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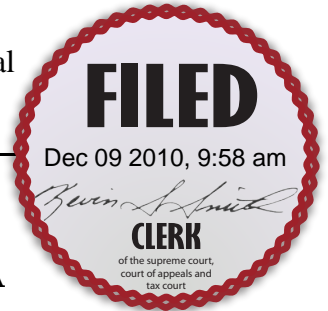
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**IN THE
COURT OF APPEALS OF INDIANA**

LASHANN MONTEZ WINFIELD,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 46A03-0909-CR-413

APPEAL FROM THE LAPORTE SUPERIOR COURT
The Honorable William J. Boklund, Judge
Cause Nos. 46D04-0804-FD-1027, 46D04-0809-CM-2376 & 46D04-0811-FD-2866

December 9, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Lashann Winfield appeals his conviction for Class D felony failure to register as a sex offender. He argues that the evidence is insufficient to prove that he knowingly or intentionally failed to register. Finding the evidence sufficient, we affirm.

Facts and Procedural History

Winfield was convicted of sexual misconduct with a minor as a Class C felony in 2005. Ind. Code § 35-42-4-9. As a result of this conviction, Winfield is a “sex offender” within the meaning of Indiana Code section 11-8-8-4.5(a)(8), *see* State’s Ex. 5, and he is subject to Indiana’s Sex Offender Registration laws. *See* Ind. Code ch. 11-8-8. Winfield is required to register in person with local law enforcement annually and within seventy-two hours of any change in his principal residence. Ind. Code §§ 11-8-8-14, -11(a).

Winfield initially complied with these requirements, registering annually with the LaPorte County Sheriff’s Department in July 2006 and July 2007. Winfield also registered a change in his principal residence in January 2007 and November 2007. Before the July 2008 annual registration, the LaPorte County Sheriff’s Department mailed Winfield a reminder letter. However, the reminder letter was returned as “not deliverable as addressed, unable to forward.” Upon further investigation, the LaPorte County officials learned that Winfield was incarcerated in the LaPorte County Jail.

Winfield was incarcerated in the LaPorte County Jail from April 28, 2008, through July 14, 2008. On July 14, 2008, he was transferred to the Porter County Jail where he remained incarcerated until August 24, 2008. Winfield testified that he presented himself at the LaPorte County Jail on August 25, 2008, and completed his annual registration

with his new address. Tr. p. 38-40. The State, however, has no record of this registration.

Carol Bridegroom, Manager of LaPorte County's Sex Offender Registry, testified that Winfield failed to register after his release in August 2008. *Id.* at 29, 32, 36. She further testified that Winfield did not come to her office to register until October 29, 2008. *Id.* at 30. In between those dates, Detective John Boyd was assigned to investigate Winfield's alleged non-compliance.

Detective Boyd learned that Winfield was incarcerated in the LaPorte County Jail from September 20, 2008, through October 6, 2008. *Id.* at 10. On or about October 27, 2008, Detective Boyd went to the residence where he believed Winfield to be staying and left a business card with a written message asking Winfield to call him regarding the sex offender registry. *Id.* at 13-14, 18; Defendant's Ex. A. Winfield contacted Detective Boyd within two days, Detective Boyd explained that Winfield was not in compliance with the registry requirements, and Winfield came to the LaPorte County office on October 29, 2008, to register. Tr. p. 13-14, 18-19.

The State charged Winfield with two counts: Class D felony failure to register as a sex offender, Ind. Code §§ 11-8-8-14, -17, and Class D felony failure to notify law enforcement of a change of address within seventy-two hours, Ind. Code § 11-8-8-11(a)(1); Appellant's App. p. 16-17. A bench trial was held, and Winfield was found guilty of both charges. However, the trial court entered judgment of conviction only for

“failure to register as a sex offender”¹ due to double jeopardy concerns. Tr. p. 57, Appellant’s App. p. 10, 18-20. The judge stated,

These are always difficult cases when there’s a difference in terms of the evidence as dramatic as this in terms of the testimony. However, listening to the testimony and applying the appropriate standards and identifying some corroboration in the evidence, I do find that the defendant is guilty of these two charges, but Mr. Cupp [defense counsel], I think you are right in terms of same actual evidence. I can’t see a whole lot of difference in these charges, therefore only one conviction would be entered

Tr. p. 57.

Winfield’s sentencing hearing involved this conviction and two other convictions not at issue in this appeal. Winfield was sentenced to 545 days for failure to register as a sex offender to be served concurrently with the other sentences imposed. Appellant’s App. p. 18-20. Winfield now appeals.

Discussion and Decision

Winfield contends that the evidence is insufficient to support his conviction for failure to register as a sex offender. When the sufficiency of the evidence is challenged, we affirm if there is substantial evidence of probative value supporting each element of the crime from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Branch v. State*, 917 N.E.2d 1283, 1284 (Ind. Ct. App. 2009) (citing *Wright v. State*, 828 N.E.2d 904, 906 (Ind. 2005)). We consider conflicting

¹ The court entered judgment for “failure to register as a sex offender.” Appellant’s App. p. 18. We understand this to mean that the conviction was entered for failure to register annually as a sex offender as required by Indiana Code sections 11-8-8-14, -17; not for failure to notify law enforcement of a change of address within seventy-two hours as required by Indiana Code section 11-8-8-11(a)(1). This is consistent with Winfield’s framing of the issue on appeal and the State’s brief.

evidence most favorably to the trial court's ruling. *Id.* It is well established that we neither reweigh the evidence nor judge the credibility of the witnesses. *Id.*

Winfield argues that the State did not establish a knowing or intentional violation of the registration requirements. He maintains that the alleged violation was not knowing or intentional because he believed that he was in compliance with the registration requirements. Although Winfield's argument is not fully explained in his brief, his argument appears to be that he timely completed his annual registration on August 25, 2008.

To prove that Winfield failed to register as a sex offender as a Class D felony, the State had to prove beyond a reasonable doubt that Winfield knowingly or intentionally failed to register annually. I.C. § 11-8-8-14, -17. In this context, "register" means reporting in person to a local law enforcement authority and providing the information required under Indiana Code section 11-8-8-8. Ind. Code § 11-8-8-4. A person acts "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 acts "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).

The evidence most favorable to the judgment supports a finding that Winfield knowingly or intentionally failed to register in person as required. First, the State presented evidence that Winfield understood and was aware of his obligation to register annually and within seventy-two hours of changing his principal residence. Specifically, the State presented evidence showing that Winfield had completed two prior annual registrations and two prior notifications of a change in his principal residence. Moreover,

the State admitted into evidence the two prior annual registration forms which bear Winfield's signature, thereby expressly affirming his understanding of the registration requirements. *See* State's Exs. 5, 6.

With respect to whether Winfield timely completed his annual registration in 2008, the trial court was presented with conflicting evidence. Winfield testified that he went to the LaPorte County Jail on August 25, 2008, and completed his registration form. Tr. p. 38-40. Carol Bridegroom and Detective Boyd testified that Winfield failed to register in August 2008 and did not come to the LaPorte County Jail to register until October 29, 2008, which was too late. Tr. p. 13-14, 18-19, 29-30, 32, 36. The trial court is best suited to determine witness credibility and assign weight to the evidence. Here, the trial court did not find Winfield's testimony to be persuasive. Given our standard of review, we will not disturb that finding on appeal. We therefore affirm Winfield's conviction for failure to register as a sex offender.

Affirmed.

MAY, J., and ROBB, J., concur.