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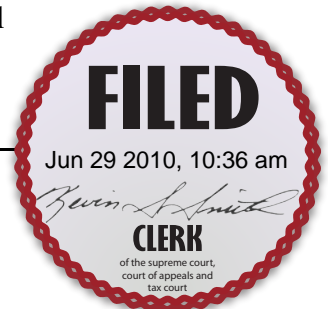
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**IN THE
COURT OF APPEALS OF INDIANA**



S.C.,)	
)	
Appellant-Respondent,)	
)	
vs.)	No. 49A02-0912-JV-1186
)	
STATE OF INDIANA,)	
)	
Appellee-Petitioner.)	

APPEAL FROM THE MARION SUPERIOR COURT
JUVENILE DIVISION

The Honorable Marilyn A. Moores, Judge
The Honorable Scott Stowers, Magistrate
Cause No. 49D09-0907-JD-2269

June 29, 2010

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Respondent, S.C., appeals her juvenile delinquency adjudication for false informing, which would have been a Class A misdemeanor if committed by an adult, Ind. Code § 35-44-2-2.

We affirm.

ISSUE

S.C. raises one issue for our review, which we restate as followings: Whether the State presented sufficient evidence to prove beyond a reasonable doubt that S.C. committed false informing.

FACTS AND PROCEDURAL HISTORY

On July 17, 2009, Detective Bruce Smith (Detective Smith), a Sex Offense Unit Detective with the Indianapolis Metropolitan Police Department, was dispatched to Community East Hospital to investigate a report of a rape. When he arrived at the hospital, he met with S.C. and her family. S.C. told Officer Smith that she and her mother had been staying at a hotel when she and her cousin decided to sneak out of the hotel and meet up with a man by the name of “Mr. Beasley” (Beasley), who then drove them to a residence on the south side of Indianapolis, Indiana. (Transcript p. 5). Once they arrived at the residence, S.C. said that Beasley slammed her to the floor and held her down by her shoulders and forced her to have sexual intercourse with him. She stated that while he was raping her, she was screaming for him to stop, and at some point, her cousin walked in and Beasley got off

her and left the room. S.C. told Detective Smith that she threw away her blood stained underwear in a trash container on the side of the house.

Detective Smith went to the residence where S.C. said she was raped and recovered the underwear. The Indianapolis Metropolitan Crime Lab was called in to process the scene. Detective Smith then interviewed Beasley. Beasley stated he had sexual intercourse with S.C. on July 17 but that it had been consensual. Beasley then gave Detective Smith his cell phone, which contained numerous text messages from S.C.'s cell phone on the evening of July 16 and in the early morning hours of July 17. Each message contained sexually explicit language. For example, one message from approximately 9:00 p.m. on July 16 stated: "Nah, ill be feelin that d*ck real soon[.]" (State's Exhibit 2). Another message sent at 12:09 a.m. by S.C. stated: "I wanna ride u daddy[.]" followed up three minutes later with "Are you gunna wear a condom[?]" (State's Exh. 4-5). Finally, a message sent at 3:20 a.m. on July 17 stated: "Yea sry about the mess," and another asked: "How much did u cum[?]" and another stated: "she aint mad i had fun[.]" (State's Exh. 6-7, 9). Detective Smith took photographs of these text messages.

Detective Smith continued his investigation by scheduling an interview with S.C. and her mother; however, they failed to appear. When he called S.C.'s mother, she stated that S.C. was reluctant to go forward with the process. He then spoke with S.C. and she told Detective Smith that she wanted to forget the entire incident. Detective Smith asked S.C. for her cell phone number and then asked her whether she had her cell phone in her exclusive control on July 16 and 17. She gave him the number and responded in the affirmative. Later,

Detective Smith went to S.C.'s residence. He showed her mother the pictures of the text messages from Beasley's cell phone and S.C.'s mother began to cry. He then read the messages to S.C. and she responded: "Fine, I lied and I'm gonna have to deal with the consequences now." (Tr. p. 18).

On July 28, 2009, the State filed a petition alleging that S.C. committed false informing, which would have been a Class A misdemeanor if committed by an adult, I.C. § 35-44-2-2. An initial hearing was held on July 31, 2009, and S.C. was released into the custody of her father and placed on curfew enhancement. On November 12, 2009, the juvenile court conducted a delinquency hearing. At the close of the evidence, the juvenile court entered a true finding for the act of false informing. The juvenile court placed S.C. on probation for six months and then released her into the custody of her parents. Additionally, S.C. was ordered to complete community service and continue in an educational program.

S.C. now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

S.C. argues that the State presented insufficient evidence to prove that she committed the offense. Specifically, she contends that "[t]oo many potentially important pieces of evidence were omitted at trial, the sole testifying witness was not qualified to testify about whether S.C. was lying, and the evidence that was presented was ambiguous at best." (Appellant's Br. p. 7).

When reviewing the sufficiency of the evidence in a juvenile adjudication, we neither reweigh the evidence nor judge the credibility of the witnesses. *K.S. v. State*, 849 N.E.2d

538, 543 (Ind. 2006). The State must prove beyond a reasonable doubt that the juvenile committed the charged offense. *K.D. v. State*, 754 N.E.2d 36, 38-39 (Ind. Ct. App. 2001). We will examine only the evidence most favorable to the juvenile court's judgment along with all reasonable inferences to be drawn therefrom, and will affirm the adjudication if there is substantive evidence of probative value to establish each material element of the offense. *Id.* at 39. Further, it is the function of the trier of fact to resolve conflicts in testimony and to determine the weight of the evidence and the credibility of the witnesses. *Id.*

Indiana Code section 35-44-2-2, the statute defining the crime of false informing, states in relevant part:

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to an innocent person.

Here, the State presented evidence that S.C. initially reported to the police that she had been raped and that she implicated Beasley as the suspect. During Detective Smith's investigation, he found evidence of the sexually explicit text messages sent from S.C.'s phone to Beasley's phone. The messages began around 9:00 p.m. on July 16, starting with: "Nah, ill be feelin that d*ck real soon," to "I wanna ride u daddy[,] " followed by "Are you gunna wear a condom[?] (State's Exh. 2, 4-5). Finally, S.C. sent the following messages

around 3:00 a.m. on July 17: “Yea sry about the mess,” “How much did u cum,” “[S]he aint mad i had fun,” and “That’s good sry 4 bein loud.” (State’s Exh. 6-9). The text messages made Detective Smith believe that S.C. had been a willing participant in the sexual encounter with Beasley. When Detective Smith confronted S.C. with the sexually explicit text messages, she responded by admitting that she had been caught lying: “Fine, I lied and I’m gonna have to deal with the consequences now.” (Tr. p. 18). To the extent that S.C. argues that the text messages do not amount to her consenting to sex, or that the juvenile court “allowed Detective Smith’s opinion that S.C. lied about the rape to stand in for actual forensic evidence regarding what happened,” she is asking us to reweigh the evidence and judge the credibility of the witness, which we will not do. (Appellant’s Br. p. 8); *K.D.*, 754 N.E.2d at 38. Additionally, with respect to S.C.’s argument that the State failed to present the evidence collected from the scene of alleged rape, we note that the State is only required to present evidence to prove their case beyond a reasonable doubt. Based on S.C.’s own admission, we find that there is sufficient evidence for the juvenile court to conclude that S.C. committed false informing.

CONCLUSION

Based on the foregoing, we conclude that the State presented sufficient evidence to prove beyond a reasonable doubt that S.C. committed false informing.

Affirmed.

MATHIAS, J., and BRADFORD, J., concur.