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**IN THE  
COURT OF APPEALS OF INDIANA**

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BRANDI N. LEWIS,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 57A03-0707-CR-317

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APPEAL FROM THE NOBLE SUPERIOR COURT  
The Honorable Michael J. Kramer, Judge  
Cause No. 57D02-0612-CM-1299

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**December 21, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**MAY, Judge**

Brandi N. Lewis appeals her conviction of intimidation, a Class A misdemeanor.<sup>1</sup> Because the evidence was sufficient to demonstrate Lewis was the person who committed the intimidation, we affirm.

### **FACTS AND PROCEDURAL HISTORY**

On December 12th, James Schwartz was standing on the porch of his house when Lewis approached him. She told Schwartz she found out either Schwartz or one of his roommates had “snitched on” her brother, which resulted in her brother’s imprisonment. (Tr. at 8.) Lewis declared she was “pissed off about it,” and she was “going to beat his ass.” (*Id.*) Schwartz took her threat seriously. As Lewis turned around to leave Schwartz’s porch, Sergeant John Dixon of the Kendallville Police Department arrived and was walking toward the porch. Sergeant Dixon recognized Lewis from previous interactions with her.

### **DISCUSSION AND DECISION**

When reviewing the sufficiency of evidence, we neither reweigh the evidence nor reassess the credibility of the witnesses. *Stewart v. State*, 866 N.E.2d 858, 862 (Ind. Ct. App. 2007). Rather, we look at the evidence most favorable to the conviction and all the reasonable inferences therefrom. *Id.* If the record contains substantial evidence of probative value to support each element of the crime, we will affirm. *Id.*

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<sup>1</sup> Ind. Code § 35-45-2-1.

At trial, Schwartz could not identify Lewis as the person who intimidated him. Therefore, Lewis claims the State presented insufficient evidence she intimidated Schwartz. We cannot agree.

“A single eyewitness’s testimony is sufficient to sustain a conviction.” *Id.* As with other sufficiency questions, we may not reweigh the evidence or “resolve questions of credibility when determining whether the identification evidence is sufficient to sustain a conviction.” *Id.*

Sergeant Dixon identified Lewis as the woman who was walking away from Schwartz’s porch when Sergeant Dixon arrived. Sergeant Dixon testified he knew Lewis because he had encounters with her before the day he saw her on Schwartz’s property. Schwartz testified the woman who threatened him was walking away from his porch as Sergeant Dixon approached his porch. The combined testimony of Schwartz and Sergeant Dixon permits no inference other than Lewis was the woman who threatened Schwartz. Accordingly, the evidence is sufficient, and we affirm her conviction.

Affirmed.

DARDEN, J., and CRONE, J., concur.