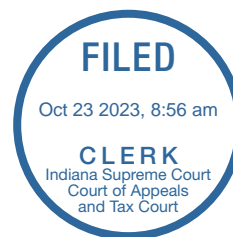


## MEMORANDUM DECISION

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.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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Chance L. Mata,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

October 23, 2023

Court of Appeals Case No.  
23A-CR-1190

Appeal from the Jay Circuit Court

The Honorable Brian D.  
Hutchison, Judge

Trial Court Cause No.  
38C01-2301-F3-1

**Memorandum Decision by Judge Weissmann**  
Chief Judge Altice and Judge Kenworthy concur.



[Megan] Okay?

[Officer] Is that true?

[Megan] I mean, yeah.

[Officer] Okay, how was he holding you hostage?

[Megan] He didn't let me leave. I was supposed to go get my kids, and I was supposed to be able to see my kids today, and he wouldn't let me.

[Officer] What'd he do to stop you?

[Megan] He took my keys, and he held me with a knife. He cut my finger.

[Officer] Okay. You know we can't just let him walk away, right?

[Megan] I know; I don't want you to. I want to be away from him. I love him, but I know that he's dangerous, and he's scaring me. He held a razor blade to my throat!

Exh. 17 (07:22-08:12).

- [4] After further police investigation, the State charged Chance with four crimes: (1) criminal confinement, a Level 3 felony; (2) battery with a deadly weapon, a Level 5 felony; (3) intimidation, a Level 5 felony; and (4) strangulation, a Level 6 felony. The State also alleged that Chance was a habitual offender based on two prior felony convictions.
- [5] At Chance's jury trial, Megan testified that the ordeal began when Chance woke her up from a nap and demanded that she help him look for \$20.00 he

had misplaced. Chance told Megan she could not pick up her children until they found the missing money, and he threatened to hurt Megan if she refused to help with the search.

[6] Eventually, Chance brandished a knife and demanded that Megan drive him to an ATM and withdraw money for him from her debit account. Megan complied, but Chance did not calm down after receiving Megan's money. While driving home from the ATM, he flashed the knife at Megan and again told her she could not pick up her children.

[7] Back at Megan's apartment, Chance continued "freaking out" about money. Tr. Vol. II, p. 52. He ordered Megan to sit on their couch and once again told her she could not pick up her children. At one point, Chance grabbed Megan by the neck and held the knife a few inches from her throat. Megan believed Chance was going to hurt her and was very scared.

[8] In addition to Megan's testimony, the State presented Officer Fields's bodycam footage of him questioning Megan at the scene. The State also presented an audio recording of a jailhouse telephone call between Megan and Chance. During this call, Chance urged Megan to retract her statements to police and refuse to testify at his trial. Megan also mentioned that Chance threatened to kill her children during the ordeal. Exh. 6 (04:55).

[9] The jury found Chance guilty of Level 3 felony criminal confinement and Level 5 felony intimidation. The jury also determined that Chance was a habitual offender. But it acquitted Chance of strangulation and did not reach a

unanimous verdict on the battery charge, which was ultimately dismissed. The trial court entered judgments of conviction on the criminal confinement and intimidation charges and sentenced Chance to a total of 26 years in prison, including habitual offender enhancements. Chance appeals only his criminal confinement conviction.

## **Decision**

[10] Chance argues that the State presented insufficient evidence to convict him of Level 3 felony criminal confinement. When reviewing the sufficiency of the evidence to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. *Bailey v. State*, 907 N.E.2d 1003, 1005 (Ind. 2009). We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence. *Id.* 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. *Id.*

[11] Indiana’s criminal confinement statute states: “A person who knowingly or intentionally confines another person without the other person’s consent commits criminal confinement,” a Level 6 felony. Ind. Code § 35-42-3-3(a). However, the offense is a Level 3 felony if it is committed “while armed with a deadly weapon.” Ind. Code § 35-42-3-3(b)(3)(A). As used in the statute, the term “confine” means to “substantially interfere with the liberty of a person.” Ind. Code § 35-42-3-1.

[12] Chance claims the evidence does not establish that he substantially interfered with Megan’s liberty because, on direct examination at trial, Megan testified as follows:

[State]           Okay. At any point in time did you feel like you could just get up and walk out of there and go get your kids like you wanted to?

[Megan]          I mean, there was (sic) times that I felt like I couldn’t leave at all, yeah.

[State]           Okay. And is that because you were afraid of what Chance would do with that knife if you got up and tried to leave?

[Megan]          And I was also mainly worried that—I just wanted to go get my kids. . . .

Tr. Vol. II, p. 57.

[13] According to Chance, the above testimony does not show that Megan felt confined to her apartment; it only shows that she felt intimidated from going to a particular place (*i.e.*, to Adams’s home to pick up her children). But Chance’s interpretation ignores that Megan explicitly stated that there were times she felt she “couldn’t leave at all.” *Id.* Moreover, Megan’s testimony was not the only evidence of her confinement. The State presented Officer Fields’s bodycam footage of Megan confirming that Chance held her “hostage” by putting a knife to her throat and refusing to let her leave. *Supra* ¶ 3. This is sufficient to prove beyond a reasonable doubt that Chance substantially interfered with Megan’s liberty.

[14] Finding sufficient evidence to support Chance's conviction for Level 3 felony criminal confinement, we affirm the trial court's judgment.

Altice, C.J., and Kenworthy, J., concur.