

STATEMENT OF THE CASE

Appellant-Defendant, Venetta Edmonds (Edmonds), appeals her conviction for resisting law enforcement, as a Class A misdemeanor, Ind. Code § 35-44-3-3.

We affirm.

ISSUE

Edmonds raises one issue, which we restate as: Whether the State presented sufficient evidence to prove beyond a reasonable doubt that she forcibly resisted law enforcement.

FACTS AND PROCEDURAL HISTORY

On May 21, 2008, Indianapolis Metropolitan Police Officer Julian Wilkerson (Officer Wilkerson) saw Edmonds walk across Belmont Avenue, in Marion County, Indiana, and as she crossed, she was nearly struck by a vehicle traveling southbound. Officer Wilkerson was traveling northbound and had to stop his car to avoid hitting her himself. Edmonds proceeded down an alley and Officer Wilkerson drove to the next street over, came back around, and met her in the alley. Officer Wilkerson got out of his vehicle and asked Edmonds if she had been drinking. Edmonds stated, “I ain’t got time to be f***in with you” while she was walking away. (Transcript p. 8).

Officer Wilkerson followed and asked Edmonds for her identification. Edmonds reached into her pocket as if she was going to produce it, but then stated she did not have any identification. Officer Wilkerson asked Edmonds to remove her hand from her pocket, but she did not and continued walking away.

Officer Wilkerson asked Edmonds again to take her hand out of her pocket and she quickened her pace away from him. He reached out and grabbed her back pocket and took her to the ground. He began putting her in handcuffs and used a wrist lock manipulation technique. Edmonds “mule kicked” Officer Wilkerson while he was trying to restrain her. (Tr. p. 11). Edmonds yelled, screamed, and kicked until Officer Wilkerson sprayed her with mace.

On May 22, 2008, the State filed an Information charging Edmonds with resisting law enforcement, as a Class A misdemeanor, and public intoxication, a Class B misdemeanor, I.C. § 7.1-5-1-3. On August 12, 2008, the trial court held a bench trial. At the close of evidence and arguments, the trial court found Edmonds guilty of resisting law enforcement, but not guilty of public intoxication.

Edmonds now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Edmonds argues that the State failed to present sufficient evidence to prove that she resisted law enforcement. Specifically, she contends that she did not act “forcibly.”

Our standard of review with regard to sufficiency claims is well settled. In reviewing sufficiency of the evidence claims, this court does not reweigh the evidence or judge the credibility of the witnesses. *Perez v. State*, 872 N.E.2d 208, 213 (Ind. Ct. App. 2007), *trans. denied*. We consider only the evidence most favorable to the verdict and the reasonable inferences drawn therefrom and will affirm if the evidence and those inferences constitute substantial evidence of probative value to support the judgment. *Id.* Reversal is appropriate

only when reasonable persons would not be able to form inferences as to each material element of the offense. *Id.*

Indiana Code section 35-44-3-3 provides in pertinent part: “(a) A person who knowingly or intentionally: (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer’s duties . . . commits resisting law enforcement, a Class A misdemeanor[.]” Thus, to convict Edmonds of resisting law enforcement as a Class A misdemeanor, the State needed to prove beyond a reasonable doubt that she knowingly or intentionally acted forcibly to resist, obstruct, or interfere with Officer Wilkerson while he was lawfully engaged in his official duties as a police officer. Our supreme court has recognized that in resisting law enforcement cases, force is used when an individual “directs strength, power or violence towards police officers[.]” *Price v. State*, 622 N.E.2d 954, 963 n.14 (Ind. 1993), *reh’g denied* (citing *Spangler v. State*, 607 N.E.2d 720 (Ind. 1993)).

Edmonds argues that the State provided no evidence to show that she acted “forcibly” during her encounter with Officer Wilkerson. Specifically, she states “[s]he moved her legs in attempt to straighten them, turn to a comfortable position as a natural reaction to . . . being grabbed from behind and thrown to the ground.” (Appellant’s Br. p. 9). However, Officer Wilkerson testified that he grabbed Edmonds, took her to the ground, tried to get one handcuff on her while using wrist lock manipulation, and “[w]hile on top of her she mule kicked me basically. She was lying on her stomach and she kicked me in my [s]hins and my knee.” (Tr. p. 11). He further testified, “I told her to stop resisting, she . . . still . . . kick[ed]

and I used my [mace] and sprayed her.” (Tr. p. 11). Edmonds’ argument relies on her testimony to contradict Officer Wilkerson’s testimony; however, our standard of review requires that we consider only the evidence most favorable to the verdict. *See Perez*, 872 N.E.2d at 213. We therefore conclude that Officer Wilkerson’s testimony that Edmonds kicked him in the shins and knee while he was trying to arrest her, and continued kicking, is sufficient evidence to prove beyond a reasonable doubt that Edmonds “forcibly” resisted law enforcement.

CONCLUSION

Based on the foregoing, we conclude that the State presented sufficient evidence to prove beyond a reasonable doubt that Edmonds resisted law enforcement, as a Class A misdemeanor.

Affirmed.

DARDEN, J., and VAIDIK, J., concur.