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IN THE
COURT OF APPEALS OF INDIANA

QUINTICO GOOLSBY,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-1105-CR-396
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Kimberly J. Brown, Judge
The Honorable Teresa A. Hall, Master Commissioner
Cause No. 49G16-1102-CM-7707

November 7, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Defendant Quintico Goolsby appeals his conviction for Class A misdemeanor Battery.[1] On appeal, Goolsby contends that the evidence is insufficient to support his conviction. We affirm.

FACTS AND PROCEDURAL HISTORY

On February 3, 2011, Goolsby was driving his then-girlfriend, Sade Williams's, vehicle, with Williams as his passenger, when Goolsby and Williams began to argue. During their argument, Goolsby and Williams each opined that the other was a "bitch." Tr. p. 16. At some point, Goolsby pulled over, stopped the vehicle, and "smacked" Williams across the face with an open hand. Tr. p. 16. Goolsby grabbed Williams's wrists in an apparent attempt to keep her from hitting or pushing him. Goolsby exited the vehicle, after which Williams drove away. Williams later indicated that she had suffered from pain where Goolsby struck her face.

On February 4, 2011, the State charged Goolsby with one count of Class A misdemeanor domestic battery and one count of Class A misdemeanor battery. The trial court conducted a bench trial on April 6, 2011. Following the conclusion of the State's case, the trial court granted Goolsby's motion for an involuntary dismissal of the domestic battery charge, but denied Goolsby's motion relating to the battery charge. At the conclusion of trial, the trial court found Goolsby guilty of Class A misdemeanor battery. The trial court sentenced Goolsby to 365 days, with credit for time served, with the remainder of the sentence suspended to probation. This appeal follows.

[1] Ind. Code § 35-42-2-1 (2010).

DISCUSSION AND DECISION

Goolsby contends that the evidence is insufficient to support his conviction for Class A misdemeanor battery.

> 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.… 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) (citations, emphasis, and quotations omitted). "[I]t is for the trier of fact to reject a defendant's version of what happened, to determine all inferences arising from the evidence, and to decide which witnesses to believe." *Holeton v. State*, 853 N.E.2d 539, 541 (Ind. Ct. App. 2006). Upon review, appellate courts do not reweigh the evidence or assess the credibility of the witnesses. *Stewart v. State*, 768 N.E.2d 433, 435 (Ind. 2002).

Class A misdemeanor battery is defined by Indiana Code section 35-42-2-1, which provides, in relevant part, that "[a] person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery." The offense is a Class A misdemeanor if "it results in bodily injury to any other person." *Id*. In the instant matter, the charging information alleged that Goolsby "did knowingly in a rude, insolent or angry manner touch Sade Williams, another person, and further that said touching resulted in injury to the other person, specifically: pain." Appellant's App. p. 15.

We conclude that the evidence was sufficient to sustain Goolsby's conviction for

Class A misdemeanor battery. During trial, Williams and Goolsby presented differing versions of what happened in the vehicle on February 3, 2011, and the trial court found Williams's version to be credible. Williams's testimony demonstrated that Goolsby "smacked" her across the face with an open hand and that she suffered pain as a result of Goolsby's actions. Tr. p. 16. To the extent that Goolsby argues otherwise, his argument merely amounts to a request for this court to reweigh the evidence, which we will not do. *See Stewart*, 768 N.E.2d at 435.

The judgment of the trial court is affirmed.

ROBB, C.J., and BARNES, J., concur.