

## MEMORANDUM DECISION

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

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Kevin Rieder,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

September 3, 2021

Court of Appeals Case No.  
21A-CR-390

Appeal from the St. Joseph  
Superior Court

The Honorable Jeffrey L. Sanford,  
Judge

Trial Court Cause No.  
71D03-1710-F5-201

**Mathias, Judge.**

[1] Following a jury trial in the St. Joseph Superior Court, Kevin Rieder was found guilty but mentally ill on four counts of felony intimidation. On appeal, Rieder argues that his convictions are not supported by sufficient evidence.

[2] We affirm.

### **Facts and Procedural History**

[3] In 2007, Rieder was convicted of possession of ammunition while under court order—a conviction that Rieder maintains was both unlawful and initiated a “conspiracy” that he has been “fighting” ever since. Tr. Vol. II, pp. 92, 177. That same year, mental health professionals evaluated Rieder and found that he “suffered from delusions and has persecutory tendencies.” Tr. Vol. III, p. 96.

[4] Over the next decade, Rieder’s delusions manifested into the following beliefs: he discovered a hidden language called “krail”—regularly used by “the media” and “government officials”—that can explain “what’s going on when it comes to mass shootings, bombings, and natural disasters”; his discovery of “krail” is the “greatest . . . in the history of the United States” and “is changing the world”; he teaches “krail” all over the world; he has “divine intervention,” which is “highly documented by the federal government”; he has been placed on “a black list” by the government and has been “losing a million dollars a day just on Twitter because of the authority”; he is, despite no legal training, “an undefeated trial attorney” who has “never lost in four different decades, two different centuries, triple digits, civil and criminal court”; and he is a “self-made

billionaire.” Tr. Vol. II, pp, 39, 44, 83, 90, 94–95, 101, 105, 156, 170, 175; Tr. Vol. III, pp. 14, 17, 105, 146, 157.

[5] Beginning in 2016, Rieder’s conspiratorial beliefs began to shift toward four St. Joseph County Judges who took a series of adverse actions against him. In July, Magistrate Andre Gammage issued a protective order against Rieder in favor of a news station employee. The following week, Judge Steven Hostetler issued a workplace violence restraining order against Rieder on behalf of the employee’s news station. In October, when the State filed criminal charges alleging that Rieder violated the July workplace restraining order, the case was assigned to Magistrate Elizabeth Hardtke. She presided over several of Rieder’s hearings in that case, and she also issued a no-contact order against Rieder in favor of the employee. Finally, in February 2017, Magistrate William Wilson issued a workplace violence restraining order against Rieder on behalf of a different news station’s employee.

[6] As these events unfolded in the courts, Mitchell Kajzer, the Director of the Cybercrimes Unit for the St. Joseph County Prosecutor’s Office, investigated Rieder’s text messages. Director Kajzer confirmed Rieder’s phone number and reviewed messages sent from that number to the two news stations referred to above. Then, in December 2016, Rieder contacted Director Kajzer personally, first by leaving “a voicemail” and then by sending “several hundred text messages.” Tr. Vol. III, p. 92. In those messages, Rieder discussed the “conspiracies against him” and referred to himself as “Judgment Day God” and

the “Holy Ghost.” *Id.* Rieder also sent “several messages” disparaging county “judges and magistrates.” *Id.* at 92–93.

[7] In May 2017, Magistrate Hardtke—who was presiding over Rieder’s pending criminal case—arranged for Doctors Evert Vanderstoep and Linda Monroe to evaluate Rieder’s mental health. Both doctors concluded that Rieder suffers from a “delusional disorder.” Tr. Vol. II, pp. 105, 112. According to Dr. Vanderstoep, “[p]eople with delusional disorders have the ability to maintain a life independent of their delusion,” even though the “disorder is notoriously difficult to treat.” *Id.* at 105–06. Dr. Vanderstoep recommended Rieder be placed for “a period of time” in a psychiatric hospital and “perhaps forced treatment.” *Id.* at 106. But he also cautioned that people with Rieder’s diagnosis “tend not to respond to antipsychotic medication.” *Id.* Rieder did not receive treatment, and his delusions continued to manifest.

