



## STATEMENT OF THE CASE

Appellant-Defendant, Sharon Gidden (Gidden)<sup>1</sup>, appeals her convictions for battery on a child, a Class D felony, Ind. Code § 35-42-2-1(a)(2)(B), and battery causing bodily injury, a Class A misdemeanor, I.C. § 35-42-2-1(a)(1)(A).

We affirm.

## ISSUE

Gidden raises two issues for our review, which we restate as the following one: Whether the State presented sufficient evidence to prove beyond a reasonable doubt that Gidden committed her offenses.

## FACTS AND PROCEDURAL HISTORY

The facts most favorable to the verdict are as follows: On July 27, 2008, T.P. was sitting on a porch of a neighbor's house with her cousin K.M. Earlier, T.P. had been in a dispute with Roger Sadler (Sadler), a forty to fifty-year-old man who lived in the neighborhood. At some point, Sadler and Gidden approached the porch. "[T.P.] started yellin' at [Sadler] cause he was yellin' at [her] and then [Gidden] started yelling back at [T.P.] telling [her] not to yell at [Sadler]." (Transcript p. 12). T.P. and her cousin stepped off of the porch and into the yard. Some words were exchanged and Gidden shoved T.P. using both of her hands to T.P.'s face and shoulder. The shove left a red

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<sup>1</sup> In the Probable Cause Affidavit, Charging Information, and throughout the Transcript and the text of the Appellant's Brief, the Appellant-Defendant is referred to by the surname "Glidden." However, the Abstract of Judgment, Chronological Case Summary, and the covers of the Appellant's Brief, Appellee's Brief, and the Appellant's Appendix, refer to the Appellant-Defendant by using the surname "Gidden." We will refer to the Appellant-Defendant by using the surname "Gidden."

mark on T.P.'s face and caused pain. K.M. then stepped over to get Gidden away from T.P., and Gidden shoved K.M. causing K.M. to fall into a bench, in turn causing the bench to break and pain to K.M.

The police were called sometime thereafter. Indianapolis Metropolitan Police Officer Ryan Anders (Officer Anders) responded to the call and investigated the incident. He placed Gidden under arrest after conducting his investigation. On July 30, 2008, the State filed an Information charging Gidden with battery causing bodily injury to K.M., a person less than fourteen years of age, a Class D felony, and battery causing bodily injury to T.P., a Class A misdemeanor.

On September 23, 2009, the trial court conducted a bench trial. At the close of evidence, the trial court explained that the witnesses for the defense gave three different versions of what had occurred, but the two victims gave testimony that corroborated each other, which in turn was corroborated by Officer Anders' testimony. The trial court found Gidden guilty as charged and ordered a Presentence Investigation Report. On September 30, 2008, the trial court conducted a sentencing hearing and sentenced Gidden to 630 days for battery as a Class D felony, and 130 days for battery as a Class A misdemeanor, with those sentences to run concurrently.

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

#### DISCUSSION AND DECISION

Gidden argues that the evidence was insufficient to sustain her convictions. 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, 212-213 (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.* at 213. Reversal is appropriate only when reasonable persons would not be able to form inferences as to each material element of the offense. *Id.*

In developing her argument, Gidden states: “There is contradictory evidence that [Gidden] knowingly or intentionally touched [K.M.] in a rude, insolent or angry manner. [] Again, there is conflicting evidence that [Gidden] knowingly or intentionally touched [T.P.] in a rude, insolent or angry manner.” (Appellant’s Br. pp. 5- 6). Additionally, Gidden states: “[T.P.] and [K.M.]’s version of the events on the night in question are not credible. Therefore, the State failed to prove [Gidden] knowingly or intentionally touch[ed] [K.M.] in a rude, insolent or angry manner . . . .” (Appellant’s Br. p. 6). Gidden repeats this same claim that T.P. and K.M. were not credible, and requests us to conclude that the evidence was insufficient to prove she battered T.P. However, we cannot reweigh the evidence or judge the credibility of the witnesses on appeal. *Perez*, 872 N.E.2d at 213. Furthermore, we can only consider the evidence which is favorable to the trial court’s judgment. *Id.* Gidden does not contend that, considering only the

evidence most favorable to the trial court's judgment, the evidence was insufficient to sustain her convictions. Therefore, we must affirm.

### CONCLUSION

Based on the foregoing, we conclude that the State presented sufficient evidence to sustain Gidden's convictions for battery.

Affirmed.

KIRSCH, J., and MATHIAS, J., concur.