



Appeals on Wheels

Court of Appeals of Indiana

Hearing oral argument for Indian Creek High School on November 06, 2024 at 10:30 AM



Today's Case

Delgado v. State

24A-CR-708

Christopher Delgado appeals his convictions for felony battery, misdemeanor resisting law enforcement, and misdemeanor false informing; he also appeals the terms of his probation. When a law enforcement officer attempted to execute an outstanding arrest warrant for Delgado, he denied his identity, gave the officer a false name, and punched the officer in the head.

During Delgado's jury trial, Delgado testified in his own defense and testified in part that he did not like confrontation and that he did not hit the officer. Over Delgado's objection, the trial court allowed the State to play a video of Delgado's post-arrest behavior for purposes of impeaching this testimony. The jury convicted Delgado of battery, resisting law enforcement, and false informing. The trial court sentenced Delgado to 12 years of incarceration, with 2 of those years suspended to probation. Delgado waived the reading of the terms of that probation.

Delgado presents four issues on appeal. First, Delgado argues his convictions for battery and resisting law enforcement violate Indiana's protection against substantive double jeopardy. Second, he claims the State presented insufficient evidence to support his conviction for false informing. Third, Delgado contends the trial court erred by allowing the State to play the post-arrest video at trial. Fourth, he argues some of the terms of his probation are unconstitutional or otherwise impermissible.

This synopsis is written for educational purposes only. It does not represent the entire case or reflect the view of the Court of Appeals of Indiana.

About the Court of Appeals of Indiana

As the second-highest court in Indiana, the Court of Appeals hears appeals from the state's trial courts and some state agencies. The Court does not preside over trials and must accept all appeals sent to it, with some exceptions.

In 2022, the 15 members of the Court issued approximately 2,000 written opinions. A decision of the Court of Appeals of Indiana is final unless granted further review by the Indiana Supreme Court.

Oral Arguments & Opinions

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Today's Panel of Judges



Leanna K. Weissmann was appointed to the Court of Appeals by Governor Eric Holcomb and began her service on September 14, 2020. She is a cum laude graduate of both Indiana University and its Robert H. McKinney School of Law, earning undergraduate degrees in Journalism and English in 1991 and her law degree in 1994. She is an active member of the Indiana Judges Association, the Indiana State Bar Association, the American Bar Association, the Indianapolis Lawyers Club, and the National Association of Women Judges. Before joining the Court, Judge Weissmann maintained a solo law practice in Lawrenceburg, Indiana. For more than 20 years, she represented indigent clients in an array of criminal, juvenile, and family law matters. She also operated a pro bono appellate program representing civil litigants who might have otherwise gone unrepresented. Judge Weissmann served as a part-time judicial referee for Dearborn Superior Court 1 from 2000 to 2006, as Trustee on the board of the Indiana Criminal Justice Institute from 2006 to 2008, and as an appellate advocate for Indiana's Juvenile Defense Project from 2015 through 2020. Additionally, she served as a commissioner on the Supreme Court Disciplinary Commission from 2013 to 2023.

A proponent of civics education, Judge Weissmann created a constitutional program for elementary school students in 2001, and she regularly presents it to local Indiana classrooms. Recently, Judge Weissmann researched and authored *Redefining Justice for Emerging Adults: How Specialty Courts Can Provide Life Changing Intervention*, 55 IND. L. REV. (2022).



Peter R. Foley was appointed to the Court of Appeals by Governor Holcomb and began his service on October 11, 2022. He earned B.A. degrees in History and Criminal Justice from Indiana University Bloomington in 1993 and his J.D. from IU McKinney School of Law in 1997. Judge Foley returned to his hometown of Martinsville, Indiana following law school to join his father in the practice of law at Foley, Foley & Peden. He engaged in the private practice of law for over 17 years, including 14 years as the county attorney for Morgan County. In 2014, Judge Foley was elected to serve as judge of Morgan Superior Court 1, serving as a trial court judge until his appointment to the Court of Appeals. During that time, he conducted over 35 jury trials, ranging from misdemeanors to murders and civil matters. He presided over a mental health diversion program and was instrumental in developing a residential substance abuse program within the Morgan County Jail (known as RSAP). He secured grant funding to provide legal assistance to indigent parties in family law cases and to provide mediation services for low-income family law parties. Judge Foley is a graduate of the Indiana Judicial College and the Indiana Graduate Program for Judges.



Paul A. Felix was appointed to the Court of Appeals by Governor Holcomb and began his service on July 28, 2023. He earned his B.A. in Political Science from Indiana University and his J.D. from the IU Mauer School of Law. From 1995 – 2006, Judge Felix served as Deputy Prosecuting Attorney in Johnson County, where he created the county's first Domestic Violence Unit and led the prosecution of DV cases for three years. Afterwards, he focused on prosecuting major felony crimes. In 2007, Judge Felix was appointed to the Carmel City Court by Governor Mitch Daniels. In 2009, he was elected Hamilton Circuit Court Judge, where he presided over the county's Drug Court, helped create the Youth Assistance Program, and participated in the multi-jurisdictional pro bono district. The Youth Assistance Program is one of the State's only judicial programs that focuses on the prevention of crime by providing youth with mentors, tutors, and wrap-around services. He also helped lead the county's Juvenile Detention Alternative Initiative which focuses on changing the juvenile delinquency system into an evidence-based, child-focused, result-oriented system.