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**IN THE
COURT OF APPEALS OF INDIANA**

E.W.,)	
)	
Appellant-Respondent,)	
)	
vs.)	No. 28A04-1009-JV-612
)	
STATE OF INDIANA,)	
)	
Appellee-Petitioner.)	

APPEAL FROM THE GREENE CIRCUIT COURT
The Honorable Erik C. Allen, Judge
Cause No. 28C01-1001-JD-7

February 17, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

E.W. appeals her adjudication as a delinquent child for having committed criminal mischief, as a Class A misdemeanor, if committed by an adult. E.W. raises a single issue for our review, which we restate as whether the State presented sufficient evidence to support her adjudication as a delinquent.

We affirm.

FACTS AND PROCEDURAL HISTORY

On October 2, 2009, Thomas Baker and his wife attended the Bloomfield Apple Festival. They arrived around 6:30 p.m. and Baker parked their Chevrolet Avalanche in a parking spot such that the driver's side had an unobstructed view of a nearby alley. Baker and his wife then exited their vehicle to attend the festival.

Sometime thereafter, E.W. and two other minors, R.V. and L.E., entered the alley to hang out. R.V. was bored, and so he started throwing rocks. E.W. and L.E. joined in.

Between 8:00 and 9:00 p.m., Jeananne Sanders left the festival and returned to her car, which was parked near Baker's vehicle. She heard young people in the alley and the sound of rocks hitting the ground. One thrown rock almost hit her, causing her to drop a Crockpot of hot caramel.

Around 9:30, the Bakers returned to their car. As Baker pulled the vehicle out of the parking spot, he heard a bang. A few seconds later, he saw a rock bounce off the side of his vehicle. Baker exited his vehicle, saw the rock on the ground, and then saw the three children in the alley about fifteen or twenty feet away. Baker then called the police.

Deputy Marshal Jordan Hasler arrived and observed that the parking lot where the Bakers had parked was “completely littered” with eighty to one hundred rocks, ranging in size from small rocks to rocks the size of his fist. Transcript at 123. Deputy Marshal Hasler interviewed the children separately in his squad car. L.E. at first told him that E.W. did not throw any rocks, but when he warned her not to lie, she said that E.W. had thrown rocks. Baker’s vehicle sustained twenty to twenty-four dents, which cost him about \$2500 to repair.

On January 28, 2010, the State filed a delinquency petition against E.W., alleging that she had committed criminal mischief, as a Class A misdemeanor, if committed by an adult. On June 23, 2010, the court held a fact-finding hearing. At that hearing, E.W. acknowledged that she had thrown rocks at a nearby building, but not into the parking lot or at Baker’s vehicle. And both R.V. and L.E. testified that L.E. had thrown at least one rock that did hit Baker’s vehicle. On June 28, the court found E.W. to be a delinquent as alleged. At the ensuing dispositional hearing, the court ordered E.W. to be placed on supervised probation for nine months and to perform twenty hours of community service. This appeal ensued.

DISCUSSION AND DECISION

E.W. contends that the State did not present sufficient evidence to support her adjudication as a delinquent. When the State seeks to have a juvenile adjudicated as a delinquent for committing an act that would be a crime if committed by an adult, the State must prove every element of the crime beyond a reasonable doubt. J.S. v. State, 843 N.E.2d 1013, 1016 (Ind. Ct. App. 2006), trans. denied. In reviewing a juvenile

adjudication, this court will consider only the evidence and reasonable inferences supporting the judgment and will neither reweigh evidence nor judge the credibility of the witnesses. Id. If there is substantial evidence of probative value from which a reasonable trier of fact could conclude that the juvenile was guilty beyond a reasonable doubt, we will affirm the adjudication. Id.

To show that E.W. had committed criminal mischief, as a Class A misdemeanor, the State had to prove beyond a reasonable doubt that E.W. had recklessly, knowingly, or intentionally damaged or defaced the property of another person without that person's consent, causing a pecuniary loss of at least \$250 but less than \$2,500. Ind. Code § 35-43-1-2(a)(1)(A)(i).

Here, E.W. contends on appeal that no one saw her actually throw a rock that hit Baker's vehicle. Further, R.V. and L.E. both testified that they did not know if E.W. had thrown a rock that hit Baker's vehicle, and E.W. stated that she had not done so. As such, she continues, the State's evidence against her—namely, the testimony of Baker, Sanders, and Deputy Marshal Hasler—is insufficient. E.W. also critiques the reliability of the State's eyewitnesses.¹

E.W.'s arguments on appeal are requests for this court to reweigh the evidence against her, which we will not do. See J.S., 843 N.E.2d at 1016. Although no witness gave direct testimony that E.W. had damaged Baker's vehicle, the reasonable inferences

¹ We note that E.W. contends, in effect, that she was a mere accessory to the crime charged, not the principal. That distinction is irrelevant. The outcome of this case does not necessarily turn on whether one of the rocks E.W. threw hit the Bakers' car. As our Supreme Court has said, "there is no separate crime of being an accessory to a crime or aiding and abetting the perpetrator of a crime; rather, a defendant may be convicted as a principal upon evidence that he aided or abetted in the perpetration of the charged crime." Sanquetti v. State, 727 N.E.2d 437, 441 (Ind. 2000).

from the State's circumstantial evidence support E.W.'s adjudication as a delinquent. Specifically, L.E. testified that she did witness E.W. throw rocks in the direction of the parked cars; E.W. admitted to having been in the alley and having thrown rocks generally; Deputy Marshal Hasler testified that there were between eighty and one hundred rocks thrown into the parking lot; and Baker testified that his vehicle had been parked nearest to the alley and that it had sustained twenty to twenty-four dents from thrown rocks. A reasonable inference from that evidence is that E.W. threw rocks that damaged Baker's vehicle. As such, we must affirm her adjudication as a delinquent.

Affirmed.

DARDEN, J., and BAILEY, J., concur.