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IN THE
COURT OF APPEALS OF INDIANA

MICHAEL A. CURRIE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0906-CR-554
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Jeffrey W. Mendes, Judge Pro Tempore
Cause No. 49G16-0904-FD-38615

December 22, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Michael A. Currie appeals from his conviction for interference with the reporting of a crime, a Class A misdemeanor, following a bench trial. Currie raises a single issue for our review: whether the State presented sufficient evidence to support his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

In April of 2009, Currie was living in Indianapolis with his fiancée, Carol Williams, and M.D., Williams' fourteen-year-old daughter. On April 8, a friend of Currie's[1] visited them at Currie's home. The friend was drunk when he arrived.

At some point, the friend engaged Currie in a conversation about Williams. Williams overheard and began to argue with Currie. The argument moved from outside the home to the upstairs bedroom. Currie's friend followed them. Shortly thereafter, Williams began yelling and called for M.D. M.D. went into her mother's bedroom and saw her mother on the floor. M.D. "thought that [Currie] had hit her," and so M.D. picked up a nearby phone and said out loud to Currie that she was "about to call 911." Transcript at 18-19. Currie "tried to snatch the phone [from M.D.], [but she] tried to pull it back. And[] then it hit [her] lip." Id. at 19. M.D.'s lip was lacerated by the impact with the phone. M.D. then hung up the phone without speaking to the 911 operator, which resulted in dispatch tracing the call to Currie and Williams' home. Police arrived and arrested Currie.

[1] The friend's name is not included in the record.

On April 9, the State charged Currie with three counts of battery and one count of interference with the reporting of a crime. The court held a bench trial on May 22, after which it found him not guilty on the battery allegations but guilty on the charge of interference with the reporting of a crime. The court sentenced Currie accordingly, and this appeal ensued.

DISCUSSION AND DECISION

Currie challenges the sufficiency of the State's evidence underlying his conviction. When reviewing a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences that may be drawn from that evidence 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.

The trial court found Currie guilty of interfering with the reporting of a crime. As applied here, to be found guilty of that crime the State needed to prove beyond a reasonable doubt that Currie, with the intent to conceal the commission of a crime, knowingly or intentionally interfered with or prevented an individual from using a 911 emergency telephone system or making a report to a law enforcement officer. See Ind. Code § 35-45-2-5. On appeal, Currie argues that the State failed to prove that he either intended to conceal a crime or actually interfered with the reporting of a crime. We cannot agree.

Currie first suggests that he did not intend to conceal a crime when he grabbed the telephone from M.D. In support, Currie suggests that the record "is significantly void of any indication Currie intended to conceal . . . the commission of the battery" of Williams Appellant's Brief at 5. Currie also states that, "[w]hile it may be tempting to infer Currie must have grabbed the telephone so he could aid in or conceal a crime, there is no such proof in the record." Id. at 6.

Currie misunderstands our standard of review. M.D. testified that Currie, Williams, and Currie's friend were engaged in an argument near an upstairs bedroom. During that argument, Williams yelled for M.D., and M.D. witnessed Williams lying on the floor. M.D. then announced that she was going to call 911 and in fact attempted to call 911, but Currie prevented her from doing so. A reasonable inference from that evidence is that Currie did so because he intended to conceal the battery of Williams. So long as a reasonable inference from the evidence supports the judgment, we must affirm the conviction. See Jones, 783 N.E.2d at 1139. Currie's argument on this point is merely a request for this court to reweigh the evidence, which we will not do. See id.

Currie next asserts that the State failed to prove that he "actually interfered with M.D.'s phone call to 9-1-1" because "Williams and M.D. both made police reports when law enforcement arrived and there is no evidence Currie interfered with making those reports." Appellant's Brief at 6-7. That Williams and M.D. made police reports after Currie forced M.D. to hang up the phone during the 911 call has no bearing on whether Currie interfered with the M.D.'s 911 call. See I.C. § 35-45-2-5(1). Indeed, Currie's argument implies that only those who are so successful at interfering with the reporting of

a crime that the State is prevented entirely from getting involved can be guilty of a crime, although no prosecution would ever result in those cases. Currie also suggests that M.D.'s testimony is untruthful or contradictory, but we cannot consider those arguments. See Jones, 783 N.E.2d at 1139. Hence, we must affirm Currie's conviction.

Affirmed.

FRIEDLANDER, J., and BRADFORD, J., concur.