

## 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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### ATTORNEY FOR APPELLANT

Sally Skodinski  
South Bend, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General  
  
Catherine E. Brizzi  
Deputy Attorney General  
Indianapolis, Indiana

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## IN THE COURT OF APPEALS OF INDIANA

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Robert August Johnson Jr.,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

December 13, 2021  
Court of Appeals Case No.  
21A-CR-1526  
  
Appeal from the  
St. Joseph Superior Court  
  
The Honorable  
Jeffrey L. Sanford, Judge  
  
Trial Court Cause No.  
71D03-2101-F6-86

**Vaidik, Judge.**

- [1] Robert August Johnson Jr. appeals his conviction for Level 6 felony battery of a public safety official by bodily waste, arguing the evidence is insufficient to

support the conviction. He does not dispute that he had an encounter with law enforcement in South Bend in January 2021, that he had blood in his mouth because of an injury, or that blood and saliva from his mouth ended up on the face of a state trooper. However, he contends the State failed to present sufficient evidence to prove beyond a reasonable doubt that he “knowingly or intentionally” placed the blood and saliva on the trooper’s face, as required by the battery statute. *See* Ind. Code § 35-42-2-1(c)(2). We disagree. As Johnson himself acknowledges, the trooper testified Johnson “spit a mouthful of blood into my left eye socket and on the left side of my face,” Tr. p. 114, and another officer testified Johnson “gathered up saliva” and “forcefully spit” in the trooper’s face, *id.* at 124. Given this unequivocal testimony, Johnson’s argument that the transfer of blood and saliva may have been inadvertent is a request for us to judge witness credibility and reweigh the evidence, which we do not do. *See Leonard v. State*, 80 N.E.3d 878, 882 (Ind. 2017) (“When reviewing a challenge to sufficiency of the evidence, we neither reweigh the evidence nor judge witness credibility[.]”). We therefore affirm Johnson’s conviction.

[2] Affirmed.

Najam, J., and Weissmann, J., concur.