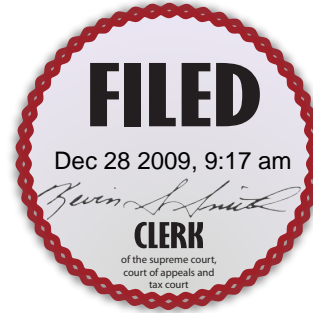


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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ANTHONY D. DOWDY,  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
Appellee-Plaintiff.

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No. 49A02-0905-CR-459

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Clark Rogers, Judge  
Cause No. 49G17-0902-FD-028382

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**DECEMBER 28, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**GARRARD, Senior Judge**

After a bench trial Anthony Dowdy was convicted of criminal confinement, a Class D felony. His appeal challenges the sufficiency of the evidence to sustain the conviction.

Near midnight on February 23, 2009, D.G. went to Dowdy's house in Marion County, Indiana. The two had known each other for a number of years and had been dating since October of 2008.

D.G. and Dowdy conversed for a while and were then intimate on the couch. Around 4:00 a.m. Dowdy began asking D.G. questions about her and another man, and "things got a little heated" between them. When she refused to answer Dowdy, he became upset and called her names and threatened her.

At the time she was undressed. She got up from the couch and went to the other couch where her clothes were, intending to get dressed and leave. She told Dowdy that things were getting a little heated and they needed to end the conversation.

Dowdy followed her to where her clothes were and would not allow her to leave. Then he said, "Oh, you want to go? Fine." He then grabbed her and her clothing and headed her towards the door. He held her arm, pulling her toward the door, and she tried to pull away from him, believing that he was going to put her outside while she was still naked.

D.G. asked Dowdy why he was doing this, and he said that if he let her go she would call the cops. He then grabbed her around her body and pulled her back to the

couch. They sat on the couch with Dowdy holding onto her, and they talked until Dowdy finally calmed down.

Ind. Code § 35-42-3-3 provides that a person who knowingly, or intentionally, confines another person without the other person's consent commits criminal confinement, a Class D felony. "Confine" means to substantially interfere with the liberty of a person. I.C. §35-42-3-1.

The essence of the offense is the restriction of a person's freedom of movement and liberty against the person's will. *Pyle v. State*, 476 N.E.2d 124, 127 (Ind. 1985). The fact that the time of actual confinement was relatively brief is not determinative. What is most significant is the nature of the interference. *Hatton v. State*, 439 N.E.2d 565, 568 (Ind. 1982).

Here, the evidence favoring the decision and the reasonable inferences drawn therefrom establish that at the time in question Dowdy restrained D.G. against her will. The evidence was sufficient to establish the offense.

Affirmed.

MATHIAS, J., and BAILEY, J., concur.