



## STATEMENT OF THE CASE

Appellant-Delinquent, M.F., appeals the juvenile court's adjudication that he committed criminal mischief, a Class A misdemeanor, Ind. Code § 35-43-1-2, if committed by an adult.

We affirm.

## ISSUE

M.F. raises one issue on appeal, which we restate as: Whether the State presented sufficient evidence that M.F. committed criminal mischief, which would be a Class A misdemeanor under I.C. § 35-43-1-2 if committed by an adult.

## FACTS AND PROCEDURAL HISTORY

On or about February 21 and February 23, 2006, vehicles in the 200 block of West 4<sup>th</sup> Street in Rushville, Indiana were defaced and scratched by acts of "keying." No one witnessed the damage to the vehicles that took place on February 21; however, on February 23, Tina Brooks (Brooks) watched, from inside her apartment, as a juvenile male picked up a rock and slid it alongside the exterior of her vehicle. Exiting her apartment, Brooks confronted the child, later identified as M.F. Brooks then asked her brother, Scott Brooks (Scott), who also lived in the apartment building, to wait with M.F. while Brooks called the police. Scott, as well as another neighbor, Quinton Crone, Jr. (Crone), had sustained scratches to their vehicles two days earlier. Crone did not witness the incident on February 21, but he did see M.F. in the area that day carrying a rock.

On March 22, 2006, the State filed a Verified Petition of Delinquency alleging that M.F. committed offenses, including two Counts of Class A misdemeanor criminal

mischief and three Counts of Class B misdemeanor criminal mischief, all under I.C. § 35-43-1-2, if committed by an adult. On May 31, 2006, the juvenile court held an initial hearing and appointed counsel for M.F. On June 19, 2006, the juvenile court held a fact-finding hearing. At its conclusion, the juvenile court determined M.F. committed an act of delinquency by recklessly, knowingly, or intentionally defacing the property of Brooks, which would be a Class A misdemeanor if committed by an adult. On September 12, 2006, the juvenile court held its dispositional hearing and committed M.F. to the Indiana Department of Correction with commitment suspended on the condition M.F. successfully complete one year of probation.

M.F. now appeals. Additional facts will be provided as necessary.

#### DISCUSSION AND DECISION

M.F. contends that the evidence presented was insufficient to sustain the true finding that he committed criminal mischief, which would be a Class A misdemeanor if committed by an adult. When reviewing a juvenile delinquency adjudication, we will consider only the evidence and reasonable inferences supporting the judgment. *B.R. v. State*, 823 N.E.2d 301, 306 (Ind. Ct. App. 2005). We neither reweigh the evidence nor judge witness credibility. *Id.* If there is substantial evidence of probative value from which a reasonable trier of fact could conclude beyond a reasonable doubt that the juvenile committed the delinquent act, we will affirm the adjudication. *Id.* To support a finding that M.F. committed criminal mischief as charged, the State was required to prove that he recklessly, knowingly, or intentionally damaged or defaced property of

another person without the person's consent, resulting in a pecuniary loss of at least \$250, but less than \$2,500. *See* I.C. § 35-43-1-2(a)(A)(i).

M.F. now asserts that the State merely presented evidence to support a conclusion that he could have "keyed" Brooks' car, but failed to present evidence that proves beyond a reasonable doubt that he did so. We cannot agree. The record shows that at the fact-finding hearing, Brooks testified that she looked out her kitchen window and "saw [a boy] pick up a rock, look around to see if anyone was watching and [start] walking down [her] car." (Transcript p. 15). Brooks then testified that she immediately came outside to confront the boy, who was later identified as M.F. In addition, the record indicates that Brooks' vehicle sustained more than \$600 worth of damage as a result of the scratches. In light of our standard of review and inability to reweigh the evidence or judge witness credibility, we hold that the State presented sufficient evidence to prove beyond a reasonable doubt that M.F. committed the delinquent act of criminal mischief, which would have been a Class A misdemeanor if committed by an adult. *See B.R.*, 823 N.E.2d at 306.

#### CONCLUSION

Based on the foregoing, we conclude the State presented sufficient evidence to support the delinquency adjudication.

Affirmed.

NAJAM, J., and BARNES, J., concur.