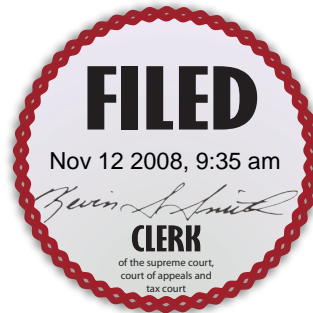


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

OSCAR HARRIS,)
)
 Appellant-Defendant,)
)
 vs.)
)
 STATE OF INDIANA,)
)
 Appellee-Plaintiff.)

No. 49A04-0804-CR-248

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda E. Brown, Judge
The Honorable Louis Rosenberg, Magistrate
Cause No. 49F10-0712-CM-266552

November 12, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Oscar Harris (“Harris”) was convicted in Marion Superior Court of Class A misdemeanor trespass. Harris was sentenced to 365 days suspended with credit for time served. Harris appeals and argues that the evidence was insufficient to support his conviction for Class A misdemeanor trespass.

Affirmed.

Facts and Procedural History

On December 12, 2007, Harris was speaking with a clerk outside a Community Spirits liquor store. A private security officer, Donald Childs (“Childs”), entered the parking lot on a routine security check and noticed Harris with his hands on the clerk. The clerk asked Childs for help. Childs recognized Harris as having been barred from all Community Spirits properties in 2004. Childs asked Harris to leave the property three times, forced Harris to the sidewalk when Harris refused, and then called police. The police arrived and arrested Harris.

On December 13, 2007, the State charged Harris with Class A misdemeanor trespass and Class B misdemeanor public intoxication. Following a bench trial on March 25, 2008, Harris was convicted of Class A misdemeanor trespass and acquitted of Class B misdemeanor public intoxication. The trial court sentenced Harris to 365 days suspended with credit for time served. Harris appeals.

Discussion and Decision

Harris argues that the evidence was insufficient to sustain his conviction for trespass. When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jones v. State, 783 N.E.2d 1132, 1139

(Ind. 2003). We look only to the probative evidence supporting the verdict and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

Harris's argument merely asks that we reweigh the evidence and the credibility of Childs's testimony. This we will not do. Despite Harris's challenge to the admission of a written notice from Community Spirits banning Harris from its properties, Childs's position as the chief security officer for Community Spirits, his recognition of Harris as someone who had been warned previously not to trespass, and his testimony that Harris refused to leave the property after three requests all establish trespass independent of the contested notice.

The evidence was sufficient to support Harris's conviction for Class A misdemeanor trespass.

We affirm.

BAKER, C.J., and BROWN, J., concur.