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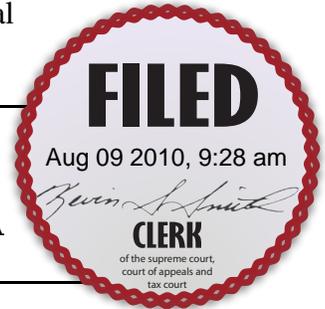
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**IN THE
COURT OF APPEALS OF INDIANA**



L.T.,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 49A02-1001-JV-62

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Scott B. Stowers, Judge Pro Tem
The Honorable Geoffrey Gaither, Magistrate
Cause No. 49D09-0910-JD-3323

August 9, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

L.T. appeals the juvenile delinquency adjudication that she committed battery, a Class A misdemeanor if committed by an adult.

Issue

L.T. raises one issue, which we restate as whether there is sufficient evidence to support the juvenile delinquency adjudication.

Facts

On August 27, 2009, J.A. and L.T., who was with several other girls, got into an argument after school as J.A. boarded her bus at Thomas Carr Howe Community High School in Indianapolis. J.A. and L.T. continued to argue through the bus's open window. As J.A. was talking to the person in the seat behind her, L.T. threw a rock into the open window, hitting J.A. in the mouth and teeth. J.A. had a large gash in her lip and was missing part of tooth. The incident was reported to police, and J.A. sought medical treatment.

On October 22, 2007, the State filed a petition alleging that L.T. had committed battery, a class A misdemeanor if committed by an adult. Following a hearing, the trial court entered a true finding regarding the allegation in the State's petition. L.T. now appeals.

Analysis

L.T. argues there is insufficient evidence that she threw the rock onto the bus. "When reviewing a claim of sufficiency of the evidence with respect to juvenile

adjudications, we do not reweigh the evidence or judge the credibility of witnesses.” D.W. v. State, 903 N.E.2d 966, 968 (Ind. Ct. App. 2009), trans. denied. “We look only to probative evidence supporting the adjudication and the reasonable inferences that may be drawn from that evidence to determine whether a reasonable trier of fact could conclude the juvenile was guilty beyond a reasonable doubt.” Id. If there is substantial evidence of probative value to support the adjudication, we will not set it aside. Id. “The uncorroborated testimony of one witness may be sufficient by itself to sustain an adjudication of delinquency on appeal.” Id.

L.T. argues that the trial court should have relied on the testimony of the passenger on the bus with whom J.A. was talking when she was hit. This witness identified another girl as the perpetrator. L.T. contends that this witness had no stake in the incident because he was new at school and because he was not involved in the argument. This is simply a request to reweigh the evidence and reassess witness credibility. We cannot do that.

L.T. also argues that J.A.’s testimony was dubious¹ because she was arguing with a large group of girls and was upset, because she did not testify about seeing anyone pick up the rock, and because she did not attempt to get out of the way after the rock was thrown. Again, this is a request to review the evidence, which we cannot do. J.A. testified unequivocally that L.T. threw the rock at her. This testimony was consistent

¹ L.T. does not specifically argue that J.A.’s testimony falls within the “incredible dubiousity rule.” See Clay v. State, 755 N.E.2d 187, 189 (Ind. 2001) (“For testimony to be so inherently incredible that it is disregarded based on a finding of ‘incredible dubiousity,’ the witness must present testimony that is inherently contradictory, wholly equivocal or the result of coercion, and there must also be a complete lack of circumstantial evidence of the defendant’s guilt.”).

with the investigating officer's testimony that, almost immediately after the incident, J.A. identified L.T. as the person who threw the rock. There is sufficient evidence to support the juvenile delinquency adjudication.

Conclusion

There is sufficient evidence to support the juvenile delinquency adjudication. We affirm.

Affirmed.

FRIEDLANDER, J., and CRONE, J., concur.