

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-0603**

State of Minnesota,
Respondent,

vs.

Jason Edward Roach,
Appellant.

**Filed August 5, 2008
Affirmed
Ross, Judge**

Swift County District Court
File No. 76-CR-06-589

Lori Swanson, Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2134; and

Robin Finke, Swift County Attorney, Harry D. Hohman, Assistant County Attorney, 211 Eleventh Street North, Benson, MN 56215 (for respondent)

Lawrence Hammerling, Chief Appellate Public Defender, Suzanne M. Senecal-Hill, Assistant Public Defender, 540 Fairview Avenue North, Suite 300, St. Paul, MN 55104 (for appellant)

Considered and decided by Ross, Presiding Judge; Toussaint, Chief Judge; and Connolly, Judge.

UNPUBLISHED OPINION

ROSS, Judge

Jason Roach appeals from his conviction of interfering with an emergency call. Roach argues that the testimonial evidence was insufficient to support the conviction in light of the chaotic and emotional atmosphere in which the witnesses perceived the incident and the large amount of alcohol that they had consumed. Because the evidence, viewed in the light most favorable to the conviction, is sufficient to allow a jury to find Roach guilty, we affirm.

DECISION

The sole issue on appeal is whether the trial evidence was sufficient to support Roach's conviction of interfering with an emergency call. We review a claim of insufficiency of the evidence to determine whether the jury could reasonably conclude that the defendant is guilty of the offense charged beyond a reasonable doubt in light of the facts in the record, construing all the legitimate inferences in favor of conviction. *Davis v. State*, 595 N.W.2d 520, 525 (Minn. 1999). We assume that the jury believed the state's witnesses and disbelieved any contrary evidence. *State v. Vick*, 632 N.W.2d 676, 690 (Minn. 2001).

A person unlawfully interferes with an emergency call when he "intentionally interrupts, disrupts, impedes, or interferes with an emergency call or . . . intentionally prevents or hinders another from placing an emergency call." Minn. Stat. § 609.78, subd. 2 (2006). An "emergency call" includes a 911 call. *Id.*, subd. 3 (2006).

The jury heard evidence that on July 27, 2006, Rebecca Weber attempted to dial 911 from her home telephone after Roach got into a fight with her boyfriend, David Wing. Weber testified that Roach knocked her cordless telephone from her hand as she dialed. Weber was able to call police from another telephone, and a police officer noticed that a cordless telephone was missing its battery pack. The officer placed Roach under arrest, and the state charged him with interfering with an emergency call, fifth-degree assault, and disorderly conduct. A jury convicted Roach of interfering with an emergency call and disorderly conduct.

Roach argues on appeal that the evidence was insufficient to sustain his conviction of interfering with an emergency call because the evening's events were wild and "chaotic," those present were in a "charged emotional state," and Wing and Roach had consumed a large quantity of alcohol. We understand Roach's argument to be that the purported chaos, emotions, and alcohol render unbelievable the inculpatory testimony presented at trial. After pointing out the conviction-supporting testimony, Roach relies on this madhouse theory for the contention that "it is very unlikely that" one witness actually saw what he testified to seeing; that it "would have been nearly impossible" for Roach to have done what another witness reported to the jury; and that "it is likely that [a witness] did not see" what he told the jury that he did see. But we will not second-guess the jury's credibility assessments on appeal because the jury ultimately determines the credibility of witnesses and the weight of their testimony. *State v. Travica*, 398 N.W.2d 666, 670 (Minn. App. 1987). Additionally, the jury could rely on Weber's testimony that Roach knocked the telephone from her hand after Roach referred to her decision to call

police and on the officer's testimony about the damaged telephone, regardless of the alleged alcohol-clouding of the perception and testimony of others.

Construing the evidence and credibility determinations in favor of the jury's decision, we hold that there was sufficient evidence to find that Roach interfered with Weber's attempt to make an emergency call. The jury heard from Weber, who testified that Roach knocked the telephone from her hand as she dialed; from Wing, who testified that he saw Roach knock the telephone from Weber's hand; and from Officer Rasmussen, who testified that Weber showed him a cordless telephone that was missing its battery pack. We affirm Roach's conviction of interfering with an emergency call.

Affirmed.