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IN THE
COURT OF APPEALS OF INDIANA

NATHANIEL DAWN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-1010-CR-1136
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Sheila A. Carlisle, Judge
The Honorable Stanley E. Kroh, Master Commissioner
Cause No. 49G03-1007-FC-52852

May 19, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Nathaniel Dawn appeals his conviction for resisting law enforcement, as a Class A misdemeanor, following a bench trial. Dawn raises a single issue for our review, namely, whether the State presented sufficient evidence to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On July 6, 2010, at approximately 3:00 p.m., Indianapolis Metropolitan Police Officers Christopher Frazier and Danny Reynolds were dispatched to an abandoned country club in Indianapolis on a report of a theft in progress. When the officers arrived at the scene, they observed two men, subsequently identified as Dawn and Michael Bell, standing near a pickup truck on the perimeter of the property. Officer Frazier exited his marked patrol car, with overhead lights activated, wearing a police uniform and said, "[P]olice[.] [S]top." Transcript at 122. Both men were close enough to Officer Frazier to have heard his command. Bell stopped what he was doing and put his hands on the truck. But Dawn ignored the command and walked "into the wood line" behind the truck. Id. at 107. Officer Frazier pursued Dawn into the woods, and Dawn eventually stopped and surrendered.

The State charged Dawn with burglary, as a Class C felony, attempted theft, as a Class D felony, and resisting law enforcement, as a Class A misdemeanor. The State also charged Dawn with being an habitual offender. At the beginning of the trial, the State dismissed the burglary charge. The trial court found Dawn guilty on the remaining

charges and entered judgment of conviction and sentence accordingly. Dawn now appeals only his conviction for resisting law enforcement.

DISCUSSION AND DECISION

When the sufficiency of the evidence to support a conviction is challenged, we neither reweigh the evidence nor judge the credibility of the witnesses, and we affirm if there is substantial evidence of probative value supporting each element of the crime from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. Wright v. State, 828 N.E.2d 904, 905-06 (Ind. 2005). It is the job of the fact-finder to determine whether the evidence in a particular case sufficiently proves each element of an offense, and we consider conflicting evidence most favorably to the trial court's ruling. Id. at 906.

To prove resisting law enforcement, as a Class A misdemeanor, the State was required to show that Dawn knowingly fled from Officer Frazier after Officer Frazier had identified himself by visible or audible means and ordered Dawn to stop. See Ind. Code § 35-44-3-3. On appeal, Dawn contends only that the evidence is insufficient to prove that Officer Frazier ordered him to stop. In particular, Dawn maintains that the evidence shows that Officer Frazier only ordered Bell to stop, but never issued such a command to Dawn. We cannot agree.

Officer Frazier testified that after exiting his marked patrol car with overhead lights activated, he identified himself as a police officer and said, "Stop." Transcript at 122. Officer Frazier further testified that both Dawn and Bell "would have been able to hear" his command. Id. That evidence supports a reasonable inference that Officer

Frazier directed the command to both Dawn and Bell and that Dawn heard Officer Frazier's command before he fled into the woods. Dawn's contention on appeal amounts to a request that we reweigh the evidence, which we will not do. The State presented sufficient evidence to support Dawn's conviction for resisting law enforcement.

Affirmed.

ROBB, C.J., and CRONE, J., concur.