

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Kristian R. Jones,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

May 16, 2023

Court of Appeals Case No.
22A-CR-2706

Appeal from the Marion Superior
Court

The Honorable Matthew Allen
Tandy, Judge Pro Tempore

Trial Court Cause No.
49D24-2111-CM-35091

Memorandum Decision by Judge Weissmann
Judges Bailey and Brown concur.

Weissmann, Judge.

- [1] Kristian Jones twice struck her cousin's car with a glass alcohol bottle, cracking the car's windshield and shattering its rear window. Jones now appeals her conviction for Class B misdemeanor criminal mischief, arguing that the State failed to prove she "damaged or defaced" the car, as required by Indiana's criminal mischief statute. Finding ample evidence that Jones damaged the car's windshield and rear window, we affirm.

Facts

- [2] One night, while Jones was temporarily living with her cousin, Deshona Bryant, Jones came home drunk and "started raging and gettin' real crazy." Tr. Vol. II, p. 33. When Bryant told Jones she could no longer live with her, Jones left Bryant's house and "started turnin' over stuff in [the] yard." *Id.* Jones then approached Bryant's car and twice struck it with a glass alcohol bottle. The first blow cracked the car's windshield; the second blow shattered its rear window.
- [3] Bryant called the police, and the State eventually charged Jones with Class B misdemeanor criminal mischief. Jones was convicted after a bench trial, and the trial court sentenced her to 180 days probation. Jones appeals, arguing that the State presented insufficient evidence to support her conviction.

Discussion and Decision

- [4] When reviewing the sufficiency of the evidence to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. *Bailey v.*

State, 907 N.E.2d 1003, 1005 (Ind. 2009). We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence. *Id.* We will affirm if there is substantial evidence of probative value such that a reasonable trier of fact could have concluded the defendant was guilty beyond a reasonable doubt. *Id.*

[5] To convict Jones of Class B misdemeanor criminal mischief, the State was required to prove beyond a reasonable doubt that Jones “recklessly, knowingly, or intentionally damage[d] or deface[d] property of another person without the other person’s consent.” Ind. Code § 35-43-1-2(a). Jones claims the State failed to prove she damaged or defaced Bryant’s car. We disagree.

[6] At trial, Bryant testified that there was no damage to her car’s windshield or rear window prior to the incident with Jones. Bryant also described the incident as follows:

[Jones] took her bottle that she had in her hand and smashed my-my front window first and then she went to the back and she smashed my back window. . . . [I]t shattered my-my back window all the way out and my front window, she cracked the whole windshield part of it.

Tr. Vol. II, pp. 34-35. Additionally, the State presented a photograph of the shattered rear window of Bryant’s car as well as an invoice for repairs to the car’s “WINDSHIELD” and “BACK WINDOW.” Exhs., pp. 4, 6.

[7] Jones claims that “evidentiary gaps” in the record negate the sufficiency of this evidence. Appellant’s Br., p. 9. She points to the testimony of Bryant’s

neighbor, who indicated that Jones only struck the windshield of Bryant's car; and to a statement Bryant made to police indicating that she did not actually witness Jones strike the car's rear window. But Jones is merely asking us to reweigh the evidence, which we will not do. *Bailey*, 907 N.E.2d at 1005.

- [8] Finding sufficient evidence to support Jones's conviction for Class B misdemeanor criminal mischief, we affirm the trial court's judgment.

Bailey, J., and Brown, J., concur.