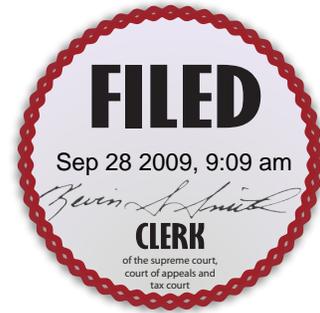


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

ATTORNEYS FOR APPELLEE:

ELLEN M. O’CONNOR
Marion County Public Defender Agency
Indianapolis, Indiana

GREGORY F. ZOELLER
Attorney General of Indiana

JOBY JERRELLS
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

D.D.,)
)
Appellant-Defendant,)
)
vs.) No. 49A02-0901-JV-88
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Marilyn A. Moores, Judge
The Honorable Beth Jansen, Magistrate
Cause No. 49D09-0810-JD-3426

September 28, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

D.D. appeals from his adjudication as a delinquent child for committing Confinement, as a Class D felony when committed by an adult.¹ He presents a single issue for our review, namely, whether the evidence is sufficient to support his adjudication as a delinquent child.

We affirm.

FACTS AND PROCEDURAL HISTORY

On September 20, 2008, D.D. confronted C.D. about D.D.'s stolen videogame console. D.D. was holding a baseball bat, and he forcibly moved C.D. from the yard of one residence to the yard of another residence. D.D. then pushed and hit C.D. When C.D.'s mother arrived at the scene, C.D. left with her.

The State filed a petition against D.D. alleging his delinquency for confinement and battery. Following a hearing, the juvenile court adjudicated D.D. a delinquent child on both counts. This appeal ensued.

DISCUSSION AND DECISION

D.D. contends that the State presented insufficient evidence to support his adjudication as a delinquent child for committing confinement. When presented with a challenge to the sufficiency of the evidence upon review of a juvenile adjudication, this court will consider only the evidence and reasonable inferences supporting the judgment. J.B. v. State, 748 N.E.2d 914, 916 (Ind. Ct. App. 2001). We will neither reweigh the evidence nor judge witness credibility. Id. If there is substantial evidence of probative

¹ D.D. was also adjudicated as a delinquent child for battery, but he does not appeal the sufficiency of the evidence with regard to that true finding.

value from which a reasonable trier of fact could conclude that the defendant was guilty beyond a reasonable doubt, we will affirm the adjudication. Id.

To prove confinement, as a Class D felony when committed by an adult, the State had to show that D.D. knowingly or intentionally removed C.D. by force, fraud, enticement, or threat of force from one place to another. See Ind. Code § 35-42-3-3. The State presented C.D.'s testimony that D.D. was holding a bat when he grabbed C.D.'s arm and "started taking" C.D. to D.D.'s house. Transcript at 9. C.D. testified that he did not want to go with D.D. and that he only went with him because D.D. "had the bat." Id. The evidence is sufficient to support D.D.'s adjudication for confinement. D.D.'s argument on appeal amounts to a request that we reweigh the evidence, which we will not do.

Affirmed.

KIRSCH, J., and BARNES, J., concur.