[8] In July, Rieder left an “[e]xtremely” rude voicemail on Magistrate Hardtke’s office phone that included racially derogatory remarks directed at Magistrate Gammage. Tr. Vol. III, p. 51. Rieder was becoming increasingly “frustrated” with the four previously mentioned St. Joseph County Judges. *Id.* at 108–09. Believing that he “was a victim” of “crimes” committed by “St. Joe County court officials,” Tr. Vol. II, pp. 157–58, Rieder wanted to air his concerns “through the proper channels,” *id.* at 171. Though he “had to call congressmen, senators, [and] governors,” Rieder eventually found the Indiana Supreme Court Disciplinary Commission (the “Commission”). Tr. Vol. III, pp. 102–03.

[9] And so, on September 26, Rieder called the Commission late at night and left the following voicemail:

Ah Yes. I called Earlier Today.<sup>[1]</sup> My name is Kevin Reider. Umm . . . My address is []. Umm . . . Believe it or not I sort of changed my mind. Umm . . . By the end of next week I want to see every Indiana Supreme Court Judge on my front steps. We'll go have lunch down at Simaris. And we're going to talk about this face to face. If not. Think I'll . . . Well, they call me Judgement Day God. I'm going to live their lives and I'm going to decide whether they go to heaven or hell. Which this is a true story. I know it sounds crazy. But here we are. Umm . . . Again, I want to see everyone. They have until the end of next week. Ok? If not, they're going to pay the people's prices that have been attacking me in the Organized Crime System in St. Joseph County. The Judges. Gammage, Hostetler, Wilson, Hardtke, McLaughlin, Fryska, Cotter, and we'll go from there. If not, we'll make them national news. Ok? Enough is enough. I've lost . . . I have about five billion in the last year. True story. And . . . enough of this madness. It's over. I'm dropping the hammer down. All these NFL things are about me. 78 Steelers. That's a G. that's a H. If you add them that's an O. And if you look up over his head that's a RI. Which is me. The Ghost. Holy Ghost. I'm Judgement Day God. Ok? I'm Gabriel. And I'm Mad as Hell. Ok? And I expect nothing but results. If not, feel my wrath on Judgement Day and Therefor after. Thank you, I appreciate your time, I'm rooting for you, I hope, I hope for the best. Thanks.

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<sup>1</sup> Rieder called and left a voicemail about an hour earlier. Conf. App. p. 6. The contents of that message, however, are not included in the record on appeal.

Ex. Vol. at 7.<sup>2</sup>

[10] The next day, the Indiana Supreme Court’s Chief Administrative Officer forwarded the voicemail to Judge Hostetler, who considered Rieder’s comments “threatening” and “something that needed to be taken seriously.” Tr. Vol. III, p. 64; *see also id.* at 66–68. Judge Hostetler then alerted the other three named St. Joseph County Judges. Upon listening to the voicemail, Magistrate Gammage “was concerned for [his] safety” and the “safety of [his] family.” *Id.* at 85. He spoke with law enforcement and arranged for “additional patrols in the neighborhood.” *Id.* When Magistrate Hardtke “first heard it,” she too “was extremely concerned.” *Id.* at 47. And she also took several steps to protect herself and her family. *Id.* at 48.

[11] Based on the alleged threatening nature of the voicemail, the State charged Rieder with four counts of Level 5 felony intimidation. Count I alleged that Rieder communicated a threat to Magistrate Gammage with the intent that he “be placed in fear of retaliation for . . . issuing a protective order in favor of [a news station employee] and against [Rieder].” Conf. App. p. 58. Count II alleged that Rieder communicated a threat to Magistrate Hardtke with the intent that she “be placed in fear of retaliation for . . . presiding over [Rieder’s] court hearings.” *Id.* Count III alleged that Rieder communicated a threat to

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<sup>2</sup> The voicemail is unedited except for the removal of Rieder’s home address.

