MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Katie Arnold,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

December 14, 2023

Court of Appeals Case No. 23A-CR-1376

Appeal from the Marion Superior Court

The Honorable Marshelle Dawkins Broadwell, Judge

Trial Court Cause No. 49D17-2208-CM-21987

Memorandum Decision by Judge Brown
Judges Vaidik and Bradford concur.

Brown, Judge.

[1] Katie Arnold appeals her conviction for battery resulting in bodily injury as a class A misdemeanor. Arnold raises one issue which we revise and restate as whether the evidence is sufficient to sustain her conviction and negate her claim of self-defense. We affirm.

Facts and Procedural History

[2] On August 6, 2022, Arnold went to her grandmother's home where Kevin Carnell was living.[1] Carnell answered the door. Arnold had a conversation with her grandmother during which Arnold stated "I don't feel safe with my children around him." Transcript Volume II at 40. Carnell asked why he would be motivated to harm Arnold or her children. Arnold struck Carnell "with a closed fist on the left-side of [his] eye." *Id*. at 41. "[I]t happened pretty quickly," and Carnell "couldn't see out of [his] left eye" and "was leaking blood." *Id*. Carnell called 911. While he was on the phone, Arnold told him to hang up and bit him on the arm.

[3] The State charged Arnold with two counts of battery resulting in bodily injury as class A misdemeanors. The court held a bench trial. The State dismissed one of the counts. The court heard testimony from Carnell and Arnold and admitted photographs of Carnell. When asked if Arnold "just hit [him] out of nowhere," Carnell answered affirmatively. *Id*. at 46. Arnold testified there was

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[1] When asked how he knew Arnold, Carnell stated: "Sister-in-law, I've been knowing her for almost ten (10) years now." Transcript Volume II at 37. Arnold indicated Carnell was her "sister-in-law's boss." *Id*. at 47.

a verbal disagreement and, as she was leaving the home, Carnell grabbed her. She testified: "I say, 'Let go. Let go. Let go.' And from there, just, just to try to get him off of my I turn around and my back of my hand connects with his glasses." *Id*. at 49-50. The court found Arnold guilty and sentenced her to four days for time served.

Discussion

[4] The issue is whether the evidence is sufficient to support Arnold's conviction and negate her claim of self-defense. Arnold argues that the evidence does not support her conviction for battery and that she was attempting to defend herself and leave the encounter. She argues that "she acted without fault as she responded to being grabbed by Mr. Carnell as she was trying to exit the house," she had a reasonable fear of bodily harm, and she "did not use more force than necessary to repel being attacked by Mr. Carnell." Appellant's Brief at 9.

[5] At the time of the offense, Ind. Code § 35-42-2-1(c) provided "a person who knowingly or intentionally . . . touches another person in a rude, insolent, or angry manner . . . commits battery, a Class B misdemeanor."[2] The offense is a class A misdemeanor if it results in bodily injury to any other person. Ind. Code § 35-42-2-1(d). "A person is justified in using reasonable force against any other person to protect the person . . . from what the person reasonably believes to be the imminent use of unlawful force." Ind. Code § 35-41-3-2(c). "No

[2] Subsequently amended by Pub. L. No. 209-2023, § 2 (eff. Jul. 1, 2023).

person . . . shall be placed in legal jeopardy of any kind whatsoever for protecting the person . . . by reasonable means necessary." *Id*.

[6] When a claim of self-defense is raised and finds support in the evidence, the State has the burden of negating at least one of the necessary elements. *Wilson v. State*, 770 N.E.2d 799, 800 (Ind. 2002). If a defendant is convicted despite his or her claim of self-defense, we will reverse only if no reasonable person could say that self-defense was negated by the State beyond a reasonable doubt. *Id*. at 800-801. A mutual combatant, whether or not the initial aggressor, must declare an armistice before he or she may claim self-defense. *Id*. at 801. *See* Ind. Code § 35-41-3-2(g) (providing "a person is not justified in using force if . . . the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action"). The standard of review for a challenge to the sufficiency of the evidence to rebut a claim of self-defense is the same as the standard for any sufficiency of the evidence claim. *Wilson*, 770 N.E.2d at 801. We neither reweigh the evidence nor judge the credibility of witnesses. *Id*. If there is sufficient evidence of probative value to support the conclusion of the trier of fact, then the verdict will not be disturbed. *Id*.

[7] The trial court heard testimony from Carnell and Arnold. The trier of fact is entitled to determine which version of the incident to credit. *Barton v. State*, 490 N.E.2d 317, 318 (Ind. 1986), *reh'g denied*; *Scott v. State*, 867 N.E.2d 690, 695 (Ind. Ct. App. 2007), *trans. denied*. The court as the trier of fact was able to

consider the extent to which the testimony of each witness was consistent with the testimony of the other witness and was able to assess the credibility of the witnesses and weigh their testimony. We will not reweigh the evidence or judge the credibility of witnesses. *See Wilson*, 770 N.E.2d at 801. The State presented evidence of a probative nature from which a reasonable trier of fact could have determined beyond a reasonable doubt that Arnold did not validly act in self-defense and that she was guilty of battery resulting in bodily injury as a class A misdemeanor. *See Rodriguez v. State*, 714 N.E.2d 667, 670-671 (Ind. Ct. App. 1999) (noting the defendant's version of events differed from other testimony, declining to reweigh the evidence, and holding sufficient evidence existed to rebut the defendant's claim of self-defense), *trans. denied*.

[8] For the foregoing reasons, we affirm Arnold's conviction for battery as a class A misdemeanor.

[9] Affirmed.

Vaidik, J., and Bradford, J., concur.