

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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Crystal Renae Winter,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

May 18, 2023

Court of Appeals Case No.  
22A-CR-2139

Appeal from the Fulton Superior  
Court

The Honorable Gregory L. Heller,  
Judge

Trial Court Cause No.  
25D01-1907-CM-319

**Memorandum Decision by Judge Mathias**  
Judges May and Bradford concur.

**Mathias, Judge.**

- [1] Crystal Renae Winter appeals her conviction for Class A misdemeanor battery following a bench trial. Winter raises a single issue for our review, which we restate as whether the State presented sufficient evidence to support her conviction and rebut her claim of self-defense. We affirm.

## **Facts and Procedural History**

- [2] On July 15, 2019, Winter lived in an apartment in Rochester. Madison Wolfe, who used to date Winter's son, occasionally stayed the night in Winter's apartment and occasionally stayed the night in Patti Zrbek's apartment directly across a small hallway from Winter's apartment. Patti lived there with Allen Lambert and his son, A.J. Adjacent to that small hallway was a stairway.
- [3] That evening, Wolfe was playing cards with Patti and the Lamberts in their apartment when Patti went across the hallway and knocked on Winter's door. Patti had heard that Winter was talking about her. Patti returned less than ten minutes later. Wolfe "acted like nothing happened because it wasn't my business." Tr. p. 17. A few minutes later, however, Winter "barged in" to Patti's apartment and started "yelling" at Wolfe. *Id.* Wolfe "was shocked" and neither responded nor made any physical motions toward Winter. *Id.* at 19.
- [4] Winter told Wolfe that "you're out of my apartment." *Id.* at 18. Winter then returned to her apartment, and Wolfe could hear Winter moving Wolfe's belongings into the hallway and the stairway. Wolfe "calmly . . . went to go get [her] stuff," and she saw that "there was a bag stuck in [Winter's] door." *Id.* at 19. Wolfe bent over to remove the bag from the doorframe but neither entered

Winter's apartment nor pushed Winter's door open. But, as Wolfe stood back up once she had removed the bag, Winter opened the door. Wolfe thought Winter did not "expect[] to see" her, and, while they "were in close vicinity," Winter "put [Wolfe] into a chokehold." *Id.* at 20. Winter then "shoved" Wolfe down the stairs, but Patti caught Wolfe after "three steps" and pulled Wolfe back up. *Id.* at 21. Still, as a result, Wolfe sustained a mild concussion.

[5] The State charged Winter with Class A misdemeanor battery. At Winter's ensuing bench trial, Wolfe testified to the events of July 15. Patti, Allen, and A.J. also testified, and they each corroborated Wolfe's testimony. Following the State's case-in-chief, Winter testified in her own defense. According to Winter, while she was placing Wolfe's belongings in the hallway, Wolfe "yelled b\*tch and pushed in the door and come at me . . . and I just was trying to . . . keep her c[al]m, trying to stop her from fighting me, so I just kind of grabbed her arms and held her arms down." *Id.* at 82. Winter then "pushed [Wolfe] back out" of Winter's apartment, and, as she did so, Wolfe "tripped," fell, and hit her head. *Id.* at 83.

[6] Based on her own testimony, Winter asserted the defense of self-defense. However, the trial court rejected her defense and found her guilty as charged. The court then sentenced Winter, and this appeal ensued.

## **Discussion and Decision**

[7] On appeal, Winter argues that the State presented insufficient evidence to support her conviction and rebut her claim of self-defense. A valid claim of self-

defense is legal justification for an otherwise criminal act. *Wilson v. State*, 770 N.E.2d 799, 800 (Ind. 2002). A person is justified in using reasonable force against any other person to protect the person from what the person reasonably believes to be the imminent use of unlawful force. Ind. Code § 35-41-3-2(c) (2019). Similarly, a person is justified in using reasonable force against any other person if the person reasonably believes that the force is necessary to prevent or terminate the other's person's unlawful entry of the person's dwelling. I.C. § 35-41-3-2(d).

[8] As our Supreme Court has made clear:

When a claim of self-defense is raised and finds support in the evidence, the State has the burden of negating at least one of the necessary elements. If a defendant is convicted despite his claim of self-defense, this Court will reverse only if no reasonable person could say that self-defense was negated by the State beyond a reasonable doubt. . . . The standard of review for a challenge to the sufficiency of evidence to rebut a claim of self-defense is the same as the standard for any sufficiency of the evidence claim. We neither reweigh the evidence nor judge the credibility of witnesses. If there is sufficient evidence of probative value to support the conclusion of the trier of fact, then the verdict will not be disturbed.

*Wilson*, 770 N.E.2d at 800-01 (citations omitted).

[9] Winter's argument on appeal is premised on her own testimony that Wolfe unlawfully entered her apartment. *See* Appellant's Br. at 13. Winter then baldly asserts that "[t]he State did not offer a scintilla of evidence directly rebutting Winter's self-defense claim." *Id.* at 14.

[10] Winter's argument is contrary to our standard of review. The State's evidence in its case in chief, namely, the testimony of Wolfe, Patti, Allen, and A.J., readily established that Wolfe did not enter into Winter's apartment and that, instead, Winter instigated the attack on Wolfe. The same evidence, which the trial court plainly credited over Winter's testimony, negated Winter's claim of self-defense beyond a reasonable doubt.

[11] Winter's argument on appeal is simply a request for this Court to reweigh the evidence and to reassess the credibility of the witnesses, which we will not do. The State presented sufficient evidence to support Winter's conviction and to negate her claim of self-defense. Thus, we affirm her conviction.

[12] Affirmed.

May, J., and Bradford, J., concur.