



Courtney Arseneau challenges her convictions of Class A misdemeanor domestic battery,<sup>1</sup> and Class A misdemeanor criminal mischief.<sup>2</sup> She claims the State did not rebut her claim of self-defense and there was insufficient evidence to support her criminal mischief conviction. We affirm.

### **FACTS AND PROCEDURAL HISTORY**

Arseneau and Jeffery Campbell were in a romantic relationship and lived together in Campbell's house. Their relationship ended on January 1, 2010, and Arseneau moved out of Campbell's house in late January or early February. Campbell did not know Arseneau kept a key to his house.

At around 2:30 a.m. on March 5, Arseneau used the front door key to enter Campbell's house without his permission. Campbell was in the living room at the time. Upon entry, Arseneau began yelling at Campbell. Campbell repeatedly asked Arseneau to leave and even opened the door for her. Arseneau refused. She proceeded to scratch Campbell's neck, upend his bookcase, and throw his television on the floor. Campbell tried to call the police, but Arseneau knocked the phone out of his hand. The dispatcher returned Campbell's call and sent the assistance he requested. Arseneau left before police arrived.

When Officer Melloh arrived, he observed that Campbell's neck was scratched and his living room was in disarray. After talking with Campbell, Officer Melloh went to

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<sup>1</sup> Ind. Code § 35-42-2-1.3.

<sup>2</sup> Ind. Code § 35-43-1-2.

Arseneau's residence and arrested her.

Arseneau was charged with domestic battery, criminal mischief, and Class A misdemeanor battery.<sup>3</sup> During her bench trial on December 3, 2010, Arseneau claimed Campbell had invited her over to pick up some of her possessions. She testified she scratched Campbell in self-defense after he began to attack her. The trial court found Arseneau guilty of all three counts, but merged the battery finding into the domestic battery finding.

### **DISCUSSION AND DECISION**

When reviewing sufficiency of evidence, we may not reweigh evidence or judge credibility of witnesses. *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005). We consider only the probative evidence and reasonable inferences supporting the trial court's decision, *id.*, and affirm unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Jenkins v. State*, 726 N.E.2d 268, 270 (Ind. 2000).

The standard of review for a challenge to the sufficiency of the evidence to rebut a claim of self-defense is the same. *Wilson v. State*, 770 N.E.2d 799, 801 (Ind. 2002). For a claim of self-defense to be successful, the defendant must show she: "(1) was in a place where [she] had a right to be; (2) did not provoke, instigate, or participate willingly in the violence; and (3) had a reasonable fear of death or great bodily harm." *Id.* at 800. Once the defendant shows these three elements, the State need negate only one to successfully defeat the claim. *Id.*

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<sup>3</sup> Ind. Code § 35-42-2-1.

The State negated Arseneau's claim of self-defense. Campbell testified he did not give Arseneau permission to be in his house; he asked her to leave, but she refused; and she attacked him without provocation. Campbell's testimony was sufficient to rebut Arseneau's evidence regarding two elements required for her self-defense claim. Arseneau's version of the events are quite different from those of Campbell; however her argument amounts to an invitation for us to reweigh the evidence and judge the credibility of the witnesses, which we cannot do. *See Wallace v. State*, 725 N.E.2d 837, 840 (Ind. 2000) (declining to reweigh the evidence and holding the State presented sufficient evidence to negate Wallace's claim of self-defense).

There also was sufficient evidence to support Arseneau's criminal mischief conviction. She asserts the bookcase and television were damaged in her struggle with Campbell, and therefore she did not recklessly or knowingly damage the property. However, Campbell testified Arseneau upended his bookcase after clawing him and then she walked away from Campbell and destroyed his television. As we may not reweigh the evidence or judge the credibility of the witnesses, we find the State presented sufficient evidence Arseneau committed criminal mischief. *See Luckhart v. State*, 736 N.E.2d 227, 231 (Ind. 2000) (declining to reweigh the evidence).

Affirmed.

RILEY, J., and NAJAM, J., concur.