MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Chaznee N. Mockabee,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

September 18, 2023

Court of Appeals Case No. 23A-CR-797

Appeal from the Marion Superior Court

The Honorable Amy M. Jones, Judge

Trial Court Cause No. 49D34-2208-CM-22318

Memorandum Decision by Judge Bailey
Judges Tavitas and Kenworthy concur.

Bailey, Judge.

Case Summary

[1] Chaznee Mockabee appeals her conviction for battery, as a Class A misdemeanor.[1] Mockabee raises one issue for our review, namely, whether the State presented sufficient evidence to support her conviction. We affirm.

Facts and Procedural History

[2] Mockabee and Debra Meals are "acquaintances" who were involved in an "ongoing argument." Tr. at 22, 27. On August 18, 2022, Mockabee and Meals were both at a mutual friend's apartment. The two women had "some words" with each other. *Id* at 23. Mockabee left briefly and returned with another individual and continued the verbal altercation. Mockabee then "threw a phone" and hit Meals "in [her] head." *Id*. Meals saw a lot of blood and went to the bathroom to clean up. After she exited the bathroom, Meals and Mockabee "got to fighting" a physical fight. *Id*. at 24. As a result of the fight, Meals sustained "injuries," that "hurt." *Id*. at 26. Among her injuries was a wound above her eye where the phone had struck her, which left a "lasting scar." *Id*.

[3] Officer Donovan Hankins with the Indianapolis Metropolitan Police Department responded to a report of a disturbance at the apartment. When Officer Hankins arrived, he encountered Mockabee, and he did not see any

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[1] Ind. Code § 35-42-2-1(d)(1) (2022).

visible injuries on her. Officer Hankins then spoke with Meals. Officer Hankins was able to observe that Meals had "a big gash" above her eyebrow, "cuts on her lips," "scratches and bruises," and a "cut under her nose." *Id*. at 36.

[4] The State charged Mockabee with battery, as a Class A misdemeanor. The court then held a bench trial at which Meals and Officer Hankins testified. At the conclusion of the trial, the court found Mockabee guilty and entered judgment of conviction accordingly. The court sentenced her to three hundred and sixty-five days, with three hundred and sixty-one days suspended. This appeal ensued.

Discussion and Decision

[5] Mockabee contends that there was insufficient evidence to support her conviction. Our standard of review on a claim of insufficient evidence is well settled:

> For a sufficiency of the evidence claim, we look only at the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess the credibility of witnesses or reweigh the evidence. *Id*. We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id*.

Love v. State, 73 N.E.3d 693, 696 (Ind. 2017).

[6] To prove that Mockabee committed battery, as a Class A misdemeanor, the State was required to demonstrate that she had knowingly or intentionally touched Meals in a rude, insolent, or angry manner and that it resulted in bodily injury to Meals. Ind. Code § 35-42-2-1(d)(1) (2022). Mockabee does not dispute that her phone struck Meals, that the two engaged in an altercation, or that Meals sustained injuries as a result. Rather, Mockabee only asserts that the State failed to prove that she had harmed Meals knowingly or intentionally.

[7] A person engages in conduct intentionally if, when she engages in the conduct, "it is [her] conscious objective to do so." I.C. § 35-41-2-2(a). And a person engages in conduct knowingly if, when she engages in the conduct, "[s]he is aware of a high probability that [s]he is doing so." I.C. § 35-41-2-2(b). Further, it is "well established that intent may be proved by circumstantial evidence and can be inferred from a defendant's conduct and the natural and usual sequence to which such conduct logically and reasonably points. The fact finder is entitled to infer intent from the surrounding circumstances." *Johnson v. State*, 9 N.E.3d 186, 191 (Ind. Ct. App. 2014) (citations and quotations omitted), *trans. denied*.

[8] Mockabee specifically contends that the State failed to prove that she had knowingly or intentionally injured Meals because Meals failed to provide any "background to help explain the nature of the argument or the history of the relationship between these two women." Appellant's Br. at 10. She further asserts that there was "no testimony" as to any words spoken between the women and that Meals "could not even explain who initiated the physical fight

after she came out of the bathroom." *Id*. And Mockabee contends that Meals "did not see the phone being thrown at her[.]" *Id*. Thus, she maintains that the phone could have accidentally "slipped out" of her hand, "struck [Meals,] and caused her injury." *Id*. at 8.

[9] However, Mockabee's argument on appeal is simply a request for this Court to reweigh the evidence, which we cannot do. *See Love*, 73 N.E.3d at 696. The facts most favorable to the court's judgment demonstrate that Mockabee and Meals engaged in a verbal altercation at a friend's apartment during which Mockabee threw her phone at Meals, struck Meals in the face, and caused an injury above Meals' eye that left a lasting scar. Then, when Meals exited the bathroom after cleaning up the blood, Mockabee and Meals engaged in a physical altercation, which caused Meals to sustain cuts to her lip, scratches and bruises, and a cut under her nose while Mockabee did not sustain any injuries. Further, the evidence shows that Mockabee and Meals had been involved in an ongoing dispute with one another prior to the offense in question. That evidence supports a reasonable inference that Mockabee had acted knowingly or intentionally when she struck Meals. We therefore affirm Mockabee's conviction.

[10] Affirmed.

Tavitas, J., and Kenworthy, J., concur.