

Jose Anaya Pichardo challenges his conviction of Class D felony criminal confinement.¹ Finding the evidence sufficient to support that conviction, we affirm.

FACTS AND PROCEDURAL HISTORY

On November 23, 2007, Anealya Morris was walking home when she noticed her ex-boyfriend, Pichardo, driving down the street in the same direction. Pichardo exited his car and accused Morris of taking his keys to his house and car. Pichardo tried to grab Morris' keys, which were hanging on her belt loop. Morris was able to grab her keys first, but Pichardo squeezed his hand around hers, causing pain and indentations in her hand. When Morris tried to get away, Pichardo knocked her to the ground, which caused a grass stain and cut on her knee. Pichardo then sat on top of her as he tried to get the keys. Morris was able to get away from Pichardo when she bit him on the hand. Morris called the police and reported the incident.

The State charged Pichardo with criminal confinement and Class A misdemeanor battery. The court found him guilty of both charges and sentenced him to concurrent one-year sentences.²

DISCUSSION AND DECISION

Pichardo challenges the sufficiency of the evidence to support his conviction of criminal confinement.

When reviewing the sufficiency of the evidence to support a conviction, appellate courts must consider only the probative evidence and reasonable inferences *supporting* the verdict. It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. To preserve

¹ Ind. Code § 35-42-3-3.

² Pichardo does not challenge his battery conviction on appeal.

this structure, when appellate courts are confronted with conflicting evidence, they must consider it most favorably to the trial court's ruling. Appellate courts affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.

Drane v. State, 867 N.E.2d 144, 146-47 (Ind. 2007) (quotations, citations, and footnote omitted) (emphasis in original).

Criminal confinement occurs when a person knowingly or intentionally confines another person without the other person's consent. Ind. Code § 35-42-3-3(a)(1). "Confine" means "to substantially interfere with the liberty of a person." Ind. Code § 35-42-3-1. Pichardo asserts he could not have substantially interfered with Morris' liberty because the incident lasted only a few seconds, he had no intent to confine her, and Morris was not injured.

We cannot agree with Pichardo's argument regarding "intent" for two reasons. Confinement can occur "knowingly," Ind. Code § 35-42-3-3(a)(1), and Pichardo must have known he was interfering with Morris' freedom to act when he sat on her and pinned her to the ground. *See, e.g., McDonald v. State*, 511 N.E.2d 1066, 1068 (Ind. 1987) ("Even though Appellant's intent was to escape, he confined [the officer] in the process of effectuating the escape.").

Nor can we agree with Pichardo's assertion there was no evidence he intended to confine Morris. The facts most favorable to the judgment are that Morris was trying to run away from Pichardo when he threw her to the ground and sat on her. A reasonable inference from those facts is that Pichardo was trying to keep Morris there until he could

take her keys. Pichardo intended to interfere with Morris' liberty.

Finally, Pichardo challenges his conviction on the ground he confined Morris for only a short time and did not injure her. The statutory definition of confinement does not require injury to the victim or confinement for a specific length of time, *see* Ind. Code § 35-42-3-3(a)(1), and we decline to read such requirements into the statute.

McDonald sat on a police officer's chest as he tried to determine how he would escape from a mobile home that was surrounded by police. "The entire incident happened in a matter of seconds." 511 N.E.2d at 1068. The evidence was sufficient to demonstrate McDonald confined the officer because "[b]y sitting on [the officer's] chest, pinning him to the floor, and waving a knife over his face, Appellant substantially interfered with [the officer's] liberty." *Id.*

Pichardo sat on Morris, keeping her pinned to the ground, until she bit him on the hand. His actions were sufficient to support his conviction of confinement. *See id.*

Affirmed.

FRIEDLANDER, J., and BRADFORD, J., concur.