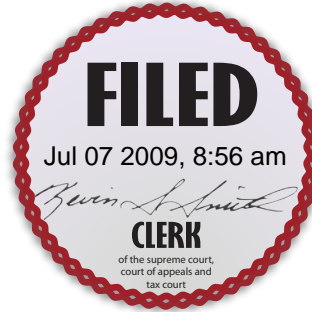


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

DEKONTEE CHEDO,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 49A04-0811-CR-680

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Barbara A. Collins, Judge
The Honorable Jeffrey Marchal, Commissioner
Cause No. 49F08-0809-CM-219294

July 7, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Dekontee Chedo (“Chedo”) was convicted of Class A misdemeanor criminal trespass and Class B misdemeanor disorderly conduct following a bench trial in Marion Superior Court. The trial court sentenced her to time served for each offense. Chedo now appeals and argues that the evidence was insufficient to support her convictions for Class A misdemeanor criminal trespass and Class B misdemeanor disorderly conduct. We affirm.

Facts and Procedural History

On September 22, 2008, Indianapolis Metropolitan Police Department Officer Matthew Lynch (“Officer Lynch”) was dispatched to the Covered Bridge Apartment Complex. Upon arriving, Officer Lynch witnessed Chedo and Gregory Pearson, her ex-boyfriend and the father of her daughter, arguing outside of an apartment building there.

Officer Lynch approached the two and spoke with them. He learned that Chedo did not live at the apartment complex but that Pearson did rent an apartment there. As he was speaking with Chedo and Pearson, the property manager came outside to inquire about what was happening. In the presence of Chedo, the property manager asked Officer Lynch if either lived at the apartment complex. Officer Lynch informed her that Chedo did not live there but Pearson did. The property manager then asked Officer Lynch to “trespass [Chedo] from the apartment complex.” Tr. pp. 9-10. Officer Lynch informed Chedo that she was not allowed to come back to the apartment complex. Chedo responded that she understood that she was not allowed to return. Officer Lynch left the apartment complex.

Approximately ten minutes later, Officer Lynch was dispatched again to the apartment complex. Officer Lynch saw Chedo standing outside her car yelling. After Chedo ignored Officer Lynch's requests to quiet down, Officer Lynch arrested her for disorderly conduct. While Chedo awaited transport she continued to yell at Officer Lynch and Pearson. During this time, people came out of their homes to see what was happening.

On September 22, 2008, the State charged Chedo with Class A misdemeanor criminal trespass and Class B disorderly conduct. Following a bench trial on October 27, 2008, Chedo was found guilty as charged and sentenced to time served. Chedo now appeals.

Standard of Review

Chedo argues that the evidence was insufficient to support her convictions for Class A misdemeanor criminal trespass and Class B misdemeanor disorderly conduct. When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id. If inferences may be reasonably drawn that enable the trier of fact to find the defendant guilty beyond a reasonable doubt then the circumstantial evidence will be sufficient. Id.

I. Criminal Trespass

Chedo argues that the evidence was insufficient to support her conviction for Class A misdemeanor criminal trespass. Officer Lynch testified that he was told by the property manager, in the presence of Chedo, to “trespass [Chedo] from the apartment complex.” Tr. pp. 9-10. Officer Lynch also testified that Chedo understood that she was not allowed to return. Tr. p. 10.

Chedo testified that she had returned to the apartment complex after Pearson called her to come back and retrieve some of her daughter’s dirty clothes. Tr. p. 27. This occurred after Officer Lynch told her to leave. Chedo stated that she was arrested by Officer Lynch at her car after she had gotten the dirty clothes and left Pearson’s apartment. Tr. p. 23. While Officer Lynch arrested Chedo in the roadway by the apartment complex and not on the property of the apartment complex, Chedo’s testimony and Officer Lynch’s testimony establish that she did, in fact, enter onto the property of the apartment complex less than ten minutes after being asked to leave and not return.

Chedo argues that Pearson invited her back onto the property of the apartment complex, and that may well be so. However, Pearson did not have any apparent or actual authority to override the property manager’s order to “trespass” Chedo, and Chedo clearly knew that she risked arrest for trespass if she returned to the apartment complex. The evidence presented at trial was sufficient to support Chedo’s conviction for Class A misdemeanor criminal trespass.

II. Disorderly Conduct

Chedo next argues that the evidence was insufficient to support her conviction for Class B misdemeanor disorderly conduct. Chedo asks that we reweigh the evidence and judge the credibility of the witnesses by choosing to believe her testimony over that of Officer Lynch. The testimony at trial established that Chedo persisted yelling at a very loud volume despite repeated requests to stop. Tr. pp. 11, 12, 14. This evidence was sufficient to support Chedo's conviction for Class B misdemeanor disorderly conduct.

Conclusion

The evidence presented at trial was sufficient to support Chedo's convictions for Class A misdemeanor criminal trespass and Class B misdemeanor disorderly conduct.

Affirmed.

RILEY, J., and KIRSCH, J., concur.