Magistrate Wilson with the intent that he “be placed in fear of retaliation for . . . issuing a Workplace Violence Restraining Order in favor of [a different news station employee] and against [Rieder].” *Id.* at 59. And Count IV alleged that Rieder communicated a threat to Judge Hostetler with the intent that he “be placed in fear of retaliation for . . . issuing a Workplace Violence Restraining Order in favor of [a news station] and against [Rieder].” *Id.*

[12] The next three-plus years included a litany of hearings, all held before Judge Jeffrey Sanford,<sup>3</sup> during which Rieder regularly equivocated on legal representation, consistently attacked decisions by his appointed counsel, and repeatedly proclaimed the same delusional and conspiratorial beliefs identified above. *See* Tr. Vol. II, pp. 27, 29, 33–34, 40–44, 49, 54, 65, 78, 90–92, 94–95, 98–99, 101–02, 144, 151, 154, 156–58, 163–80, 195, 198. During this time, the trial court twice evaluated Rieder’s competency to stand trial.

[13] In January 2019, Doctors Warren Sibilla and Jeff Burnett concluded that Rieder suffered from Delusional Disorder, but they were split on whether he was competent to stand trial. So, the court held a competency hearing in May. At the hearing, the four doctors who had thus far evaluated Rieder’s mental health testified. Though each doctor concluded that Rieder was delusional, they diverged on his competency to stand trial. Ultimately, the trial court was

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<sup>3</sup> Having thoroughly reviewed the transcripts in this case, we commend Judge Sanford for his consistent professionalism and patience in handling this case.

“sympathetic to [Rieder’s counsel’s] very difficult position,” but concluded that Rieder was competent to stand trial. Conf. App. p. 63. The court accordingly set an October trial date.

[14] On the first day of trial, as the parties discussed preliminary matters before empaneling the jury, Rieder informed the court that “this trial is . . . mostly going to be about ‘krail.’ Okay. Everything — the government and media are famous for it.” Tr. Vol. II, p. 151. After making other, similar comments, the court asked Rieder’s counsel if he thought Rieder was “competent to stand trial today?” *Id.* at 154. Counsel responded in the negative, and the State agreed. The trial court then engaged in a lengthy dialogue with Rieder in which he professed numerous delusional and conspiratorial beliefs. *See id.* at 155–80. Ultimately, the court decided to have Rieder again evaluated for competency.

[15] Consistent with Rieder’s previous diagnosis, Doctors Josh Matthew and LaRissa Buggs diagnosed Rieder with Delusional Disorder. But this time, both doctors concluded that Rieder was not competent to stand trial. As a result, in December 2019, the court referred Rieder to a psychiatric hospital for competency restoration “when a bed opens.” *Id.* at 191. Two months later, Rieder was transported to the Logansport State Hospital.

[16] In June 2020, Doctor Danny Meadows issued a report, notifying the court that Rieder had not yet “obtained sufficient comprehension to stand trial.” Conf. App. p. 100. Dr. Meadows indicated that hospital personnel would continue



working with Rieder and issue a second report within ninety days. In that second report, which was issued in September, Dr. Meadows concluded that Rieder had “obtained sufficient comprehension to stand trial.” *Id.* at 105. The doctor acknowledged that Rieder “continues to have some symptoms of delusional thinking which are probably lifelong and chronic, but at this point they appear to be minimized.” *Id.* at 106. So, Rieder was released from the hospital, and the court set a December trial date.

