

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Rodney Rudolph,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

April 6, 2021

Court of Appeals Case No.
20A-CR-1985

Appeal from the Marion Superior
Court

The Honorable David J. Certo,
Judge

Trial Court Cause No.
49G12-1907-CM-29159

Weissmann, Judge.

- [1] After a physical fight with his neighbor over street parking, Rodney Rudolph was convicted of one count of misdemeanor battery resulting in bodily injury. He appeals, arguing that the State failed to prove beyond a reasonable doubt that he was not acting in self-defense. Finding that his argument amounts to a request to reweigh the evidence, we affirm Rudolph's conviction.

Facts

- [2] Rudolph and his next-door neighbors, Alfred Hayes and Paula Clark, had an uneasy relationship. Tensions reached a boiling point when an argument between Rudolph and Clark erupted over street parking. Hayes, having imbibed two 16-oz. Colt 45 beers, stepped outside to intervene. After a brief exchange, Rudolph struck Hayes. Rudolph then sped away in his truck, leaving Hayes on the ground, knocked out and bleeding from a head wound.
- [3] The State charged Rudolph with one count of battery resulting in bodily injury, a Class A misdemeanor. Rudolph was convicted at a bench trial and sentenced to 365 days in jail, with six days credit for time served and the remainder suspended to probation.

Discussion and Decision

- [4] Rudolph argues that the State failed to prove beyond a reasonable doubt that he was not acting in self-defense. To prevail on a self-defense claim, the defendant must show he: (1) was in a place where he had a right to be; (2) did not provoke, instigate, or willingly participate in the violence; and (3) had a reasonable fear of death or great bodily harm. *Wolf*, 76 N.E.3d at 915 (citing

Wilson, 770 N.E.2d at 800). After the defendant asserts self-defense, the State bears the burden of disproving at least one of the elements. *Id.* (citing *King v. State*, 61 N.E.3d 1275, 1283 (Ind. Ct. App. 2016), *trans. denied*). The State may rely on evidence from its case-in-chief to do so. *Wilcher v. State*, 771 N.E.2d 113, 116 (Ind. Ct. App. 2002).

[5] The standard of review for self-defense claims “is the same as the standard for any sufficiency of evidence claim.” *Wilson v. State*, 770 N.E.2d 799, 801 (Ind. 2002) (citing *Sanders v. State*, 704 N.E.2d 119, 123 (Ind. 1999)). We consider only the evidence most favorable to the verdict and do not reweigh evidence or judge the credibility of witnesses. *Wolf v. State*, 76 N.E.3d 911, 916 (Ind. Ct. App. 2017). The conviction will stand unless no reasonable person could say the State rebutted the claim of self-defense beyond a reasonable doubt. *Wilson*, 770 N.E.2d at 801.

[6] Rudolph argues that the State’s evidence was equivocal and failed to disprove his self-defense claim. Rudolph paints Hayes and Clark, the State’s primary witnesses, as unreliable. Hayes admitted he has a bad memory and that he was drinking at the time. Clark forgot she spoke with law enforcement about the incident. A gun she mentioned in her initial statements disappeared from her story. But, even with these variances, the trial court found Hayes and Clark more credible than Rudolph, observing that “[t]he testimony I’ve heard from Mr. Rudolph is manifestly incredible. . .” Tr. Vol. II, p. 46. We refuse to second-guess the trial court’s judgment of witness credibility. *Wilson*, 770 N.E.2d at 801.

- [7] Considering the evidence most favorable to the verdict, a reasonable factfinder could conclude that the State successfully rebutted Rudolph's claim of self-defense. Two witnesses—Hayes and Clark—testified that Rudolph acted without provocation and struck Hayes from behind. Rudolph even admitted to touching Hayes, testifying, "I was trying to elbow [Hayes] and he, like, staggered backwards." Tr. Vol. II, p. 39. This evidence belies the second and third prong of Rudolph's self-defense claim, establishing him as an instigator who did not reasonably fear for his life or safety.
- [8] Because the State's case-in-chief sufficiently rebutted Rudolph's self-defense claim, the judgment of the trial court is affirmed.

Kirsch, J., and Altice, J., concur.