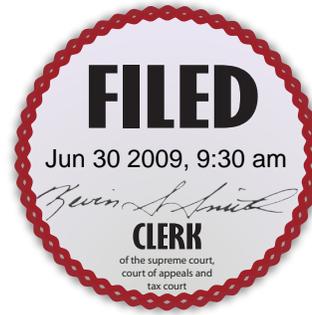


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

ATTORNEYS FOR APPELLEE:

**JOSEPH F. THOMS**  
Thoms & Thoms  
Indianapolis, Indiana

**GREGORY F. ZOELLER**  
Attorney General of Indiana

**NICOLE M. SCHUSTER**  
Deputy Attorney General  
Indianapolis, Indiana

---

**IN THE  
COURT OF APPEALS OF INDIANA**

---

ANDRES JACKSON, )  
 )  
Appellant-Defendant, )  
 )  
vs. ) No. 49A05-0812-CR-726  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

---

APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Barbara A. Collins, Judge  
Cause No. 49F08-0808-CM-182213

---

**June 30, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**NAJAM, Judge**

## STATEMENT OF THE CASE

Andres Jackson appeals from his conviction for Battery on a Police Officer, as a Class A misdemeanor. Jackson 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 31, 2008, Indianapolis Metropolitan Police Officer Michael Wilson responded to a complaint of a dog left in a vehicle with limited ventilation. Shortly after arriving on the scene, Jackson, the owner of the vehicle and dog in question, arrived, shoved Officer Wilson from behind, and confronted Officer Wilson. Officer Wilson tried to calm Jackson, but Jackson “pushed [Officer Wilson’s] hand aside.” Transcript at 26. Officer Wilson again tried to calm Jackson, and again Jackson grabbed Officer Wilson’s arm and tried to push Officer Wilson away. Officer Wilson then “used a pressure point technique” to force Jackson to let go of Officer Wilson’s arm, and Officer Wilson then arrested Jackson. *Id.* at 27.

On August 4, 2008, the State charged Jackson with battery on a police officer, as a Class A misdemeanor, among other things. The trial court held a bench trial on November 18. Officer Wilson testified at the trial, as did Jackson. In his defense, Jackson stated that he could not possibly have touched Officer Wilson because “both . . . hands were occupied. . . . I had [a] briefcase in . . . my left hand and I had my son’s hand

with my right.” Id. at 46. Nonetheless, the trial court found Jackson guilty and sentenced him accordingly.<sup>1</sup> This appeal ensued.

### **DISCUSSION AND DECISION**

The only issue raised by Jackson on appeal is whether the State presented sufficient evidence to demonstrate that he committed the act of battery on a police officer, as a Class A misdemeanor. When reviewing a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences that may be drawn from that evidence to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

To prove that Jackson committed battery on a police officer, as a Class A misdemeanor, the State was required to prove beyond a reasonable doubt that he “knowingly or intentionally touche[d] [a law enforcement officer engaged in the execution of the officer’s official duty] in a rude, insolent, or angry manner.” Ind. Code § 35-42-2-1(a)(1)(B). On appeal, Jackson argues that the State did not meet its burden because he “testified he had a briefcase in his left hand and his son’s hand in his right hand when the alleged battery occurred. . . . [Further, t]he testimony of Officer Wilson does not support guilty beyond a reasonable doubt.” Appellant’s Brief at 4. We cannot agree.

---

<sup>1</sup> The State had charged Jackson with other offenses, but the trial court acquitted Jackson on those charges.

It is well established that “the uncorroborated testimony of a single witness is sufficient to sustain” a conviction. Dobbins v. State, 721 N.E.2d 867, 875 (Ind. 1999). Here, Officer Wilson’s testimony, if credited by the factfinder, plainly established that Jackson committed battery on a police officer, as a Class A misdemeanor. Jackson’s request for this court to credit his own testimony and to discredit Officer Wilson’s is merely a request for this court to reweigh the evidence, which we will not do. See Jones, 783 N.E.2d at 1139. Accordingly, we affirm Jackson’s conviction.

Affirmed.

FRIEDLANDER, J., and VAIDIK, J., concur.