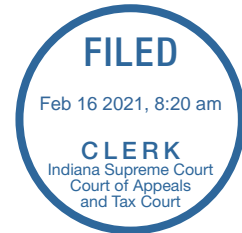


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Charnell Robinson,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

February 16, 2021

Court of Appeals Case No.
20A-CR-1884

Appeal from the Marion Superior
Court

The Honorable Angela Dow
Davis, Judge

Trial Court Cause No.
49G16-2003-CM-10854

Najam, Judge.

Statement of the Case

- [1] Charnell Robinson appeals her conviction for criminal mischief, as a Class B misdemeanor. Robinson raises one issue for our review, namely, whether the State presented sufficient evidence to support her conviction. We affirm.

Facts and Procedural History

- [2] On March 15, 2020, Robinson learned that her ex-boyfriend, King Wilkins, had posted “sexual videos” of her online. Tr. Vol. 2 at 38. Robinson got “really mad” and went to Wilkins’ house to confront him. *Id.* Once she arrived, Robinson and Wilkins argued outside. At one point, Wilkins “grab[bed]” Robinson’s phone from her hand. Robinson said that she would “bust his windows out of his car” if he did not return the phone. *Id.* at 40. Wilkins responded by threatening to hit her. Robinson then broke the windows in Wilkins’ car with a baseball bat. *Id.*
- [3] Sergeant Tiffany Haston and Officer Matthew Addington with the Indianapolis Metropolitan Police Department arrived at the scene. Sergeant Haston observed that Robinson was holding a baseball bat and that Wilkins’ car had been damaged. And Officer Addington noticed that there was a “glassy powder substance” on Robinson’s baseball bat. *Id.* at 19. Officer Addington then spoke with Robinson, who admitted that she had damaged the car with the baseball bat.

[4] The State charged Robinson with criminal mischief, as a Class B misdemeanor.¹ Following a bench trial, the court found Robinson guilty and sentenced her to time served. This appeal ensued.

Discussion and Decision

[5] Robinson asserts that the State presented 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 [judgment]. *Drane v. State*, 687 N.E.2d 144, 146 (Ind. 2007). We do not assess the credibility of witnesses or reweigh the evidence. 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] In order to convict Robinson of criminal mischief, as a Class B misdemeanor, the State was required to prove that she had recklessly, knowingly, or intentionally damaged Wilkins' property without Wilkins' consent. *See* Ind. Code § 35-43-1-2(a) (2020). On appeal, Robinson does not dispute that she damaged Wilkins' car. But she contends the State failed to prove that "Wilkins

¹ The State also charged Robinson with domestic battery and battery, both as Class A misdemeanors. However, the court entered a directed verdict for Robinson on the domestic battery charge and found her not guilty of the battery charge.

did not consent to having his car windows damaged.” Appellant’s Br. at 8. We cannot agree.

[7] The evidence shows that, on the day of the incident, Robinson was angry at Wilkins for posting explicit videos of her online. In response, Robinson went to Wilkins’ house in order to “confront” him. Tr. Vol. 2 at 38. The two then argued, and Wilkins took Robinson’s phone from her hand. Robinson then threatened to “bust his windows out of his car” if he did not return the phone. *Id.* at 40. Wilkins responded with a threat of his own, and Robinson proceeded to break his car windows. In other words, the evidence most favorable to the trial court’s judgment demonstrates that Robinson damaged Wilkins’ vehicle during an argument. Based on that evidence, a reasonable fact-finder could infer that Wilkins did not consent to having Robinson damage his vehicle. We therefore affirm Robinson’s conviction.

[8] Affirmed.

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