MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Larnelle Bocot,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

October 6, 2022

Court of Appeals Case No. 22A-CR-696

Appeal from the Marion Superior Court

The Hon. Angela Dow Davis, Judge

Trial Court Cause No. 49D27-2109-CM-28071

Bradford, Chief Judge.

Case Summary

[1] Following Larnelle Bocot's arrest for domestic violence against A.A., a court issued an order forbidding him from having any contact with her or visiting a place where he knew her to be. On September 5, 2021, Bocot went to A.A.'s residence to retrieve some of his belongings. The State charged Bocot with Class A misdemeanor invasion of privacy, and the trial court found him guilty as charged and sentenced him to 344 days of incarceration, all suspended to probation. Bocot contends that the State produced insufficient evidence to sustain his conviction. Because we disagree, we affirm.

Facts and Procedural History

[2] On May 20, 2021, following an allegation of domestic violence, an order was issued that forbade Bocot from having any contact with A.A. or visiting a location where he knew her to be; Bocot was served a copy of it, and signed it to indicate that he understood its provisions. Despite the no-contact order being in place, Bocot continued to have contact with A.A. and still had personal items in her home.

[3] In June of 2021, the court that issued the no-contact order issued a writ of assistance so that Bocot could return to A.A.'s house with police assistance to retrieve his personal property. The same month, when A.A. went to the prosecutor's office and wrote a letter to the prosecutor's office requesting that the no-contact order be lifted, she was told that "it was all up to the courts." Tr. Vol. II p. 81.

[4] On September 5, 2021, without A.A.'s permission or knowledge or obtaining police assistance pursuant to the writ of assistance, Bocot went to A.A.'s house to retrieve some of his personal items. A neighbor called A.A. to tell her that somebody was in her house, and, when she returned, she saw Bocot carrying some of his items to his car.

[5] The State charged Bocot with Class A misdemeanor invasion of privacy, and on February 29, 2022, a bench trial was held. Bocot testified that A.A. had informed him that she had tried to have the no-contact order lifted but admitted that he had never obtained an order to that effect. The trial court found Bocot guilty as charged and sentenced him to 344 days of incarceration, all suspended to probation.

Discussion

[6] Bocot contends that the State produced insufficient evidence to sustain his conviction for Class A misdemeanor invasion of privacy. When evaluating a challenge to the sufficiency of the evidence to support a conviction, we do not "reweigh the evidence or judge the credibility of the witnesses," nor do we intrude within the factfinder's "exclusive province to weigh conflicting evidence[.]" *Alkhalidi v. State*, 753 N.E.2d 625, 627 (Ind. 2001). Rather, a conviction will be affirmed unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Jenkins v. State*, 726 N.E.2d 268, 270 (Ind. 2000). The evidence need not exclude every reasonable hypothesis of innocence, but instead, "the evidence is sufficient if an inference may reasonably be drawn from it to support the verdict." *Pickens v. State*, 751

N.E.2d 331, 334 (Ind. Ct. App. 2001). When we are confronted with conflicting evidence, we must consider it "most favorably to the trial court's ruling." *Wright v. State*, 828 N.E.2d 904, 906 (Ind. 2005).

[7] In order to convict Bocot of Class A misdemeanor invasion of privacy, the State was required to prove that he knowingly or intentionally violated an order preventing him from having contact with A.A. Ex. 1; Ind. Code § 35-46-1-15.1(a)(11); Ind. Code § 35-33-8-3.2(4). In May of 2021, an order was issued preventing Bocot from having any contact with A.A. or visiting a location where he knew her to be, and the evidence establishes that he continued to have contact with her and went to her home to retrieve some belongings on September 5, 2021. This evidence is sufficient to support a finding that Bocot knowingly violated the order.

[8] Bocot first argues that he mistakenly believed that the no-contact order had been lifted, a belief he claims was contributed to by A.A.'s invitations to her residence. The trial court, of course, was under no obligation to credit any testimony to this effect and did not. In any event, other evidence supports a conclusion that Bocot was aware that the no-contact order was still in place in September of 2021. A.A. testified that she had informed Bocot before September 5, 2021, that she wanted to lift the no-contact order but that she had been aware that the order was still in place and had "never" told him that it had been lifted. Tr. Vol. II p. 81. Essentially, Bocot is asking us to reweigh the evidence, which we will not do. *See Davis v. State*, 791 N.E.2d 266, 270-71 (Ind.

Ct. App. 2003) ("It is the trier-of-fact's prerogative to weigh the credibility of the witnesses and to weigh the evidence."), *trans. denied*.

[9] Bocot also argues that the language of the no-contact order itself was vague and confusing, which we take as a challenge to its validity. To the extent that Bocot challenges the language of the no-contact order, however, that order arose from a separate proceeding from which he did not appeal based on the alleged vagueness of the order. Furthermore, Bocot signed the no-contact order, demonstrating his agreement with its terms. By agreeing to the order and not appealing based on vagueness, Bocot has forfeited his opportunity to challenge the validity of the no-contact order. *See Boultinghouse v. State*, 120 N.E.3d 586, 591 (Ind. Ct. App. 2019) (concluding that "[b]y appearing before the court [and agreeing] to the issuance of the permanent order [for protection, defendant] invited any error" in the issuance of the order and "by not appealing the trial court's judgment in that cause directly, he forfeited any challenges he had to the validity of the order"), *trans denied*. We conclude that Bocot cannot challenge the provisions of the no-contact order in this appeal.

[10] We affirm the judgment of the trial court.

Robb, J., and Pyle, J., concur.