[17] Rieder’s two-day jury trial began on December 7. Prior to bringing in the jury, Rieder notified the trial court that he wanted to represent himself. After a dialogue with the court, during which Rieder again asserted the same delusional and conspiratorial beliefs, the court told Rieder, “I have some concerns about your mental soundness, sir. I really do.” *Tr.* Vol. III, p. 18. The trial court ultimately denied Rieder’s request to represent himself, finding that his attorney waiver was not “knowing or intelligent.” *Conf. App.* p. 23. Trial commenced. And several witnesses testified, including Magistrates Hardtke and Gammage, Judge Hostetler, Director Kajzer, and Rieder.<sup>4</sup> The parties also stipulated to (1) information about the voicemail and its contents and (2) Rieder’s documented mental health diagnoses. The State, during its opening and closing arguments, asked the jury to find Rieder guilty but mentally ill.

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<sup>4</sup> Magistrate Wilson—the alleged victim of Rieder’s intimidation charge in Count III—did not testify.

And, after a short deliberation, the jury returned guilty-but-mentally-ill verdicts on all four counts.<sup>5</sup>

[18] Rieder now appeals, arguing the evidence was insufficient to support his convictions.

### Standard of Review

[19] When reviewing claims of insufficient evidence, we neither reweigh the evidence nor assess witness credibility. *See, e.g., Merriweather v. State*, 128 N.E.3d 503, 513–15 (Ind. Ct. App. 2019), *trans. denied*. We instead view the evidence—even if conflicting—and the reasonable inferences drawn from it in a light most favorable to the judgment. *Id.* We will affirm when there is substantial evidence of probative value from which the fact-finder could reasonably infer the defendant’s guilt beyond a reasonable doubt. *Id.* at 515.

### Discussion and Decision

[20] Rieder argues that the State failed to present sufficient evidence to support his convictions for Level 5 felony intimidation. To convict Rieder of the offenses, the State was required to prove that he: (1) communicated; (2) a threat to Magistrate Gammage, Magistrate Hardtke, Magistrate Wilson, and Judge

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<sup>5</sup> At sentencing, the trial court told Rieder, “I’m not going to send you to jail,” reasoning that it would not be “a good place for [him]” due to his mental health issues. Tr. Vol. III, p. 157. So, the court imposed concurrent one-and-one-half-year sentences on each conviction, all of which were suspended to probation. And the court ordered Rieder “to seek mental health treatment” as a condition of his probation. *Id.* at 158.

Hostetler; (3) with the intent that each judge be placed in fear of retaliation for a prior lawful act. *See* [Ind. Code § 35-45-2-1 \(2017\)](#). Rieder challenges the evidence supporting each element. Specifically, he maintains that the State failed to prove that he knew or reasonably should have known that the voicemail message would be communicated to the judges, that his statements in the voicemail constitute an actual threat, or that he intended to place the judges in fear of retaliation for prior lawful acts.

[21] Viewing the evidence in the light most favorable to the jury’s verdict, we disagree with each contention. To explain why, we address Rieder’s arguments in turn.

***I. The evidence was sufficient to show that Rieder had good reason to believe the voicemail would reach the alleged victims.***

[22] It is well settled that a defendant need not directly speak with a victim to satisfy the communication element of the intimidation statute. *See, e.g., Peppers v. State*, [152 N.E.3d 678, 683 \(Ind. Ct. App. 2020\)](#). Rather, in cases involving indirect communication there must be evidence establishing that the alleged threat was transmitted in such a way that the defendant either knew or had good reason to believe the communication would reach the intended victim. *Id.* Rieder contends that “[t]here is no evidence to establish” that he either knew or should have known that the voicemail “message would have been conveyed to those persons identified in the charges.” Appellant’s Br. at 7. We disagree.

