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**IN THE
COURT OF APPEALS OF INDIANA**

JILL MANSFIELD,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A02-0612-CR-1110
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable John Hammel, Judge
Cause No. 49G21-0609-CM-178830

June 29, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Jill Mansfield appeals her conviction for Harassment, a Class B misdemeanor, following a bench trial. She presents one issue for our review, namely, whether the State's evidence is sufficient to support her conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

Mansfield had been in an "on and off" romantic relationship with Stephen Harden over a period of sixteen years. Transcript at 19. They did not have any children. On June 18, 2006, when their relationship was "off," Mansfield left a Father's Day card for Harden on his truck, which was parked at the home of his current girlfriend, Grace. The card contained several handwritten messages. The messages were directed to Harden and Grace, and some messages contained explicit sexual references. Mansfield pasted a picture of an erect penis in the card and wrote:

To Grace . . . Since you haven't learned how to suck dick properly, I though I would help you out per Steve's request. So here is a picture of a real dick so you won't get it confused when you look at Steve's.

State's Exhibit 2. Mansfield also wrote, "To both of you bitches, it's over when I say it's over or when Steve stops eating my pussy all the time." Id.

On September 22, 2006, the State charged Mansfield with harassment, a Class B misdemeanor, and Invasion of Privacy, a Class A misdemeanor. The trial court held a bench trial on November 6. The court convicted Mansfield for the harassment charge and acquitted her of the invasion of privacy charge. The court sentenced Mansfield to

180 days with 174 days suspended. The court also ordered that Mansfield be placed on non-reporting probation and complete twenty hours of community service.

This appeal ensued.

DISCUSSION AND DECISION

The well-established standard of review to a challenge of the sufficiency of the evidence to support a conviction requires us to “neither reweigh the evidence nor judge the credibility of the witnesses.” Prickett v. State, 856 N.E.2d 1203, 1206 (Ind. 2006). We will 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. Id.

Indiana Code Section 35-45-2-2 reads, in pertinent part:

A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication . . . communicates with a person by telegraph, mail, or other form of written communication . . . commits harassment, a Class B misdemeanor.

Ind. Code § 35-45-2-2 (West 2004). The charging instrument tracks the language of the statute. Thus, to convict Mansfield as charged, the State was required to prove that Mansfield communicated with Harden through written communication with the intent to harass, annoy, or alarm Harden, but with no intent of legitimate communication.

On appeal, Mansfield argues that she was legitimately communicating “her sexual desire for Mr. Harden and her desire to rekindle their relationship.”¹ Appellant’s Brief at 4. We cannot agree. In a similar case, the defendant was convicted of harassment after he placed phone calls to and wrote notes to two women, who worked as waitresses at a

¹ At trial, Mansfield argued that the legitimate communication was “have a happy Father’s day.” Transcript at 51.

restaurant he frequented, asking them to marry him. Crose v. State, 650 N.E.2d 1187, 1191 (Ind. Ct. App. 1995), trans. denied. On appeal, Crose claimed the evidence was insufficient because “he was infatuated with [the two women], and his love letters conveyed legitimate communications that were not intended to harass either [woman].” Id. We rejected that defendant’s argument as an invitation to reweigh the evidence and reach a different determination than the jury. Id.

Here, the court stated that the State “proved beyond a reasonable doubt the charge of harassment, a Class B misdemeanor.” Transcript at 54. Implicit in that finding is the trial court’s specific determination that Mansfield’s note was not legitimate communication. The determination of “no intent of legitimate communication” is factual and will be disturbed only if there is no substantial and probative evidence from which the factfinder could reasonably infer the defendant’s guilt. Brehm v. State, 558 N.E.2d 906, 907 (Ind. Ct. App. 1990). Mansfield’s note contains statements that mocked both Harden and his girlfriend, and her language carries an aggressive and threatening tone. There is substantial evidence with probative value that supports the trial court’s finding that it was Mansfield’s intent to harass Harden, not to legitimately communicate with him. We reject her request that we reweigh the evidence and reach a different conclusion.

Affirmed.

RILEY, J., and BARNES, J., concur.