



Shannon Terrell appeals her conviction for criminal trespass as a class A misdemeanor.<sup>1</sup> Terrell raises one issue, which we restate as whether the evidence is sufficient to sustain her conviction for criminal trespass as a class A misdemeanor. We affirm.

The relevant facts follow. In the early morning hours of July 28, 2008, at approximately 1:30 a.m., Chad Richardson, a security officer employed under contract by the Town & Terrace<sup>2</sup> townhouse community, was dispatched to a disturbance on Hampshire Court, located within the community. Two Indianapolis Police Officers, Jerry Torres and Gregory Barbieri, also responded to the disturbance. Terrell was on the street, near the address named in the dispatch. Terrell did not reside at the address or anywhere within Town & Terrace. As a result of the encounter, Terrell was placed on the Police Department's trespass list, banning her from entering Town & Terrace. Terrell signed a trespass notice, acknowledging that she was banned from "entering or re-entering the . . . buildings, sidewalks, yards, and the grounds" of Town & Terrace. State's Exhibit 1.

Later that day, around 11:00 p.m., Richardson responded to another dispatch to the same Hampshire Court address. He arrived on the property just as a green sedan was leaving the address. Richardson recognized Terrell sitting in the front passenger seat of the vehicle.<sup>3</sup> Officer Barbieri also responded to the dispatch and arrived just in time to

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<sup>1</sup> Ind. Code § 35-43-2-2 (2004).

<sup>2</sup> The witnesses refer to the trespassed property as both the "Town & Terrace" community and the "Brentwood Apartments." We will refer to the property as "Town & Terrace."

<sup>3</sup> The probable cause affidavit notes that Terrell was sitting in the passenger back seat.

see a green sedan leaving Hampshire Court. Officer Barbieri then spoke with the complainant of the disturbance, and while speaking with her, the complainant received a phone call. As a result of the call, Officer Barbieri proceeded to Dewberry Park, which was about three or four miles from the Hampshire Court Town & Terrace address.

Officer Barbieri, who was waiting with lights off at Dewberry Park, observed the same green sedan he saw driving away from Hampshire Court speed into the park. Officer Barbieri then stopped the green sedan, which had made a brief attempt to flee. Officer Barbieri immediately recognized Terrell in the vehicle from his encounter with her the night before. She and the other occupants of the vehicle were placed in handcuffs. Terrell told Officer Barbieri that “[Terrell] had been at the address that [the police] received the radio run to at Town & Terrace and that it was her on the phone . . . .” Transcript at 37. Terrell also told Officer Torres that “[Terrell] was over there and she knew that she was trespassed and she remembered signing the trespass form.” *Id.* at 26.

The State charged Terrell with criminal trespass as a class A misdemeanor. After a bench trial, the trial court found Terrell guilty as charged. The trial court sentenced Terrell to 365 days in the Marion County Jail, and suspended 363 days.

The sole issue is whether the evidence is sufficient to sustain Terrell’s conviction. When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess witness credibility or

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reweigh the evidence. Id. We consider conflicting evidence most favorably to the trial court's ruling. Id. We affirm the conviction unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." Id. (quoting Jenkins v. State, 726 N.E.2d 268, 270 (Ind. 2000)). It is not necessary that the evidence overcome every reasonable hypothesis of innocence. Id. at 147. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. Id.

The offense of criminal trespass is governed by Ind. Code § 35-43-2-2, which in pertinent part provides:

- (a) A person who:
  - (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

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commits criminal trespass, a Class A misdemeanor . . . .

- (b) A person has been denied entry under subdivision (a)(1) of this section when the person has been denied entry by means of:
  - (1) Personal communication, oral or written; . . . .

Thus, to convict Terrell of criminal trespass as a class A misdemeanor, the State needed to prove that Terrell: (1) did not have a contractual interest in the property; (2) knowingly or intentionally entered the real property of another person, the property being Town & Terrace; (3) after having been denied entry by the other person or that person's agent by either oral or written communication.

Terrell appears to argue that she did not enter Town & Terrace, contending “that the record of testimony is so nebulous, so unclear, and so disjointed that it does not rise to the level of being sufficient to sustain the Court’s finding.” Appellant’s Brief at 6. Terrell points to the usage of different terms in describing the setting where the events took place which results in “a confusing mass of contradictory statements that do not adequately show that Shannon Terrell was on the property . . . on the evening of July 28, 2008.” Id. at 9. In effect, Terrell invites this court to reweigh the evidence considered by the trial judge in determining whether she knowingly or intentionally entered Town & Terrace. However, “[i]t is the fact-finder’s role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction.” Drane, 867 N.E.2d at 146 (citing Wright v. State, 828 N.E.2d 904 (Ind. 2005)). Instead, we will consider only the evidence most favorable to the judgment. Id.

The evidence at trial demonstrated that in the early morning hours of July 28, 2008, Terrell was a party to a disturbance at Town & Terrace. As a result, Terrell was banned from entering Town & Terrace, and she signed a trespass notice acknowledging that she understood. Later that day, Richardson saw Terrell in a green sedan in Town & Terrace.<sup>4</sup> Officer Barbieri also saw a green sedan leaving Town & Terrace that night, and Terrell was in the vehicle when it was stopped by him at Dewberry Park. Terrell told both Officers Barbieri and Torres that she had been at Town & Terrace that night.

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<sup>4</sup> Terrell appears to argue that the encounter in the early morning hours occurred at Hampshire Court, a street located in the Town & Terrace community, while the arrest later that day occurred at the Brentwood Apartments. Officer Barbieri testified, however, that the terms Brentwood Apartments and Town & Terrace both describe the same community.

Based upon our review of the record, we conclude that evidence of probative value exists from which the trial court could have found that Terrell committed criminal trespass as a class A misdemeanor. See, e.g., Belcher v. State, 453 N.E.2d 214, 215-216 (Ind. 1983) (holding that the evidence was sufficient to support a conviction for criminal trespass).

For the foregoing reasons, we affirm Terrell's conviction for criminal trespass as a class A misdemeanor.

Affirmed.

CRONE, J. and BRADFORD, J. concur