[23] From the evidence presented at trial, the jury could reasonably infer that Rieder at least had good reason to believe that the voicemail would reach the four St. Joseph County Judges. Judge Hostetler explained that the Commission “is the office that handles complaints against judges for disciplinary proceedings. So if someone from the public reaches out to complain in some respect about judges . . . they are the intake office.” Tr. Vol. III, p. 62. And Rieder’s own testimony indicates that he was aware of the Commission’s function. Rieder indicated that he went to great lengths to discover the Commission’s existence, and he acknowledged that he called the Commission “[t]o address the legal malpractice, felonies basically, crimes committed by personnel of the courts.” Tr. Vol. III, pp. 102–03; *see also* Tr. Vol. II, pp. 99, 171.

[24] In sum, the evidence at trial revealed that Rieder believed the Commission was the public entity he needed to contact to make allegations of judicial misconduct. And in making such contact, Rieder explicitly named Judge Hostetler and Magistrates Gammage, Hardtke, and Wilson as a few of the people “attacking [him] in the Organized Crime System in St. Joseph County.” Ex. Vol. at 7. It would be unreasonable to infer from this evidence that Rieder did not have good reason to believe that his expressed concerns would be brought to the judges’ attention. *Cf. J.T. v. State*, 718 N.E.2d 1119, 1124 (Ind. Ct. App. 1999) (finding that “[a]ll the evidence” indicated the defendant had no reason to expect that the threat “would be intercepted and transmitted through various intermediaries” to reach the intended victim). Accordingly, the

evidence supports the jury’s conclusion that Rieder communicated via the voicemail to the St. Joseph County Judges. We now turn to whether the evidence supports a conclusion that the voicemail constituted an objective threat against those judges.

***II. The evidence was sufficient to show that Rieder threatened the alleged victims.***

[25] A communication is a “true threat” when two showings are made: (1) the defendant intends the communication to place his targets in fear for their safety; and (2) the communication was likely to cause such fear in a reasonable person similarly situated to the target. *Fleming v. State*, 85 N.E.3d 626, 629 (Ind. Ct. App. 2017) (citing *Brewington v. State*, 7 N.E.3d 946, 964 (Ind. 2014)). For purposes of criminal intimidation, a threat is defined in relevant part as “an expression, by words or action, of an intention to . . . unlawfully injure the person threatened . . . [or] expose the person threatened to hatred, contempt, disgrace, or ridicule.” I.C. § 35-45-2-1(d). Whether a communication satisfies these requirements is an objective question for the jury to decide. *Newell v. State*, 7 N.E.3d 367, 369 (Ind. Ct. App. 2014), *trans. denied*. Rieder contends that the “voicemail contains disjointed, confusing statements at best,” which “cannot be viewed as a threat.” Appellant’s Br. at 13. While we agree that several of Rieder’s statements are disjointed and confusing, the voicemail includes comments that the jury could reasonably have interpreted as actual threats against the St. Joseph County Judges.

[26] Rieder states in the voicemail,

By the end of next week I want to see every Indiana Supreme Court Judge on my front steps. We'll go have lunch down at Simaris. And we're going to talk about this face to face. If not. Think I'll . . . Well, they call me Judgement Day God. I'm going to live their lives and I'm going to decide whether they go to heaven or hell. Which this is a true story. I know it sounds crazy. But here we are. Umm . . . Again, I want to see everyone. They have until the end of next week. Ok? If not, they're going to pay the people's prices that have been attacking me in the Organized Crime System in St. Joseph County. **The Judges. Gammage, Hostetler, Wilson, Hardtke**, McLaughlin, Fryska, Cotter, and we'll go from there. **If not, we'll make them national news. Ok? Enough is enough . . . enough of this madness. It's over. I'm dropping the hammer down. . . . And I'm Mad as Hell. Ok?** And I expect nothing but results. **If not, feel my wrath on judgement Day** and Therefor after.

Ex. Vol. at 7 (emphasis added).

