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In the  
Indiana Supreme Court



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No. 49S02-1707-CR-00500

JEFFERSON JEAN-BAPTISTE,

*Appellant (Defendant below),*

v.

STATE OF INDIANA,

*Appellee (Plaintiff below).*

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Appeal from the Marion Superior Court, No. 49G19-1604-CM-12899  
The Honorable Rebekah F. Pierson-Treacy, Judge

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On Petition to Transfer from the Indiana Court of Appeals, No. 49A02-1608-CR-1798

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**October 3, 2017**

**Per Curiam.**

After a bench trial in Marion Superior Court, Jefferson Jean-Baptiste was convicted of Class A misdemeanor resisting law enforcement. The Court of Appeals reversed Jean-Baptiste's conviction on grounds of insufficient evidence. The Court of Appeals also *sua sponte* addressed a constitutional question, and reversed for that reason as well. We granted the State's petition to transfer by order dated July 27, 2017.

We agree with the Court of Appeals that reversal is warranted because the State failed to present sufficient evidence to support Jean-Baptiste's conviction. We therefore summarily affirm all portions of the Court of Appeals opinion except its *sua sponte* constitutional analysis and holding, which remain vacated. *See* Appellate Rule 58(A). In keeping with our longstanding principle of constitutional avoidance, we decline to address that issue. *See* Citimortgage v. Barabas, 975 N.E.2d 805, 818 (Ind. 2012).

All Justices concur.