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IN THE
COURT OF APPEALS OF INDIANA

RODNEY T. WILLIAMS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A05-0607-CR-354
	)	and 02A04-0607-CR-359
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Robert J. Schmoll, Jr., Magistrate
Cause No. 02D04-0508-FD-579 and 02D04-0509-FD-648

April 20, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Rodney T. Williams ("Williams") brings two appeals from the trial court's revocation of his probation he received in two separate sentences. Noting that there was only one revocation hearing, we address herein both of Williams's appeals and restate the issue as whether there was sufficient evidence that he violated the terms of his probation.

We affirm.

FACTS AND PROCEDURAL HISTORY

Williams pled guilty to possession of marijuana or hash oil,[1] and domestic battery.[2] A few weeks later Williams also pled guilty to criminal confinement,[3] invasion of privacy,[4] and domestic battery. Except for the drug conviction, the convictions arose from altercations between Williams and his former "live-in" girlfriend, Sheila Campbell ("Campbell"). As a condition of Williams's probation in both cases, the trial court ordered that Williams have no contact with Campbell.

Six days after being released to probation, Williams learned that Campbell had contacted one of his friends. He immediately called her and told her that he was "going to kick her ass." *Appellant's App.* at 88. Then, Campbell called Williams's friend and told him to keep Williams away from her work. Williams immediately called Campbell back and told her that he was coming down to her place of employment. Campbell's response was, "yeah, bring it on." *Id*. at 95. Campbell then called the police to report that Williams was driving to her work in violation of the trial court's no-contact order.

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[1] *See* IC 35-48-4-11(3).

[2] *See* IC 35-42-2-1.3.

[3] *See* IC 35-42-3-3.

[4] *See* IC 35-48-4-11.

In response to Campbell's call, Fort Wayne police went to Campbell's work place where they found Williams in his car in the parking lot. The officers questioned Williams, and Williams admitted that he went to Campbell's place of employment to contact her. Williams was arrested for violating the no-contact order. Williams's probation officer then filed a petition to revoke Williams's probation. After hearing all the evidence the trial court revoked Williams's probation and reinstated the terms of his suspended sentences. Williams now appeals.

DISCUSSION AND DECISION

Williams claims there was insufficient evidence to support a finding that he knowingly or intentionally violated the terms of his probation. Specifically, he contends that Campbell allowed him to stay with her after he was released and that he was outside of Campbell's work at her request when she said to him "yeah, bring it on. Yeah." *Appellant's App.* at 95.

Initially, we note that a probation revocation hearing is in the nature of a civil proceeding where the state must prove its case "by a preponderance of the evidence." *Whatley v. State*, 847 N.E.2d 1007, 1010 (Ind. Ct. App. 2006). When we review for sufficiency of the evidence, we neither reweigh the evidence nor reassess the credibility of the witnesses. *Id.* Instead, we look to the evidence most favorable to the trial court's judgment to determine whether there is substantial evidence of probative value supporting the revocation. *Id.*

In order for the trial court to revoke Williams's probation it must have found by a preponderance of the evidence that: (1) Williams violated a condition of probation

during the probationary period; and (2) the petition to revoke probation was filed during the probationary period. *See* IC 35-38-2-3. Williams claims there was insufficient evidence that he violated a term of his probation.

Williams argues that he was outside of Campbell's work at her request because Campbell told him to "bring it on." However, during his revocation hearing, Williams was asked whether he knew there was a no-contact order between him and Campbell at the time he went to her workplace, and he said yes. *Tr*. at 26. Williams was also asked whether he recalled initialing and signing the conditions of probation, one term of which stated he was to have no contact with Campbell. *Id.* at 27-28. Williams again said yes. *Id.* at 28. The trial court was permitted to conclude that Williams went to Campbell's workplace in violation of the no-contact order. Campbell's statement did not excuse him nor vitiate his state of mind of knowingly or intentionally violating the no-contact order. *See Washington v. State*, 758 N.E.2d 1014, 1019 (Ind. Ct. App. 2001). Viewed most favorably to the trial court's judgment, the evidence was sufficient to sustain Williams's revocation of his probation. *Packer v. State*, 777 N.E.2d 733, 740 (Ind. Ct. App. 2002).

Affirmed.

SHARPNACK, J., and MATHIAS, J., concur.