



## **Case Summary**

John David Jenkins appeals his conviction for Class B misdemeanor failure to stop after an accident resulting in non-vehicular property damage. Jenkins argues there is insufficient evidence to sustain his conviction. We find sufficient evidence and affirm.

## **Facts and Procedural History**

Jenkins was backing up his International moving truck when it snagged a cable. The cable belonged to Insight Communications and was strung between a telephone pole and the residence of Amber Wydicks. Evidently, the cable was hanging lower than the eighteen feet required by law. Wydicks was inside her home and could see Jenkins' truck tangling with the cable. She ran outside, yelling for Jenkins to stop. Jenkins continued to back up, and the cable snapped off of Wydicks's house. The cable was broken in half and fell into the street. Wydicks told Jenkins that he damaged the cable and asked if he was going to stop. Jenkins said it was not his responsibility and left. He did not provide his name or contact information.

The State charged Jenkins with Class B misdemeanor failure to stop after an accident resulting in non-vehicular damage. Ind. Code §§ 9-26-1-4, -8.

Jenkins was found guilty following a bench trial. He now appeals.

## **Discussion and Decision**

Jenkins argues there is insufficient evidence to sustain his conviction for failure to stop after an accident resulting in non-vehicular property damage. Jenkins claims the evidence is insufficient that he "caused" the damage, as it was Insight Communications that failed to maintain the cable at the required height. Jenkins further claims that the

evidence is insufficient that he did not comply with the post-accident statutory responsibilities.

In reviewing a sufficiency-of-the-evidence claim, this Court does not reweigh the evidence or judge the credibility of the witnesses. *Bond v. State*, 925 N.E.2d 773, 781 (Ind. Ct. App. 2010), *reh'g denied, trans. denied*. We consider only the evidence most favorable to the judgment and the reasonable inferences drawn therefrom and affirm if the evidence and those inferences constitute substantial evidence of probative value to support the judgment. *Id.* Reversal is appropriate only when reasonable people would not be able to form inferences as to each material element of the offense. *Id.*

Indiana Code section 9-26-1-4 provides:

(a) The driver of a vehicle that causes damage to the property of another person, other than damage to a vehicle, shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Takes reasonable steps to locate and notify the owner or person in charge of the property of the damage.

(B) Gives the person the driver's name and address and the registration number of the vehicle.

(C) Upon request, exhibits the driver's license of the driver if the driver is required to have a driving license to operate the vehicle.

(b) If after reasonable inquiry the driver of the vehicle cannot find the owner or person in charge of the damaged property, the driver of the vehicle shall do the following:

(1) Notify either the sheriff of the county in which the damaged property is located or a member of the state police department.

(2) Give the sheriff or state police department the information required by this section.

A person who knowingly or intentionally fails to stop or comply with Section 9-26-1-4 after causing damage to the property of another person commits a Class B misdemeanor. Ind. Code § 9-26-1-8. The purpose of the failure-to-stop statute is to provide prompt aid to people whose property is damaged and to establish the identity of the parties so that they and police authorities know who to deal with in matters growing out of the accident. *Runyon v. State*, 219 Ind. 352, 357, 38 N.E.2d 235, 237 (1941).

We find sufficient evidence to support Jenkins' conviction for failure to stop. The evidence most favorable to the verdict reveals that Jenkins backed his truck into Insight Communications' cable, snapping it from Amber Wydicks's residence and breaking it in half. Even if the cable was hanging too low in violation of applicable regulations, and even if it was Insight's responsibility to maintain the cable at the appropriate height, there is no dispute that Jenkins snapped the cable by backing his truck into it. Jenkins thus factually "caused" property damage under Indiana Code section 9-26-1-4(a). Furthermore, Jenkins did not stop his truck, remain at the scene of the accident, timely notify the appropriate parties, or furnish his personal contact information as required by Sections 9-26-1-4(a)(1), 9-26-1-4(a)(2), and 9-26-1-4(b). For these reasons we find sufficient evidence to sustain Jenkins' conviction.

Affirmed.

BAKER, J., and BARNES, J., concur.