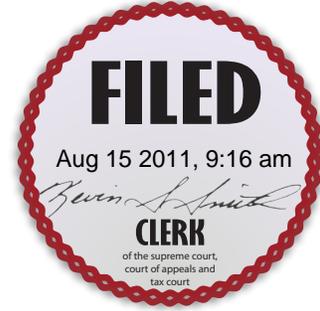


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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J.F., )  
 )  
Appellant-Respondent, )  
 )  
vs. ) No. 92A04-1103-JV-149  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Petitioner. )

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APPEAL FROM THE WHITLEY CIRCUIT COURT  
The Honorable James R. Heuer, Judge  
Cause No. 92C01-1007-JD-99

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**August 15, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BAILEY, Judge**

## Case Summary

J.F. appeals her adjudication as a juvenile delinquent, for committing an act that would have been Criminal Recklessness, if committed by an adult.<sup>1</sup> She presents the issue of whether there is sufficient evidence to establish she committed the alleged act so as to support the juvenile delinquency adjudication. We affirm.

### Facts and Procedural History

On April 3, 2010, a group of young girls, including J.F., were together in Churubusco Park in Whitley County. At some point, eleven-year-old S.B. noticed that J.F. had a knife in her boot. J.F. removed the knife, opened the blade, and stated, “I’ve never used it on a person yet.” (Tr. 12.) S.B. responded, “cool knife” and the girls continued playing. (Tr. 12.)

When the time came to walk home, J.F. directed S.B. to walk in front of J.F. S.B. complied, but then turned and saw the blade of the knife that J.F. was holding vertically “by [J.F.’s] face.” (Tr. 14.) S.B. began to run. She saw J.F. running towards her, so S.B. ran until she was in the woods. S.B. attempted to leave the wooded area, but saw that another child also had her knife out. S.B. heard footsteps behind her and fled into the woods again. S.B. returned home hysterical. Her legs had been scratched and cut by briars. Her father reported the incident to police.

On July 27, 2010, the State alleged that J.F. is a juvenile delinquent because she had committed acts that would be Intimidation and Criminal Recklessness if committed by an adult, specifically, that she had “chased [S.B.] with a knife.” (App. 7.) On January 24, 2011,

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<sup>1</sup> Ind. Code § 35-42-2-2.

the juvenile court held a denial hearing and entered a true finding only as to the allegation of Criminal Recklessness. A dispositional hearing was conducted on March 21, 2011. The juvenile court committed J.F. to the Indiana Girls School, but suspended the commitment to six months probation. This appeal ensued.

### **Discussion and Decision**

When reviewing a juvenile delinquency adjudication, we will consider only the evidence and reasonable inferences that support the judgment. B.R. v. State, 823 N.E.2d 301, 306 (Ind. Ct. App. 2005). We neither reweigh the evidence nor judge witness credibility. Id. If there is substantial evidence of probative value from which a reasonable trier of fact could conclude beyond a reasonable doubt that the juvenile committed a delinquent act alleged, we will affirm the adjudication. Id.

To support a true finding for Criminal Recklessness, the State was required to establish that J.F. recklessly, knowingly, or intentionally performed an act that created a substantial risk of bodily injury. See Ind. Code § 35-42-2-2.

S.B. testified as follows. J.F. displayed a knife, claiming that she had not used it on a person “yet.” (Tr. 12.) J.F. directed S.B. to walk in front on the way home; when S.B. turned, she saw a knife blade. S.B. began to run and J.F. pursued her. S.B. ran into the woods, despite the briars and hazards there. This is sufficient evidence to permit the fact-finder to conclude beyond a reasonable doubt that J.F. recklessly, knowingly, or intentionally performed an act that created a substantial risk of bodily injury to S.B. As such, the State presented sufficient evidence to support the juvenile court’s adjudication that J.F. is a

delinquent child.

Affirmed.

MATHIAS, J., and CRONE, J., concur.