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ATTORNEY FOR APPELLANT:

BARBARA J. SIMMONS
Batesville, Indiana

ATTORNEYS FOR APPELLEE:

STEPHEN R. CARTER
Attorney General of Indiana
Indianapolis, Indiana

GARY DAMON SECREST
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

ARCHIE JACKSON,)
)
Appellant-Defendant,)
)
vs.) No. 49A04-0602-CR-75
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable William Nelson, Judge
Cause No. 49F07-0403-CM-049477

OCTOBER 2, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

ROBERTSON, Senior Judge

Defendant-Appellant Archie Jackson was convicted at a bench trial of the Class B misdemeanor of disorderly conduct.

The police were dispatched to a domestic disturbance report involving Jackson's uncle. Jackson arrived on the scene and began yelling and using profanity towards the police officers and continued doing so. Police testified that Jackson's voice was loud enough to bring the neighbors out onto their front porches, although the police also said that the loud and unruly crowd may have been the cause for bringing the neighbors out onto their front porches.

Ind. Code § 35-45-1-3(a)(2) defines the offense of disorderly conduct as when a person recklessly, knowingly, or intentionally "makes unreasonable noise and continues to do so after being asked to stop." There is a failure of proof beyond a reasonable doubt that the police requested that Jackson stop making unreasonable noise.

Because we reverse, there is no need to discuss other issues.

Judgment reversed.

SHARNACK, J., and MATHIAS, J., concur.