

INDIANA SUPREME COURT

Royce Love v. State

73 N.E.3d 693 (Ind. 2017) · No. 71S03-1612-CR-00641 · Decided May 11, 2017

SUMMARY

The Indiana Supreme Court held that appellate courts apply the same deferential sufficiency-of-the-evidence standard to video evidence as to other evidence, unless the video indisputably contradicts the trial court’s findings. The court concluded that the video in Royce Love’s case was incomplete and subject to interpretation, so it deferred to the trial court’s credibility and factual determinations. The court affirmed Love’s convictions for battery of a law enforcement animal and class A misdemeanor resisting law enforcement.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice David; Chief Justice Rush; Justice Rucker; Justice Massa; Justice Slaughter
JURISDICTION	Indiana
DECIDED	May 11, 2017
DOCKET	71S03-1612-CR-00641
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury convicted Love of battery to a law enforcement animal and resisting law enforcement, the Indiana Court of Appeals reversed in a split published opinion. The Indiana Supreme Court granted transfer, vacated the Court of Appeals decision, and reviewed the sufficiency of the evidence, including the proper appellate treatment of video evidence.
STANDARD OF REVIEW	For sufficiency claims, the court considers only the probative evidence and reasonable inferences supporting the verdict, without assessing witness credibility or reweighing evidence, and affirms unless no reasonable fact-finder could find the elements proven beyond a reasonable doubt. Video evidence receives the same deferential review unless it indisputably contradicts the trial court's findings such that no reasonable person could view the video and reach a different conclusion.

PRECEDENTIAL VALUE	published precedential Indiana Supreme Court opinion
PARTIES	Royce Love v. State of Indiana

TOPICS

criminal procedure appellate procedure standard of review evidence fourth amendment

PRACTICE AREAS

criminal procedure appellate procedure evidence constitutional law

QUESTIONS PRESENTED

1. What standard of appellate review applies to video evidence in a sufficiency-of-the-evidence challenge?
2. Whether the video evidence indisputably contradicted the trial court's factual findings concerning Love's compliance with police and therefore required reversal of his convictions.
3. Whether the evidence was sufficient to support convictions for battery to a law enforcement animal and resisting law enforcement.

HOLDINGS

1. Indiana appellate courts must apply the same deferential sufficiency-of-the-evidence standard to video evidence as to other evidence, unless the video evidence indisputably contradicts the trial court's findings.
2. The video did not indisputably contradict the trial court's findings because it was dark, incomplete, and did not show Love's exit from the vehicle, the taser deployment, or the police-dog encounter.
3. Sufficient evidence supported Love's convictions for battery to a law enforcement animal and resisting law enforcement as Class A misdemeanors.

KEY QUOTATIONS

“We hold that Indiana appellate courts reviewing the sufficiency of evidence must apply the same deferential standard of review to video evidence as to other evidence, unless the video evidence indisputably contradicts the trial court’s findings.” (at 693)

“To be clear, in order that the video evidence indisputably contradict the trial court’s findings, it must be such that no reasonable person could view the video and conclude otherwise.” (at 699)

“Because the video evidence at issue does not indisputably show Love’s compliance with police, and there is other evidence that sufficiently established the elements of the crimes, we affirm Love’s convictions for battery of a law enforcement animal and resisting law enforcement as class A misdemeanors.” (at 701)

FACTUAL BACKGROUND

Police pursued Royce Love after observing him drive through a red light and disregard a stop sign. After Love failed to stop, struck a police vehicle during the pursuit, and was stopped with spike strips, officers used tasers and a police dog to arrest him. Officers testified that Love resisted commands, removed taser probes, and struck and squeezed the police dog after it bit his forearm; Love testified that he cooperated and was merely protecting himself from excessive force. The jury convicted him, relying in part on testimony and two videos, one of which depicted the alley arrest but was dark, incomplete, and did not show the critical events clearly.

PROCEDURAL HISTORY

Love was tried by a jury in the St. Joseph Superior Court and convicted of battery to a law enforcement animal and resisting law enforcement; he was sentenced to consecutive one-year terms, all suspended to supervised probation. The Court of Appeals reversed, concluding that the video showed Love cooperating with police. The Indiana Supreme Court granted the State's petition to transfer under Indiana Appellate Rule 58(A), vacated the Court of Appeals opinion, and affirmed the trial court.

DISPOSITION

affirmed

CASES CITED

- Robinson v. State, 5 N.E.3d 362 (Ind. 2014)
- Drane v. State, 867 N.E.2d 144 (Ind. 2007)
- Love v. State, 61 N.E.3d 290 (Ind. Ct. App.), transfer granted, opinion vacated, 64 N.E.3d 1207 (Ind. 2016)
- Carmouche v. State, 10 S.W.3d 323 (Tex. Crim. App. 2000)
- State v. Houghton, 384 S.W.3d 441 (Tex. App. 2012)
- Scott v. Harris, 550 U.S. 372, 380, 386, 392 (2007)
- Wiggins v. Florida Department of Highway Safety & Motor Vehicles, 209 So. 3d 1165, 1172 (Fla. 2017)
- Commonwealth v. Novo, 812 N.E.2d 1169, 1173 (Mass. 2004)
- State v. Rascon, No. 30,561, 2011 WL 704472, at *2 (N.M. Ct. App. Jan. 14, 2011), cert. denied, 2011-NMCERT-003, 150 N.M. 619, 264 P.3d 520 (2011) (table)
- Shoultz v. State, 735 N.E.2d 818 (Ind. Ct. App. 2000)
- Graham v. Connor, 490 U.S. 386 (1989)