

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

Charles Yeager,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

November 16, 2022

Court of Appeals Case No.
22A-CR-1341

Appeal from the St. Joseph
Superior Court

The Honorable John M.
Marnocha, Judge

Trial Court Cause No.
71D02-2110-F6-949

Mathias, Judge.

- [1] Charles Yeager appeals his conviction for Level 6 felony sexual battery following a bench trial. He presents a single issue for our review, namely

whether the State presented sufficient evidence to support his conviction. We affirm.

Facts and Procedural History

[2] In January 2021, then eighteen-year-old K.F. was living with her foster parents, Yeager and his wife Lisa. K.F. had been fostered by the Yeagers for four years after she ran away from home. On January 13, Yeager and K.F. were in a car together running an errand when he told her that he “knew how to . . . pleasure a woman[.]” Tr. p. 11. K.F. felt “awkward” and responded, “Yeah. Okay. Cool.” *Id.* at 12. Yeager and K.F. then went to Yeager’s mother’s house to do laundry. While they were there, Yeager asked K.F. if she was going to “show him what he had to work with.” *Id.* K.F. responded, “No.” *Id.* at 13. Yeager then “help[ed]” K.F. get undressed, and, when she was naked, Yeager fondled her breasts and touched her vagina over the course of one hour. *Id.* at 14. Due to a history of abuse, K.F. had “a hard time telling people no” in that situation, especially a “parental figure[.]” *Id.*

[3] K.F. got dressed, and Yeager told K.F. to sit on his lap, which she did. Yeager began to rub K.F.’s thighs over her jeans. K.F. told Yeager that she was “uncomfortable” and “didn’t want to do this.” *Id.* at 15. Sometime later, Yeager “reach[ed] down in [her] pants” and started “rubbing at [her] vagina[.]” *Id.* at 16. Over the course of approximately seven hours that day, Yeager periodically fondled areas of K.F.’s body despite her protests. Later, when they were in the

car and on the way home, Yeager told K.F. not to tell anyone about what had happened. The next day, K.F. told her sister what had happened.

- [4] The State charged Yeager with Level 6 felony sexual battery. Following a bench trial, at which Yeager testified, the trial court found Yeager guilty as charged. The court entered judgment and sentence accordingly. This appeal ensued.

Discussion and Decision

- [5] Yeager contends that the State presented insufficient evidence to support his conviction. Our standard of review is well-settled:

For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. On sufficiency challenges, we will neither reweigh evidence nor judge witness credibility. We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.

Hall v. State, 177 N.E.3d 1183, 1191 (Ind. 2021).

- [6] To prove Level 6 felony sexual battery, as charged, the State was required to show that Yeager, with the intent to arouse or satisfy his own sexual desires or the sexual desires of K.F., touched K.F. when K.F. was compelled to submit to the touching by force or the imminent threat of force. [Ind. Code § 35-42-4-8 \(2022\)](#). Yeager’s sole contention on appeal is that the evidence is insufficient “to establish that the touching that occurred between Yeager and [K.F.] was done because [K.F.] was compelled by force or imminent threat of force.” Appellant’s Br. at 10. We cannot agree.

[7] Our Supreme Court has held that “it is the victim’s perspective, not the assailant’s, from which the presence or absence of forceful compulsion is to be determined. This is a subjective test that looks to the victim’s perception of the circumstances surrounding the incident in question.” *Tobias v. State*, 666 N.E.2d 68, 72 (Ind. 1996). And force “may be implied from the circumstances.” *Bailey v. State*, 764 N.E.2d 728, 731 (Ind. Ct. App. 2002), *trans. denied*.

[8] Here, K.F. testified that she repeatedly asked Yeager to “stop” during the seven-hour-long incident and she told him that she was uncomfortable. Tr. p. 17. K.F. testified further that she has “a hard time telling people no” in situations like that, especially a “parental figure[.]” *Id.* at 14. In January 2021, Yeager had been K.F.’s foster father for four years. The evidence supports a reasonable inference that K.F. felt compelled to submit to Yeager’s sexual contact. Yeager’s argument to the contrary is a request that we reweigh the evidence, which we cannot do. The State presented sufficient evidence to support Yeager’s conviction for Level 6 felony sexual battery.

[9] Affirmed.

Robb, J., and Foley, J., concur.