

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

Kiana Sherice Hutchins,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 19, 2025

Court of Appeals Case No.
24A-CR-2351

Appeal from the Marion Superior Court
The Honorable Marc T. Rothenberg, Judge
Trial Court Cause No.
49D19-2311-CM-33445

Memorandum Decision by Judge Bailey
Judges Vaidik and DeBoer concur.

Bailey, Judge.

Case Summary

- [1] Kiana Hutchins appeals her conviction of battery, as a Class B misdemeanor.¹ The only issue she raises on appeal is whether the State presented sufficient evidence to rebut her claim of self-defense. We affirm.

Facts and Procedural History

- [2] On November 29, 2023, eighty-year-old Ora Bell was babysitting her neighbor Eugene’s (“Father”) two-year-old son (“the Child”), as she usually did during the week. The Child lived with his grandmother and Father, next door to Bell. That morning, Hutchins, who is the Child’s mother,² knocked on Bell’s door and asked if she could come in and take a shower. Bell recognized Hutchins but had never interacted with her. Bell did not allow Hutchins to come inside Bell’s home.
- [3] Later that day, Bell went shopping with the Child at a store on Pendleton Pike in Indianapolis. The Child was in the seat of a shopping cart when Hutchins walked up and started kissing and playing with the Child. Bell watched for a

¹ Ind. Code § 35-42-2-1(c)(1).

² There is no evidence of a formal custody order for the Child. Hutchins testified that she and Father used to exchange custody of the Child every three days, but admitted she had not seen the Child for several months prior to the incident at issue.

moment but when the Child started to cry, she told Hutchins not to make him cry. Hutchins then took the Child out of the seat of the cart, and Bell asked her to put the Child back in the seat. Hutchins responded, “This is my baby. I’ll do what I want to do,” and she began to walk away with the Child in her arms. Tr. at 29. Bell then used her cell phone to call Father.

[4] As Hutchins quickened her pace toward the front doors, Bell screamed out, “Don’t let her get out the door with the baby. Don’t let her take the baby.” *Id.* at 30. A store manager locked the front door. Bell ran after Hutchins and noticed another woman had been knocked down on the floor. When Bell reached Hutchins, Bell attempted to grab the Child out of Hutchins’ arms, but Hutchins used one of her arms to push Bell away. A struggle between Bell and Hutchins ensued, and Hutchins grabbed Bell’s coat near the collar and forcefully shoved Bell away. A small crowd gathered around the two struggling women, and Bell fell into a nearby rocking chair. Eventually, Bell and Hutchins stopped struggling, and Hutchins continued to hold the Child in her arms as everyone waited for law enforcement to arrive. The police arrived soon thereafter, returned the Child to Bell’s care, and arrested Hutchins.

[5] The State charged Hutchins with battery resulting in bodily injury, a Class A misdemeanor.³ A bench trial was held on May 28, 2024, at which Bell and Hutchins both testified. In addition, the trial court admitted into evidence and

³ I.C. § 35-42-2-1(c)(1) and (d)(1).

played State's Exhibit 1, which was a video recording of the front doorway to the store at the time of the incident and showed the struggle between Bell and Hutchins. On cross-examination, Hutchins admitted that she had not seen the Child for several months prior to the incident, had not sought a change in custody of the Child, and had not sought permission from Father to take the Child into her own custody on that day.

[6] The trial court found Hutchins guilty of a lesser included, Class B misdemeanor battery. The trial court specifically noted that at the twenty-nine-second mark of Exhibit 1,

there was definitely in [sic] a rude, insolent or angry touching there. That happens at that 29-30 second mark which I mentioned earlier, which is the whole reason I wouldn't have dismissed this. Again, not a crowd around [Hutchins] at this point. Two people. And again, she had taken a baby.

Tr. at 44. The court also noted that "Ms. Bell [] was in charge of that baby at that time[,] and I think she had every reason to try to stop Ms. Hutchins." *Id.* The court sentenced Hutchins to 180 days imprisonment, with sixteen days executed and 164 days suspended to probation. The court further ordered that Hutchins' probation could terminate earlier if she successfully completed parenting and anger management classes. This appeal ensued.

