MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Andrew S. Raines,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

October 26, 2023

Court of Appeals Case No. 23A-CR-505

Appeal from the Johnson Superior Court

The Honorable Peter D. Nugent, Judge

Trial Court Cause No. 41D02-2212-F6-786

Memorandum Decision by Judge Tavitas
Judges Pyle and Foley concur.

Tavitas, Judge.

Case Summary

[1] Following a jury trial, Andrew Raines was convicted of theft, a Level 6 felony, and battery resulting in bodily injury, a Class A misdemeanor. Raines appeals and argues that the State failed to present sufficient evidence to support his battery conviction. We disagree and affirm.

Issue

[2] Raines presents one issue, which we restate as whether the State presented evidence sufficient to support Raines's conviction for battery resulting in bodily injury.

Facts

[3] On December 3, 2022, Raines was in a Walmart store in Greenwood, Indiana, pushing a cart with several items from the store. Raines walked past the points of sale without paying for the items. Walmart employee Damien Windhorst, who worked in asset protection, noticed that the items in Raines's cart were not in bags and that Raines walked past the points of sale. Raines made eye contact with Windhorst and then quickened his pace to leave the store. Windhorst walked in front of Raines's cart, preventing him from leaving the store, identified himself as a Walmart employee, and asked Raines if he had a receipt for the merchandise in his cart. Raines said nothing in response and pushed the cart into Windhorst. Windhorst placed his hand on the cart to prevent Raines from leaving. Raines then pushed the cart into Windhorst with more force. The cart hit Windhorst in the pelvic region, which caused him pain. Raines

then left the cart inside the store and walked outside. Before he did so, however, he stared at Windhorst for several seconds. A Walmart manager called the police to report the incident, and Windhorst went to his office to review security camera video that captured his confrontation with Raines. Windhorst had pain and discomfort in his groin for the rest of the day.

[4] After leaving the store, Raines walked around the Walmart parking lot, but when he heard police sirens, he ran through the parking lot, jumped over a fence, and ran across the street toward the Kroger parking lot. After getting a description of Raines, Greenwood Police Officer Branden Brooks went to the Kroger parking lot, where he saw a man, later identified as Raines, matching the description given by Windhorst. Officer Brooks approached Raines, and Raines balled up his fists as if to fight. Raines eventually calmed down and complied with the police. Officer Brooks handcuffed Raines and put him in the back of his patrol car.

[5] Officer Brooks then returned to the Walmart and watched the security camera video of the incident and confirmed that Raines was the person captured on the video. Officer Brooks returned to his car to speak with Raines. Raines, who appeared to be homeless, told Officer Brooks that he was an FBI agent and that another FBI agent had told him that the items in the cart had already been purchased. When searched at the jail, Raines had no form of payment on his person.

[6] On December 8, 2022, the State charged Raines with theft—which was enhanced to a Level 6 felony due to a prior conviction for theft—and battery resulting in bodily injury, a Class A misdemeanor. A jury trial was held on January 31, 2023. During the initial phase of the trial, the jury found Raines guilty of theft and battery resulting in bodily injury. During the second phase of the trial, Raines admitted having a prior conviction for automobile theft. The trial court entered judgment of conviction on both counts and, on February 8, 2023, sentenced Raines to an executed sentence of 500 days on the theft conviction and a concurrent sentence of 365 days on the battery conviction. Raines now appeals.

Discussion and Decision

[7] Raines claims that the State presented insufficient evidence to support his conviction for battery resulting in bodily injury. "Claims of insufficient evidence 'warrant a deferential standard, in which we neither reweigh the evidence nor judge witness credibility.'" *Stubbers v. State*, 190 N.E.3d 424, 429 (Ind. Ct. App. 2022) (quoting *Powell v. State*, 151 N.E.3d 256, 262 (Ind. 2020)), *trans. denied*. On appeal, "[w]e consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence." *Id*. (citing *Powell*, 151 N.E.3d at 262). "'We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt,'" and we will affirm a conviction "'unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Id*. (citing *Powell*,

151 N.E.3d at 262). Thus, it is not necessary that the evidence overcome every reasonable hypothesis of innocence; instead, the evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. *Id*. (citing *Drane v. State*, 867 N.E.2d 144, 146-47 (Ind. 2007); *Sutton v. State*, 167 N.E.3d 800, 801 (Ind. Ct. App. 2021)).

[8] To convict Raines of battery, the State had to prove that Raines "knowingly or intentionally: (1) touche[d] another person in a rude, insolent, or angry manner[.]" Ind. Code § 35-42-2-1(c)(1). Battery is generally a Class B misdemeanor but is elevated to a Class A misdemeanor if it "results in bodily injury to any other person." *Id*. § 1(d)(1). "'Bodily injury' means any impairment of physical condition, including physical pain." Ind. Code § 35-31.5-2-29. "A person engages in conduct 'knowingly' if, when he engages in the conduct, he is aware of a high probability that he is doing so." Ind. Code § 35-41-2-2(b).

[9] Raines contends that the State failed to prove that he knowingly rammed the shopping cart into Windhorst. Raines admits that the video shows him pushing the cart into Windhorst. Raines notes, however, that Windhorst "admitted that he had gotten in front of the moving cart and kept ahold of the cart throughout the encounter." Appellant's Br. p. 8. Raines, therefore, argues that "it is just as likely that Raines accidentally hit Windhorst when he pulled on the cart as it [is] that Raines knowingly hit Windhorst." *Id*. While this may be a good argument to make to the jury, it is simply a request that we reweigh the

evidence on appeal. This, of course, we may not do. *See Stubbers*, 190 N.E.3d at 429 (citing *Powell*, 151 N.E.3d at 262).

[10] Considering only the evidence that favors the jury's verdict and the reasonable inferences that may be drawn from this evidence, we conclude that the State presented sufficient evidence to support Raines's battery conviction. When Windhorst confronted Raines near the exit of the store, Raines at first attempted to continue pushing the cart. When Windhorst stood his ground, Raines forcefully shoved the cart into Windhorst. Raines then stared Windhorst down for several seconds before leaving the store. Windhorst testified that, as a result of Raines pushing the cart into him, he suffered pain in his groin for the rest of the day. From this evidence, the jury could reasonably conclude that Raines knowingly touched Windhorst in a rude, insolent, or angry manner and that this touching resulted in bodily injury—pain—to Windhorst.

Conclusion

[11] The State presented sufficient evidence to support Raines's conviction for battery resulting in bodily injury. Accordingly, we affirm the judgment of the trial court.

[12] Affirmed.

Pyle, J., and Foley, J., concur.