

STATEMENT OF THE CASE

Appellant Christopher D. Taylor appeals his conviction of operating a motor vehicle after driving privileges have been forfeited for life, a Class C felony. Ind. Code § 9-30-10-17 (1993). Taylor also appeals the revocation of his probation. We affirm.

ISSUES

Taylor raises two issues, which we restate as:

- I. Whether there is sufficient evidence to sustain Taylor's conviction.
- II. Whether there is sufficient evidence to sustain the revocation of Taylor's probation.

FACTS AND PROCEDURAL HISTORY

In Cause Number 71D03-0707-FD-745 ("FD-745"), Taylor pleaded guilty to operating a motor vehicle with a suspended license as a habitual violator of traffic laws, a Class D felony. Ind. Code § 9-30-10-16 (2001). On November 27, 2007, the trial court sentenced Taylor to eighteen months, all suspended.

On the evening of May 25, 2009, Carol Stetler was driving her van in South Bend, Indiana. As she drove through an intersection, a motorcycle carrying two people disregarded a stop sign and struck the passenger side of her van. The vehicle that struck her van appeared to be a moped or a scooter, but a police officer later determined that it qualified as a motorcycle due to its "cc's." Trial Tr. p. 81.¹ Stetler stopped and got out of the van. She saw two people, an adult later identified as Taylor and an underage male,

¹ The transcript volumes are not numbered. We cite to the two volumes containing the trial transcript as "Trial Tr."

lying on the ground by the motorcycle. Taylor was partially under Stetler's van. Neither Taylor nor the underage male were wearing helmets or other safety gear.

Police and emergency medical personnel arrived at the scene. Jordan Jostes, an emergency medical technician, approached Taylor and asked him what happened. In response, Taylor "definitely made it clear that he was driving" and said "something to the effect of he lost control of the vehicle" Trial Tr. p. 120.

The State charged Taylor in Cause Number 71D03-0905-FC-125 with operating a motor vehicle after driving privileges have been forfeited for life and with knowingly allowing a person under the age of eighteen to operate or ride a motorized bicycle without safety equipment, a Class C infraction, Indiana Code section 9-21-11-13 (1991). The State also petitioned to revoke Taylor's probation in FD-745. The case was tried to the bench, and the trial court found Taylor guilty of the Class C felony and liable for the Class C infraction. In addition, the trial court determined that Taylor had violated the terms of his probation. The trial court sentenced Taylor accordingly, and he now appeals.

DISCUSSION AND DECISION

I. SUFFICIENCY OF THE EVIDENCE – OPERATING A MOTOR VEHICLE AFTER DRIVING PRIVILEGES HAVE BEEN FORFEITED FOR LIFE

When an appellant challenges the sufficiency of the evidence supporting a conviction, we do not reweigh the evidence or judge the credibility of the witnesses. *Joslyn v. State*, 942 N.E.2d 809, 811 (Ind. 2011). We consider only the probative evidence and reasonable inferences supporting the judgment. *Id.* We will affirm if the probative evidence and reasonable inferences drawn from the evidence could have

allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt.
Id.

Here, Taylor argues that there is insufficient evidence to demonstrate beyond a reasonable doubt that he, rather than the underage male, was driving the motorcycle when it struck Stetler's vehicle, and as a result his conviction must be reversed. We disagree. At the scene of the accident, Taylor "definitely made it clear that he was driving" when he spoke with Jostes. Trial Tr. p. 120. Taylor contends that Jostes' testimony was inadmissible hearsay. Taylor did not object to Jostes' testimony on this point, so Taylor's contention is waived. *See Gates v. State*, 702 N.E.2d 1076, 1077 (Ind. 1998) (determining that a defendant did not preserve a hearsay claim for appellate review because he did not object to the challenged testimony). Waiver notwithstanding, a party's own statement offered against that party is not hearsay. *Banks v. State*, 761 N.E.2d 403, 406 (Ind. 2002) (citing Ind. Evidence Rule 801(d)(2)). Therefore, Jostes' description of what Taylor told him was admissible and establishes that Taylor was driving the motorcycle.

Taylor also asserts that a witness testified that he saw the underage male, not Taylor, driving the motorcycle. This assertion is nothing more than a request to reweigh the evidence, which we cannot do. There is sufficient evidence to support Taylor's conviction.

II. SUFFICIENCY OF THE EVIDENCE – PROBATION REVOCATION

Taylor argues that if this Court determines that there is insufficient evidence to sustain his conviction for operating a vehicle after driving privileges have been forfeited

for life, then there is also insufficient evidence to sustain the revocation of his probation. We have determined that his conviction is supported by sufficient evidence. Therefore, Taylor's challenge to the revocation of his probation must also fail.

CONCLUSION

For the reasons stated above, we affirm the judgment of the trial court.

Affirmed.

DARDEN, J., and BAILEY, J., concur.