suspended at the time of his offense, and which indicated that he had a prior conviction for driving while suspended within the previous ten years. The record identified him as Robert A. Gaddie with a birthdate of May 15, 1959. His driver's license number was listed on the record as 8903-17-5235. Gaddie himself testified at trial and confirmed on cross-examination that his driver's license number is indeed the same as the one listed in the certified driving record. Additionally, the certified driving record included a physical description of Gaddie, which indicated that he was male, 5 feet 8 inches tall, weighed 142 pounds, and had gray hair and brown eyes. The trial court, as the trier of fact, was able to observe Gaddie in the courtroom and make a reasonable inference that he was the same person identified in the certified driving record. We conclude that the State presented sufficient evidence to sustain Gaddie's conviction for class A misdemeanor operating a vehicle while suspended.

[7] Affirmed.

Riley, J., and Mathias, J., concur.