

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Jesus Ramon Flores,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff.

January 23, 2024

Court of Appeals Case No.
23A-CR-1447

Appeal from the Marion Superior
Court

The Honorable David Hooper,
Magistrate
The Honorable Clark H. Rogers,
Judge

Trial Court Cause No.
49D25-2302-CM-4070

Memorandum Decision by Judge Pyle

Judges Bailey and Crone concur.

Pyle, Judge.

[1] In this appeal, Jesus Ramon Flores (“Flores”) argues that there is insufficient evidence to support his conviction for Class A misdemeanor domestic battery.¹ To convict Flores, the State had to prove beyond a reasonable doubt that Flores touched S.P. (“S.P.”), a family or household member, in a rude, insolent, or angry manner. *See* IND. CODE § 35-42-2-1.3.

[2] Testimony at the June 2023 bench trial revealed that Flores and S.P. had been involved in a relationship and had lived together at S.P.’s house for three years. In February 2023, Flores and S.P. were in the process of ending their relationship. On February 9, 2023, Flores went to S.P.’s house to pick up some of his possessions. Flores became angry when S.P. began placing Flores’ possessions at the top of the stairs. Flores went up the stairs, told S.P. not to touch his possessions, and grabbed S.P.’s shirt. S.P. ended up lying on his stomach on the floor. While S.P. was on the floor, Flores twice punched S.P. in the back of the head. An IMPD officer who was dispatched to the scene noticed a red mark on the back of S.P.’s neck and took a photograph of it. The trial court admitted the photograph into evidence at trial. Flores testified that he had not punched S.P. in the back of the head. Rather, according to Flores, he had tripped on a pile of clothing and had fallen into S.P., ripping S.P.’s shirt

¹ IND. CODE § 35-42-2-1.3.

and causing the red mark on the back of S.P.'s neck. The trial court convicted Flores of Class A misdemeanor domestic battery.

[3] On appeal, Flores argues that there is insufficient evidence to support his conviction because he did not punch S.P. in the back of the head. However, Flores' argument amounts to a request that we reweigh the evidence, which we will not do. *See Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). After weighing the evidence and the credibility of the witnesses, the trial court, acting as the trier of fact, determined beyond a reasonable doubt that Flores had knowingly or intentionally touched S.P., a family or household member, in a rude, insolent, or angry manner. Accordingly, we affirm Flores' conviction for Class A misdemeanor domestic battery.

[4] Affirmed.

Bailey, J., and Crone, J., concur.