[27] One reasonable interpretation of this excerpt is that a “mad-as-hell” Rieder intended to “drop the hammer down” on the four St. Joseph County Judges and make them “national news” if his demands were not met. A second reasonable interpretation is that Rieder intended to make those same judges “feel [his] wrath” if his demands were not met. Under either interpretation, it is reasonable to infer that Rieder intended to either inflict physical harm on the judges or to expose them to hatred, contempt, disgrace, or ridicule. At the same time, we agree with Rieder’s assertion that his comments could be “easily interpreted” in a different manner. Appellant’s Br. at 13. But deciding whether

to interpret the voicemail as threatening is not our role; it was “appropriately a matter for decision by the finder of fact.” *Newell*, 7 N.E.3d at 370. And the finder of fact here—the jury—concluded the voicemail constituted a threat, and not, as trial counsel argued, the “rantings of a mentally ill person.” Tr. Vol. III, pp. 125–26. Whether we might have reached a different conclusion is irrelevant.

[28] Aside from the voicemail’s content, the jury’s conclusion is supported by evidence providing both the relevant context that led to the voicemail and the listeners’ reaction to hearing it. *See Newell*, 7 N.E.3d at 370. About nine months before calling the Commission, Rieder—who was already upset with the St. Joseph County judiciary due to adverse actions against him—sent “several messages” to Director Kajzer that were directed “towards judges and magistrates.” Tr. Vol. III, pp. 92–93. A few months later, in July 2017, Rieder left an “extremely” concerning message on Magistrate Hardtke’s office phone that was directed at Magistrate Gammage. *Id.* at 50, 54, 67. By that September, when Rieder called the Commission, he was “frustrated” with each of the named judicial officers and believed they were actively involved in a “conspiracy against him.” *Id.* at 53, 92–93, 108–09. As Rieder states in the voicemail, “Enough is enough.” Ex. Vol. at 7.

[29] Further, the reactions of those who listened to the voicemail reveal that Rieder’s statements were taken seriously. The message was first relayed to the Indiana Supreme Court’s Chief Administrative Officer who then transmitted it to Judge Hostetler. Tr. Vol. III, p. 62. Upon listening, Judge Hostetler “considered it

threatening,” *id.* at 64, and he forwarded it to the other St. Joseph County Judges. The two to testify at trial likewise found several of Rieder’s comments threatening, and they each took protective measures as a result. *See id.* at 47–48, 52–53, 55–56, 82, 85–88. And Director Kajzer indicated that Rieder “had a distinctly different tone” compared to previous messages; “he seemed more aggravated, and it seemed kind of an escalation in behavior.” *Id.* at 93.

[30] In sum, from the evidence presented at trial the jury could reasonably infer that Rieder made statements in the voicemail intending to instill fear in the four St. Joseph County Judges and that those statements would likely cause fear in a reasonable person similarly situated to any of the four judges.<sup>6</sup> The jury’s conclusion that Rieder communicated a threat is therefore supported by sufficient evidence. We now address Rieder’s final claim—whether there was sufficient evidence to show that he intended for the threats to place the judges in fear of retaliation for prior lawful acts.

***III. The evidence was sufficient to show that Rieder made the threats to instill fear in the alleged victims of retaliation for prior lawful acts.***

[31] The State also had to prove that Rieder intended the threatening voicemail to place each of the four judges in fear of retaliation for a prior lawful act. [I.C. § 35-45-2-1\(a\)\(2\)](#). In determining whether the State made this showing, we need

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<sup>6</sup> For these reasons, the evidence was sufficient to support the jury’s conclusion that Rieder threatened Magistrate Wilson even though he did not testify at trial.



not engage in a precise parsing of the threatening language or in delineating a detailed timeline of when the threat was issued in relation to the prior lawful act alleged. *Chastain v. State*, 58 N.E.3d 235, 241 (Ind. Ct. App. 2016), *trans. denied*. Rather, there must be a clear nexus between the defendant’s threat and the prior lawful act. *Merriweather*, 128 N.E.3d at 516 (citing *Chastain*, 58 N.E.3d at 241); *see also Nexus*, Black’s Law Dictionary (11th ed. 2019) (“A connection or link, often a causal one.”).

