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IN THE
COURT OF APPEALS OF INDIANA

REGINALD CRAFT,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0901-CR-27
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda E. Brown, Judge
Cause No. 49F10-0807-CM-172355

July 21, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Appellant-Defendant Reginald Craft appeals his Class A misdemeanor conviction for Resisting Law Enforcement.[1] We affirm.

Issue

Whether there was sufficient evidence of forcible resistance to support the conviction.

Facts and Procedural History

On July 21, 2008, Indianapolis Metropolitan Police Officer John Walters responded to a report of a purse-snatching. A reserve police officer, who reported the incident, observed the suspect enter the house at 6304 East Washington Street. Officers Walters and Jerry Piland, as well as other officers, arrived at the house and knocked on the door. After initially receiving no response, a neighbor told the responding officers that he had witnessed a man exit the rear of the house and throw a purse into the next yard. The officers continued knocking on the door, and after some time, Craft answered the door. At this point, Officer Walters, with his service weapon drawn, ordered Craft to "Get down on the ground" and place his hands behind his back. Craft failed to comply even after the command had been repeated ten times. Finally, Officer Piland used a knee strike to knock Craft to the ground. Once the officers had Craft on the ground, Officer Walters repeatedly ordered Craft to place his arms behind his back to be handcuffed. Rather than comply, Craft locked his arms at his sides, resulting in both officers forcefully moving and bending Craft's arms to shackle him.

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[1] Ind. Code § 35-44-3-3(a).

Another individual who was at the house was arrested for the purse-snatching.

The next day the State charged Craft with Resisting Law Enforcement, as a Class A Misdemeanor. After a bench trial, Craft was found guilty as charged and sentenced to 365 days in the Marion County Jail with 335 days suspended.

Discussion and Decision

On appeal, Craft claims that the evidence is insufficient as to the required element of force.[2] In our review, we consider only the probative evidence and reasonable inferences supporting the judgment and will affirm the conviction unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." Brown v. State, 868 N.E.2d 464, 470 (Ind. 2007) (quoting Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000)).

Specifically, Craft contends that locking his arms while the officers were trying to apply handcuffs does not constitute forcible resistance. Our supreme court recently stated otherwise. In Graham v. State, the same issue of sufficiency regarding forcible resistance was raised. 903 N.E.2d 963, 965 (Ind. 2009). In comparing the facts of the case to fact patterns of previous cases, the Graham court noted that "even 'stiffening' of one's arms when an officer grabs hold to position them for cuffing would suffice" as evidence of the use of force. Id. at 966. Therefore, the evidence of forcible resistance is sufficient.

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[2] "A person who knowingly or intentionally: (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties . . . commits resisting law enforcement, a Class A misdemeanor." I.C. § 35-44-3-3(a) (emphasis added).

Affirmed.

VAIDIK, J., and BRADFORD, J., concur.