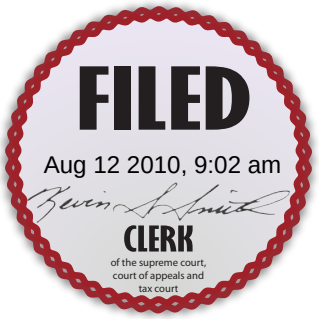

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IN THE
COURT OF APPEALS OF INDIANA

ROGER HENDRICKSON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0912-CR-1255
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Clark H. Rogers, Judge
Cause No. 49G17-0908-FD-75205

August 12, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

Roger Hendrickson appeals his conviction for interference with reporting of a crime as a class A misdemeanor.[1] Hendrickson raises one issue which we revise and restate as whether the evidence is sufficient to sustain his conviction. We affirm.

The facts most favorable to the conviction follow. On August 23, 2009, Shaylan Utterback and her son were asleep at their home in Indianapolis. Utterback woke up to her dog "barking loudly," and she went to check her bathroom window, which looked out on the back door of her home. Transcript at 6. Utterback observed Hendrickson, with whom she had been "boyfriend and girlfriend for about six, seven months," id. at 4, "walking away . . . towards the end of the alley." Id. at 6-7. Utterback "ran outside" because she "didn't want [Hendrickson] to take [her] vehicle again . . . ." Id. at 7.

Hendrickson began threatening Utterback, and Utterback went back into her house "[t]o grab [her] phone to call the police." Id. at 8. However, "before [Utterback] got time to get [her] phone, [Hendrickson] was in [her] house." Id. Hendrickson "had his hands on [her] hands too." Id. Utterback told Hendrickson to leave her home, but the whole time "he was fighting for the phone." Id. Utterback "pulled down on his shirt to get him . . . told him to get off of [her]. And then that's when he got [her] phone." Id. Utterback went into her bathroom "hoping that the neighbors would (inaudible) for them to hear [her] hollering for help." Id. While in the bathroom, Hendrickson grabbed Utterback by her face, "slammed [her] down to the bathroom floor," and subsequently "ran out" of the home. Id.

[1] Ind. Code § 35-45-2-5 (2004).

Utterback ran after Hendrickson "hollering" for Hendrickson to give her the phone back, but Hendrickson did not comply. Id. Utterback went back to her home and "by the time [she] got back . . . [Hendrickson] was already back up there roaming through [her] texts and stuff saying [']why am I doing this?[']" Id. Hendrickson, who had Utterback's leg pinned down with his hand, told her that he was "calling Robert," and that she would "have no place . . . I'm not done until you have no place to live or anything else like that." Id. at 10. Hendrickson called Robert and said "Robert, I'm over at [Utterback's] house. I'm here. I've got her phone. And we've been f------." Id. Hendrickson then dropped the phone "because [Utterback] kicked [her] leg loose." Id. Hendrickson got back up, elbowed Utterback, knocking her glasses off of her face, and subsequently punched her in the back of her head. Utterback slid and lost her balance, and Hendrickson dragged her to the end of her driveway by her hand.

Still in possession of Utterback's phone, Hendrickson left in a car, and Utterback knocked on her neighbor's door "[t]elling him [to] call the police because [she] didn't know what to do." Id. at 12. The neighbor went with Utterback to a pay phone and called the police. Utterback received her phone in her mailbox three days later "[a]fter [she] already called the police and everything." Id. at 9.

On August 25, 2009, the State charged Hendrickson with Count I, residential entry as a class D felony; Count II, criminal confinement as a class D felony; Count III, battery as a class D felony; Count IV, battery as a class A misdemeanor; and Count V, interference with reporting of a crime as a class A misdemeanor. On November 2, 2009, a bench trial was held, and Hendrickson testified that he did not take Utterback's cell

phone away from her. Hendrickson was found guilty as charged on Counts I, II, IV, and V and not guilty on Count III. On November 23, 2009, the trial court sentenced Hendrickson to 545 days each on Counts I and II and 365 days each on Counts IV and V. All of the sentences were ordered to be served concurrently. Thus, the total aggregate sentence was 545 days in the Department of Correction.

The sole issue is whether the evidence is sufficient to sustain Hendrickson's conviction for interference with reporting of a crime as a class A misdemeanor.[2] When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess witness credibility or reweigh the evidence. Id. We consider conflicting evidence most favorably to the trial court's ruling. Id. We affirm the conviction unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." Id. (quoting Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000)). It is not necessary that the evidence overcome every reasonable hypothesis of innocence. Id. at 147. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. Id.

The offense of interference with reporting of a crime is governed by Ind. Code § 35-45-2-5, which provides in relevant part that "[a] person who, with the intent to commit, conceal, or aid in the commission of a crime, knowingly or intentionally interferes with or prevents an individual from: (1) using a 911 emergency telephone system; . . . commits interference with the reporting of a crime, a Class A misdemeanor."

[2] Hendrickson does not challenge his other convictions.

"A person engages in conduct 'intentionally' if, when he engages in the conduct, it is his conscious objective to do so. Ind. Code § 35-41-2-2(a). "A person engages in conduct 'knowingly' if, when he engages in the conduct, he is aware of a high probability that he is doing so." Ind. Code § 35-41-2-2(b). Thus, to convict Hendrickson of interference with reporting of a crime as a class A misdemeanor, the State needed to prove that Hendrickson, with the intent to commit or conceal, or aid in the commission of a crime, knowingly or intentionally interfered with or prevented Utterback from calling 911.

Hendrickson argues that "[t]he evidence presented a [sic] trial demonstrated that Mr. Hendrickson took Ms. Utterback's telephone with the intent to check the telephone's text messages, not to prevent her from call [sic] law enforcement." Appellant's Brief at 6. Hendrickson's argument is merely a request that we reweigh the evidence and judge the credibility of the witnesses, which we cannot do. Drane, 867 N.E.2d at 146.

The evidence at trial demonstrated that after Utterback spoke with Hendrickson outside of her home, she went back into her house to grab her phone to call the police. At that time Hendrickson had his hands on her hands. Utterback told Hendrickson to leave her home, but the whole time he was fighting her for the phone. Utterback "pulled down on his shirt to get him . . . told him to get off of [her]. And then that's when he got [her] phone." Transcript at 8. Hendrickson grabbed Utterback by her face, "slammed [her] down to the bathroom floor," and subsequently "ran out" of the home. Id. After Hendrickson walked outside of the home, Utterback ran after him "hollering" for Hendrickson to give her the phone back, but Hendrickson did not comply. Id. Hendrickson was present in Utterback's home when she returned, and he pinned her

down by her leg. Hendrickson elbowed Utterback in the face, knocking her glasses off of her face, and subsequently punched her in the back of her head. Utterback slid and lost her balance, and Hendrickson dragged her to the end of her driveway by her hand. After Hendrickson left in a car with Utterback's phone, she knocked on her neighbor's door "[t]elling him [to] call the police because [she] didn't know what to do." Id. at 12. The neighbor went with Utterback to a pay phone and called the police. Utterback received her phone in her mailbox three days later.

We conclude that the State presented evidence of a probative nature from which a reasonable trier of fact could have found Hendrickson guilty of interference with reporting of a crime as a class A misdemeanor. See Mathis v. State, 859 N.E.2d 1275, 1281-1282 (Ind. Ct. App. 2007) (holding that the evidence was sufficient to convict defendant of interference with reporting of a crime as a class A misdemeanor).

For the foregoing reasons, we affirm Hendrickson's conviction for interference with reporting of a crime as a class A misdemeanor.

Affirmed.

DARDEN, J., and BRADFORD, J., concur.