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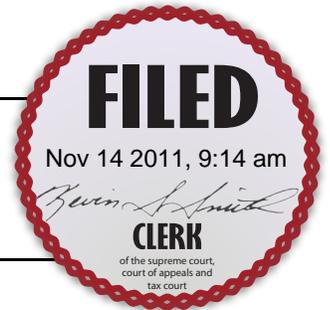
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**IN THE
COURT OF APPEALS OF INDIANA**



MICHELLE LYNCH,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 49A04-1103-CR-85

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable William J. Nelson, Judge
Cause No. 49F07-1009-CM-68338

November 14, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Michelle Lynch appeals her conviction of Class A misdemeanor criminal mischief.¹

We affirm.

FACTS AND PROCEDURAL HISTORY

On August 5, 2010, Jessica Broaddus saw Lynch next to Broaddus' car, holding what appeared to be a plastic milk jug. Broaddus and Lynch knew each other because their children had a common father. Broaddus asked Lynch what she was doing, the two women exchanged profanities, and Lynch left.

Broaddus inspected her car and noticed the word "Bitch" had been written twice in red nail polish on the side of her car. The gas tank was open, and Broaddus could see liquid spilling from the side of her car and pooling on the ground.

Broaddus called police, who also observed the words written on the side of Broaddus' car and the state of the gas tank. Broaddus paid \$250.00 to repair the damage.

The State charged Lynch with Class A misdemeanor criminal mischief. After a bench trial, the trial court found Lynch guilty as charged and sentenced her to 365 days, with 363 days suspended, ordered Lynch to pay \$250.00 in restitution to Broaddus, and issued a no contact order.

¹ Ind. Code § 35-43-1-2.

DISCUSSION AND DECISION

Lynch argues the State did not present sufficient evidence to convict her of Class A misdemeanor criminal mischief. When reviewing the sufficiency of the evidence to support a conviction, we consider only the probative evidence and reasonable inferences supporting the trial court's decision. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). It is the fact-finder's role, and not ours, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. *Id.* To preserve this structure, when we are confronted with conflicting evidence, we consider it most favorably to the trial court's ruling. *Id.* We affirm a conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.* It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence; rather, the evidence is sufficient if an inference reasonably may be drawn from it to support the trial court's decision. *Id.* at 147.

Class A misdemeanor criminal mischief occurs when a person “recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent[.]” Ind. Code § 35-43-1-2(a)(1). The offense is a Class A misdemeanor if “the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500)[.]” Ind. Code § 35-43-1-2(a)(1)(A)(i). Lynch notes her trial testimony indicating she did not damage or deface Broaddus' car and she was home at the time. She asserts Broaddus had reason to fabricate her testimony because the two women were involved in an ongoing feud regarding the father of their children. Her arguments are

an invitation for us to reweigh the evidence and judge the credibility of witnesses, which we cannot do. *Drane*, 867 N.E.2d at 146.

Broaddus testified she saw Lynch next to her car with what appeared to be a milk jug and when she immediately thereafter inspected her car, she noticed the word “Bitch” written in red nail polish in two places, the gas cap had been removed, the gas tank was open, and a pool of liquid had accumulated on the ground under the gas cap door. Officer Chase Huddleston testified:

I saw an older car parked outside. There was a gas cap laying [sic] on the ground and [sic] there was a puddle of an unknown substance laying [sic] on the ground just underneath the gas cap door and I saw in red fingernail polish the profane word *Bitch* written on the side of the car.

(Tr. at 20-21) (emphasis in original). That testimony was sufficient to permit a reasonable person to infer Lynch committed Class A misdemeanor criminal mischief. *See Gaerte v. State*, 808 N.E.2d 164, 166 (Ind. Ct. App. 2004) (circumstantial evidence that Gaerte was the only inmate in a cell with a broken window when the window had not been broken when Gaerte entered the cell was sufficient to convict him of criminal mischief), *trans. denied*. Accordingly, we affirm.

Affirmed.

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