

STATEMENT OF THE CASE

Tracey Bond appeals his conviction for Battery, as a Class A misdemeanor, following a bench trial. Bond presents two issues for review, which we consolidate and restate as whether the evidence is sufficient to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On August 3, 2008, Indianapolis Police Department (“IPD”) Officer Michael Leepper initiated a traffic stop of Bond’s car at the 300 block of North Eastern Avenue in Indianapolis. Officer Leepper initiated the stop after observing Bond’s “failure to signal a turn on three separate occasions and [Bond’s] making a three-point turn in the middle of the intersection.” Transcript at 10. Bond stopped his car in front of his house, and Officer Leepper approached the driver’s side of Bond’s car. Officer Andrew Lamle, who had arrived in his own cruiser at the same time as Officer Leepper, assisted and approached the passenger side of Bond’s car.

When Officer Leepper reached Bond’s car, he asked Bond to show his license and registration. Bond had neither with him and asked why he had been stopped. Officer Leepper described the traffic infractions he had observed. He asked Bond four or five times to show his license and registration. Bond again questioned the reason for the stop, “became belligerent[,]” and “refused to give [Officer Leepper] the information that [he] needed.” Id. at 11.

Officer Leepper eventually told Bond to exit the car. Officer Leepper testified that Bond “grabbed the door. He was upset. He was cursing me.” Id. at 12. When Bond

grew loud, Officer Lamle walked around the back of the car toward the driver's side door. Officer Leepper testified that the second time he ordered Bond out of the car, he "stepped back approximately . . . three feet." Id. at 18. Bond then "grabbed the door and literally . . . forced the door with his foot or with his arm, but he forced the door into me striking me with the door. I flew back about two or three feet." Id. at 13. Officer Leepper then struggled to handcuff Bond and, with Officer Lamle's assistance, placed Bond under arrest.

The State charged Bond with battery, as a Class A misdemeanor, and resisting law enforcement, as a Class A misdemeanor. Following a bench trial, the court found Bond guilty of battery but not guilty of resisting law enforcement. The court sentenced Bond to 365 days, with 355 days suspended. Bond appeals his conviction.

DISCUSSION AND DECISION

Bond contends that the evidence is insufficient to support his conviction for battery, as a Class A misdemeanor. When reviewing a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences that may be drawn from that evidence to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

To prove the offense of battery, as a Class A misdemeanor, the State was required to show beyond a reasonable doubt that Bond knowingly or intentionally touched Officer

Leeper, a law enforcement officer, in a rude, insolent, or angry manner. Ind. Code § 35-42-2-1(a). Bond argues that the State failed to prove (1) that Officer Leeper was a law enforcement officer, which is an element of the Class A misdemeanor offense, and (2) that Bond knowingly touched Officer Leeper in a rude, insolent, or angry manner. We address each contention in turn.

Officer Leeper testified at trial as follows:

A: . . . I was on duty, on patrol, and I initiated a traffic stop at [the 300 block of North Eastern Avenue] on the defendant's vehicle.

Q: Why did you initiate a traffic stop, Officer?

A: For a traffic infraction.

* * *

Q: Did you—were you in a police vehicle at the time?

A: I was.

Q: Were you in your uniform?

A: I was.

* * *

Q: And this entire time you were lawful[ly] engaged in your duties as a law enforcement officer?

A: Yes.

Transcript at 10, 17. Defense counsel asked Officer Leeper whether he had received training on where to stand when asking a motorist to exit his car, but counsel did not question Officer Leeper's status as a law enforcement officer. And Officer Lamle testified that he "went to assist Officer Leeper" with the traffic stop. Id. at 31. Such

evidence is sufficient to show that Officer Leepper was a law enforcement officer as contemplated in Indiana Code Section 35-42-2-1(a).

Despite that testimony, Bond maintains that the State did not prove that Officer Leepper was a law enforcement officer. Specifically, Bond argues that the State offered “no evidence of Leepper’s training, experience, swearing in, which agency he was with, his rank, or length of time he served as a law enforcement officer.” Appellant’s Brief at 7. In support, Bond cites Indiana Code Section 9-13-2-92(a), which defines a law enforcement officer in part as:

- (1) A state police officer.
- (2) A city, town, or county police officer.
- (3) A sheriff.
- (4) A county coroner.
- (5) A conservation officer.
- (6) An individual assigned as a motor carrier inspector under [Indiana Code Section] 10-11-2-26(a).
- (7) A member of a consolidated law enforcement department established under [Indiana Code Section] 36-3-1-5.1.
- (8) An excise police officer of the alcohol and tobacco commission.

Bond also cites Indiana Code Section 35-41-1-17, which defines “law enforcement officer” to include

- (1) a police officer, sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, or the inspector general;
- (2) a deputy of any of those persons;

- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer; or
- (5) an enforcement officer of the alcohol and tobacco commission.

But neither of the statutes that Bond cites support his contention that additional evidence was required to show that Officer Leepper is a law enforcement officer. Nor does he cite any authority to support his contention that the State was required to offer that additional evidence in order to prove that element of the offense. Bond's argument on this issue must fail.

Bond next contends that the State did not show beyond a reasonable doubt that he knowingly hit Officer Leepper with the car door in a rude, insolent, or angry manner. In particular, he argues that the evidence shows that he acted recklessly, not knowingly, when he opened the car door into Officer Leepper. We cannot agree.

Officer Leepper testified that Bond "grabbed the door and literally . . . forced the door with his foot or with his arm, but he forced the door into me striking me with the door. I flew back about two or three feet." Transcript at 13. Officer Lamle testified that he "watched the front door of the vehicle quickly open and which [sic] it struck Officer Leepper because he was standing by that door." Id. at 33. When asked how quickly that occurred, Officer Lamle answered, "Pretty quickly, quicker than it would normally have; that it would normally open if someone was just going to open the door and get out of the car." Id. And both officers testified that Bond was cursing before and after he struck Officer Leepper with the car door.

The officers' testimony is sufficient to show that Bond knowingly struck Officer Leepper with the car door. Bond points out that there was conflicting testimony on whether the car door struck Officer Leepper and on the manner in which Bond opened the door. He also maintains that "no one can see whether Bond knew Leepper was as close to the car as he was." Appellant's Brief at 8-9. But those arguments are merely requests for us to reweigh the evidence, which we will not do. See Jones, 783 N.E.2d at 1139. The evidence is sufficient to support Bond's conviction.

Affirmed.

KIRSCH, J., and BARNES, J., concur.