[32] In arguing the evidence was insufficient on this element, Rieder correctly points out that the “voicemail message contains no reference to any prior lawful act.” Appellant’s Br. at 14.<sup>7</sup> But, as we have previously explained, “There is nothing in the intimidation statute that requires a defendant to expressly state what the victim’s prior lawful act was for which a defendant intends to retaliate.” *Chastain*, 58 N.E.3d at 240. A defendant’s intent in making a threat “may be proven by circumstantial evidence alone, and knowledge and intent may be inferred from the facts and circumstances of each case.” *Id.* In fact, absent a confession, the State is almost always required to rely on circumstantial

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<sup>7</sup> At various points Rieder alleges that his convictions cannot stand because the threatening nature of the voicemail is conditioned on future events. *See* Appellant’s Br. at 7, 12, 14–15. This argument fails. We have previously explained that “[t]hreats are, by definition, expressions of an intention to do a future thing, and, thus, to some degree, all threats are conditional.” *Roar v. State*, 52 N.E.3d 940 (Ind. Ct. App. 2016), *adopted in relevant part by Roar v. State*, 54 N.E.3d 1001, 1002 (Ind. 2016). Rieder’s reliance on *Causey v. State*, 45 N.E.3d 1239 (Ind. Ct. App. 2015), Appellant’s Br. at 14, is therefore misplaced. *See Chastain*, 58 N.E.3d at 240 (recognizing that “our supreme court has now made it clear that *Roar* is correct and *Causey* is not”).

evidence to prove the defendant possessed the requisite mens rea for intimidation. *Brewington*, 7 N.E.3d at 964.

[33] Here, there is substantial circumstantial evidence from which the jury could have reasonably found a causal link between the St. Joseph County Judges' prior lawful acts and the threatening voicemail. The State alleged Rieder's threats were intended to place the judges in fear of retaliation for the following: Magistrate Gammage issuing a protective order against Rieder; Magistrate Hardtke presiding over Rieder's court hearings; and Judge Hostetler and Magistrate Wilson issuing workplace violence restraining orders against Rieder. The evidence at trial revealed that each of these judicial actions occurred in the fourteen months preceding the September 2017 voicemail. And, as already detailed above, the evidence established that during this same time Rieder believed the actions taken by the four judges were part of a conspiracy against him. *See* Tr. Vol. II, pp. 32, 90, 92, 99, 144, 157–58, 171; Tr. Vol. III, pp. 93, 108–09, 111. At trial, Rieder testified that he was frustrated with Magistrate Gammage, Magistrate Wilson, and Judge Hostetler for using “perjurized” and “manipulated” court documents. Tr. Vol. III, pp. 108–09. And he was not happy with Magistrate Hardtke because she was “covering up” for a local prosecutor. *Id.* at 108. In calling the Commission, Rieder “[m]ost definitely” wanted “this all to end.” *Id.* at 109.

[34] In sum, the evidence was sufficient to establish a causal connection between Rieder's threats and the St. Joseph County Judges' prior lawful acts alleged—

acts that Rieder believed either precipitated or perpetuated the conspiracy against him. *Cf. Casey v. State*, 676 N.E.2d 1069, 1073 (Ind. Ct. App. 1997) (finding no evidence that the defendant was retaliating for any of the victim's lawful actions alleged by the State). We therefore conclude that there was sufficient evidence from which the jury could reasonably infer that each judge's prior lawful act provoked Rieder's threats and that he communicated those threats with the intent to place the judges in fear for the actions alleged.

### **Conclusion**

[35] There was substantial probative evidence from which the jury could have reasonably inferred that Rieder was guilty of four counts of Level 5 felony intimidation beyond a reasonable doubt. Accordingly, we affirm.

Pyle, J., and Tavitas, J., concur.