

## 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

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Jasper Lamont Lawson,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

December 12, 2022

Court of Appeals Case No.  
22A-CR-744

Appeal from the Marion Superior  
Court

The Honorable Barbara Cook  
Crawford, Senior Judge

Trial Court Cause No.  
49D27-2109-F5-29503

**Weissmann, Judge.**

[1] Jasper Lawson appeals his conviction for domestic battery, arguing that the State presented insufficient evidence that his victim, M.J., was a “family or household member” under Indiana’s domestic battery statute. Finding sufficient evidence that Lawson and M.J. “dated,” we conclude that M.J. meets the broad statutory definition of “family or household member” and affirm.

## Facts

[2] Lawson attacked M.J. following a bonfire at a neighbor’s house. The pair had been romantically involved for the past decade. Although their relationship was “off and on” over the years, Lawson and M.J. communicated regularly. Tr. Vol. II, p. 146. On the day of Lawson’s attack, he and M.J. exchanged text messages in which M.J. made clear to Lawson she did not want to see him. Undeterred, Lawson showed up at M.J.’s home that evening and accompanied her to a neighbor’s bonfire. At the bonfire, Lawson and M.J. got into a heated argument and were driven back to M.J.’s home by a friend, J.A.

[3] As M.J. climbed her porch steps to go inside her home, Lawson grabbed M.J. and threw her into the outer wall of the house. When J.A. intervened, Lawson loudly threatened to grab his pistol. Instead, Lawson drew a knife from his pocket and advanced at J.A. and M.J., backing them into the house. Eventually, Lawson dropped the knife and was let into the house while J.A. stepped outside and called the police. M.J. suffered multiple bruises on her arms, ankles, and back from Lawson’s attack.

[4] The State charged Lawson with four counts: (1) domestic battery, a Level 5 felony; (2) intimidation with a deadly weapon, a Level 5 felony; (3) criminal recklessness committed with a deadly weapon, a Level 6 felony; and (4) unlawful residential entry, a Level 6 felony. The jury convicted Lawson on all charges but for unlawful residential entry. He now challenges the sufficiency of the evidence supporting his domestic battery conviction.

## Discussion and Decision

[5] On appeal, a conviction will be affirmed unless “no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). When reviewing the sufficiency of the evidence underlying a conviction, we do not reweigh the evidence or judge the credibility of the witnesses. *Id.* We may draw any reasonable inferences from the record that support the verdict. *Id.*

[6] To convict Lawson of domestic battery, the State had to prove beyond a reasonable doubt that he “knowingly or intentionally . . . touch[ed] a family or household member in a rude, insolent, or angry manner.” Ind. Code § 35-42-2-1.3(a)(1). Lawson claims only that the State failed to prove M.J. was a “family or household member.”

[7] Indiana Code § 35-31.5-2-128(a)(2) defines a person’s “family or household member” to include an individual the person “is dating or has dated.”<sup>1</sup> This definition reflects a choice by the Legislature to “define ‘family or household member’ in broad terms.” *Suggs v. State*, 51 N.E.3d 1190, 1194 (Ind. 2016). Lawson alleges the State did not sufficiently prove that his relationship falls into this broad definition of “dating” to be considered a household member.

[8] The State’s evidence that Lawson dated M.J. consists largely of the following exchange:

[Prosecutor]: How do you know Mr. Lawson?

[M.J.]: He is my ex-boyfriend.

[Prosecutor]: Okay. How long were you in a relationship with Mr. Lawson?

[M.J.] 10 years.

[Prosecutor]: Okay. Was that 10 years continuously?

[M.J.]: Off and on.

[Prosecutor]: Okay. Have you previously lived with Mr. Lawson?

[M.J.]: No, we haven’t lived together for three/four years.

[Prosecutor]: Okay, but you have in the past lived together?

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<sup>1</sup> Because the definitions of a “family or household member” in Indiana Code § 35-31.5-2-128(a) are in the disjunctive, we need not address whether the State also sufficiently proved whether M.J. or Lawson were in a sexual relationship.

[M.J.]: Yes.

Tr. Vol. II, p. 146; Appellant's Br., p. 12. M.J.'s eldest son also testified that Lawson "used to date" M.J. Tr. Vol. II, p. 197.

[9] The jury reasonably relied on this testimony to find that Lawson dated M.J. There is nothing unclear about this testimony. Lawson is her ex-boyfriend. Any potential ambiguity over the exact scope of their relationship falls within the "broad terms" of the domestic battery statute. *Suggs*, 51 N.E.3d at 1194. Consequently, the State presented sufficient evidence to support Lawson's conviction.

[10] And any potential waiver notwithstanding, we also disagree that the term "dating" in the domestic battery statute is unconstitutionally vague as applied to Lawson. This court recently rejected a similar challenge. *See Jackson v. State*, 165 N.E.3d 641, 648 (Ind. Ct. App. 2021). In *Jackson*, the defendant traveled internationally to meet the victim multiple times to get engaged. *Id.* The court found these acts demonstrated more than just a "friendly or collegial relationship" and constituted "dating" as defined in the domestic battery statute. *Id.*

[11] The same result applies here. Given their decade long relationship, prior cohabitation, and the multiple witnesses who confirmed the pair used to date, Lawson was on sufficient notice that his acts towards M.J. fell under the domestic battery statute. Thus, the term "dating" is not unconstitutionally vague as applied to Lawson.

[12] Because the State presented sufficient evidence at trial for the jury to reasonably convict Lawson of domestic battery, and the statute is not unconstitutionally vague as applied, we affirm.

May, J., and Crone, J., concur.