

## MEMORANDUM DECISION

Pursuant to [Ind. Appellate Rule 65\(D\)](#), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



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## IN THE COURT OF APPEALS OF INDIANA

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Devonta Deshawn Dorsey,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

December 11, 2023

Court of Appeals Case No.  
23A-CR-1381

Appeal from the Marion Superior  
Court

The Honorable Amy M. Jones,  
Judge

The Honorable David Hooper,  
Magistrate

Trial Court Cause No.  
49D34-2301-CM-1915

**Memorandum Decision by Judge Mathias**  
Judges Riley and Crone concur.

**Mathias, Judge.**

[1] Devonta Deshawn Dorsey appeals his Class A misdemeanor domestic battery conviction. Dorsey argues that the evidence is insufficient to support his conviction because the State failed to prove that he touched the victim in a rude, insolent, or angry manner.

[2] We affirm.

**Facts and Procedural History**

[3] On January 20, 2023, Dorsey and his fiancée, Myra Feagin, were involved in an altercation in a Target store parking lot in Indianapolis, Indiana. Amanda Pearce was in the parking lot and witnessed the altercation. She also filmed part of it with her cellphone. Pearce observed fighting and that “the man was aggressive with [the woman] and physical with her.” Tr. p. 18. After she began videorecording the incident, Pearce saw the man grab ahold of the woman’s hair. *Id.* at 19. Pearce believed that the woman was “trying to get away from him in order to stop the altercation.” *Id.* Pearce later provided the video that she recorded on her cellphone to the investigating police officer.

[4] The State charged Dorsey with Class A misdemeanor domestic battery and Class B misdemeanor battery. Dorsey’s bench trial commenced on April 3, 2023. Pearce testified at trial and the video she recorded on her cellphone was admitted into evidence. Feagin, who was still engaged to Dorsey, testified that she did not suffer any pain as a result of the altercation. *Id.* at 28. She also

stated that Dorsey did not touch her in a rude, insolent, or angry manner. *Id.* at 27-28.

[5] During closing argument, relying on Feagin’s testimony, Dorsey argued that the State had failed to prove that he touched Feagin in a rude, insolent, or angry manner. The trial court reviewed the video of the altercation for a second time. The court observed Dorsey pulling Feagin’s hair and Feagin telling Dorsey to “stop.” *Id.* at 30. The court concluded that the State had proved Class A misdemeanor domestic battery and Class B misdemeanor battery. *Id.* at 31. The court vacated the Class B misdemeanor citing double jeopardy concerns.

[6] The court held Dorsey’s sentencing hearing the same day and imposed a one-year suspended sentence with credit for time served.

[7] Dorsey now appeals.

## **Discussion and Decision**

[8] Dorsey argues that the State failed to present sufficient evidence to convict him of Class A misdemeanor domestic battery. For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. *Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021). We will neither reweigh the evidence nor judge witness credibility. *Id.* We will affirm a conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

[9] “[A] person who knowingly or intentionally . . . touches a family or household member in a rude, insolent, or angry manner . . . commits domestic battery” as a Class A misdemeanor. [Ind. Code § 35-42-2-1.3\(a\) \(2021\)](#). Dorsey does not dispute that he touched Feagin, his fiancée. He only argues that the State failed to prove that he did so in a rude, insolent, or angry manner.

[10] Dorsey relies on Feagin’s testimony to support his argument.<sup>1</sup> But the trial court weighed her testimony against the eyewitness testimony and video of the altercation. On the video, the trial court observed Dorsey grabbing Feagin’s hair and heard Feagin telling Dorsey to stop. Tr. p. 30; State’s Ex. 1. Pearce’s testimony was consistent with the video recording, and she testified that Dorsey was “aggressive” with Feagin. Tr. p. 18.

[11] From this evidence, it was reasonable for the trial court, in its role as the fact-finder, to conclude that Dorsey touched Feagin in a rude, insolent, or angry manner. We therefore affirm Dorsey’s Class A misdemeanor battery conviction.

[12] Affirmed.

Riley, J., and Crone, J., concur.

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<sup>1</sup> Dorsey also argues that Feagin “consented” to the “encounter,” which is a defense to battery. Appellant’s Br. at 10. Dorsey’s argument is merely a request to reweigh the evidence and credibility of the witnesses, which our court will not do.