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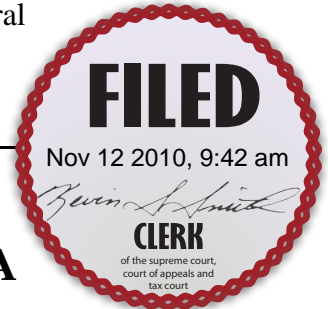
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**IN THE
COURT OF APPEALS OF INDIANA**

WALTER A. GRIFFIN,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 49A05-1003-CR-199

APPEAL FROM THE MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM 10
The Honorable Linda E. Brown, Judge
Cause No. 49F10-0901-CM-14273

November 12, 2010

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, Walter A. Griffin (Griffin), appeals his conviction for criminal trespass, a Class A misdemeanor, Ind. Code § 35-43-2-2.

We affirm.

ISSUE

Griffin raises one issue for our review, which we restate as: Whether there was sufficient evidence to prove beyond a reasonable doubt his criminal trespass conviction.

FACTS AND PROCEDURAL HISTORY

On November 13, 2008, Joseph Anthony Quinn (Quinn) went to check on the condition of his rental property, located at 277 North Warman Avenue in Indianapolis, Indiana. He also wanted to check on his father, who lived in the house next to his rental property. No one was living in the property at that time, however, he used the detached garage of the property to store his personal items. As Quinn was checking his father's house, he noticed that one of the side windows had been broken and the back door was open. He then turned to his rental property and saw that the garage door was ajar and the gate was open. As he made his way inside the garage, he saw Griffin and another man standing there "going through some bags and boxes and stuff." (Transcript p. 9). Quinn called 911 and tried to keep Griffin and the other men there until the police arrived. The men were able to force their way out of the garage and flee on bike. Quinn chased them while he was on the phone with police and followed them to a house where they fled to and waited for police to

arrive. Once the officers arrived at the house, they entered and apprehended the men. Quinn identified Griffin as one of the persons he saw inside his garage.

On January 27, 2009, the State filed an Information charging Griffin with criminal trespass, a Class A misdemeanor, I.C. § 35-43-2-2. On March 5, 2010, after a bench trial, Griffin was found guilty of criminal trespass. That same day, Griffin was sentenced to thirty days in the Marion County Jail.

Griffin now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Griffin argues that the evidence was insufficient to support a conviction for criminal trespass. Specifically, he contends that the State did not prove that he “interfered with [Quinn’s] possession or use of the garage[.]” (Appellant’s Br. p. 6).

We do not reweigh the evidence or judge the credibility of the witnesses. *Rohr. v. State*, 866 N.E.2d 242, 248 (Ind. 2007). This court will consider only evidence most favorable to the verdict and will draw all reasonable inferences therefrom. *Id.* We will affirm the conviction if there is substantial evidence of probative value from which a reasonable fact-finder could find the defendant guilty beyond a reasonable doubt. *Id.*

The offense of criminal trespass is governed by I.C. § 35-43-2-2(a), which provides, in pertinent part, that a person commits the offense of criminal trespass when he or she: “(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person’s consent; [or] (5) not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without the person’s

consent[.]” Here, Griffin challenges the word “interferes,” and argues that his presence inside the garage did not interfere with Quinn’s use of the garage.

Griffin cites to *Rust v. State*, 726 N.E.2d 337, 339 (Ind. Ct. App. 2000), where we discussed whether Rust’s action of blocking a driveway to an abortion clinic with a car or sign was an interference with the possession or use of the property in accordance with I.C. § 35-43-2-2. We held that “although Rust’s presence and placing the sign on the driveway may not have interfered with possession, it interfered with use by preventing others from coming onto or leaving the property by using the driveway.” *Id.* at 339. Based on this holding, Griffin argues that similar to the fact that the sign did not interfere with the use of the driveway, Quinn’s use of the garage continued despite Griffin’s presence in the garage.

We disagree with Griffin’s logic and find that the evidence is sufficient to convict Griffin of criminal trespass. Here, Quinn went to check on the condition of his rental property and when he arrived, he noticed that the gate and garage door had been opened by someone other than himself. When he walked into the garage, he saw Griffin going through his boxes and bags. Quinn testified that he did not give Griffin permission to be on his property and Griffin did not have a contractual interest in the rental property. Despite Griffin’s argument that he did not interfere with Quinn’s use of the garage, the act of rummaging through Quinn’s personal belongings in his garage without his consent was a

clear interference with Quinn's use of his garage. As such, the evidence was sufficient to convict Griffin of criminal trespass.

CONCLUSION

Based on the foregoing, we conclude that the State presented sufficient evidence beyond a reasonable doubt to support a conviction of criminal trespass.

Affirmed.

KIRSCH, J., and BAILEY, J., concur.