Discussion and Decision

- [7] Hutchins challenges the sufficiency of the evidence to negate her claim of self-defense to battery.

When reviewing the sufficiency of the evidence needed to support a criminal conviction, we neither reweigh evidence nor judge witness credibility. We consider only the evidence supporting the judgment and any reasonable inferences that can be drawn from such evidence. 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.

Bailey v. State, 907 N.E.2d 1003, 1005 (Ind. 2009) (internal citations omitted).

The standard on appellate review of 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. *Wallace v. State*, 725 N.E.2d 837, 840 (Ind. 2000).

- [8] To convict Hutchins of battery, as a Class B misdemeanor, the State was required to prove beyond a reasonable doubt that she knowingly or intentionally touched another person in a rude, insolent, or angry manner. Ind. Code § 35-42-2-1(c)(1). “A person engages in conduct ‘knowingly’ if, when he engages in the conduct, he is aware of a high probability that he is doing so.” I.C. § 35-41-2-2. Hutchins concedes that she knowingly pushed Bell, but she asserts that she did so in defense of herself and the Child.

[9] A valid claim of self-defense is legal justification for an otherwise criminal act.

Birdsong v. State, 685 N.E.2d 42, 45 (Ind. 1997). The defense is defined in Indiana Code Section 35-41-3-2(c), in relevant part:

A person is justified in using reasonable force against another person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force....

No person, employer, or estate of a person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

[10] A claim of self-defense in a case not involving deadly force is established by showing three facts: (1) the defendant was in a place where she had a right to be; (2) she did not provoke, instigate, or participate willingly in the violence; and (3) she had a reasonable fear of the imminent use of unlawful force. *Dixon v. State*, 22 N.E.3d 836, 839 (Ind. Ct. App. 2014), *trans. denied*. However,

a person is not justified in using force if: ... the person has entered into combat with another person or is the initial aggressor, unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

I.C. § 35-41-3-2(g)(3); *see also Wilson v. State*, 770 N.E.2d 799, 801 (Ind. 2002) (noting a mutual combatant—whether or not the initial aggressor—must declare “an armistice” before he or she may claim self-defense).

- [11] When a claim of self-defense is raised and finds support in the evidence, the State bears the burden of disproving at least one of the three elements beyond a reasonable doubt to rebut the defendant's claim. *Id.* at 800-801. The State may meet this burden by rebutting the defense directly, by affirmatively showing the defendant did not act in self-defense, or by simply relying upon the sufficiency of its evidence in chief. *Quinn v. State*, 126 N.E.3d 924, 927 (Ind. Ct. App. 2019). Whether the State has met its burden is a question of fact for the factfinder. *Id.*
- [12] Here, the evidence supporting the judgment establishes that Hutchins instigated the violence when she pushed Bell, who was merely attempting to retrieve the Child from Hutchins, as the trial court found was reasonable to do. There is also no evidence that Hutchins withdrew from the encounter or communicated an intent to do so, as is required before one may claim self-defense. *See* I.C. § 35-41-3-2(g)(3). Moreover, there is no evidence that Hutchins reasonably believed there was an "imminent use of unlawful force" by Bell against her or the Child. I.C. § 35-41-3-2(c). Rather, the evidence establishes Bell was reasonably attempting to retrieve the Child from Hutchins, that Hutchins was the first person to use violence during the incident by pushing Bell, and there was no imminent threat of unlawful force to support a reasonable fear that the eighty-year-old Bell would act in an unlawful manner toward either Hutchins or the Child.
- [13] The evidence does not support Hutchins' claim of self-defense; rather, the State provided sufficient evidence that she provoked, instigated, or participated

willingly in the violence and did not thereafter withdraw. The State also presented sufficient evidence that there was no reasonable fear of the imminent use of unlawful force from Bell. Hutchins' claims to the contrary are merely requests that we reweigh the evidence and/or judge witness credibility, which we may not do. *See Bailey*, 907 N.E.2d at 1005.

Conclusion

[14] The State presented sufficient evidence to support Hutchins' conviction of battery and to rebut her claim of self-defense.

[15] Affirmed.

Vaidik, J., and DeBoer, J., concur.

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