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ATTORNEY FOR APPELLANT:

CARA SCHAEFER WIENEKE
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana
Indianapolis, Indiana

RICHARD C. WEBSTER
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

J.W.,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0811-JV-1046
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Marilyn A. Moores, Judge
Cause No. 49D09-0808-JD-2553

JUNE 4, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

HOFFMAN, Senior Judge

J.W. appeals his adjudication as a delinquent. We affirm.

The sole issue for our review is whether there is sufficient evidence to support the adjudication.

The facts most favorable to the adjudication reveal that on August 22, 2008, Indianapolis Public Schools Police Sergeant John Akers was working at Shortridge Middle School when he received a radio dispatch asking for assistance in the apprehension of J.W. Sergeant Akers observed J.W. in the hallway and ordered him to stop. J.W. turned and ran. Sergeant Akers pursued J.W. until the sergeant lost track of the juvenile in a crowd of students in the hallway.

Teacher Michael Heinrich was in the hallway monitoring students between classes when he observed J.W. running in the hallway with his shirttail hanging out of his pants. Heinrich ordered J.W. to stop running and to tuck in his shirt, but J.W. ran past the teacher. Heinrich again ordered J.W. to stop; however, J.W. kept running. When Heinrich pursued J.W., the juvenile yelled that Heinrich had better stop following him. J.W. ran past another teacher who also told him to stop running and tuck in his shirttail. J.W. called the teacher a name and kept running with Heinrich in pursuit.

J.W. ran to the gymnasium. Heinrich followed him and told the other teacher who had also followed J.W. to call the school police. Heinrich stood in front of the exit door to the gym so that J.W. could not flee again. Shortly thereafter, Sergeant Akers arrived at the gym and ordered J.W. to leave the gym with him. J.W. stood up and walked toward Sergeant Akers. As the sergeant reached out to grab J.W.'s arm, J.W. ran toward the door and Heinrich and collided with the teacher.

The State filed a petition of delinquency alleging that J.W. committed one act that would have been a class D felony battery if committed by an adult, and another act that would have been a class A misdemeanor resisting law enforcement if committed by an adult. Following a denial hearing, the juvenile court adjudicated J.W. to be a delinquent child. J.W. appeals the adjudication.

J.W.'s sole argument is that there is insufficient evidence to support the juvenile court's adjudication that he committed the delinquent act of battery, a class D felony if committed by an adult. When reviewing a juvenile delinquency adjudication, we will consider only the evidence and reasonable inferences supporting the judgment. *B.R. v. State*, 823 N.E.2d 301, 306 (Ind. Ct. App. 2005). We neither reweigh the evidence nor judge witness credibility. *Id.* If there is substantial evidence of probative value from which a reasonable trier of fact could conclude beyond a reasonable doubt that the juvenile committed the delinquent act, we will affirm the adjudication. *Id.*

To support a finding that J.W. committed battery as charged, the State was required to prove that J.W. knowingly or intentionally touched in a rude, insolent, or angry manner an employee of a school corporation while the employee was engaged in the execution of the employee's official duty. *See* Ind. Code § 35-42-2-1. J.W. contends that there is insufficient evidence that he intended to touch Heinrich. Rather, according to J.W., he "tried to avoid contact with Heinrich by 'body faking' him . . . ." Appellant's Br. at 6.

Intent is a mental function. *James v. State*, 755 N.E.2d 226, 230 (Ind. Ct. App. 2001), *trans. denied.* Absent the defendant's admission, intent must be determined from

a consideration of the defendant's conduct and the natural and usual consequences thereof. *Id.* Intent to commit a battery may be presumed from the voluntary commission of the act. *Mishler v. State*, 660 N.E.2d 343, 348 (Ind. Ct. App. 1996).

Here, Heinrich stood at the exit door to prevent J.W.'s flight. As J.W. ran from Sergeant Akers, the juvenile ran at and collided with Heinrich. We agree with the state that the juvenile court could reasonably infer from J.W.'s conduct and the natural and usual consequences thereof that J.W. knowingly or intentionally touched Heinrich in a rude, insolent, or angry manner. This evidence is sufficient to support J.W.'s adjudication as a delinquent.

Affirmed.

FRIEDLANDER, J., and MAY, J., concur.