

## MEMORANDUM DECISION

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## IN THE COURT OF APPEALS OF INDIANA

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Michael Galateanu,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

June 8, 2023

Court of Appeals Case No.  
22A-CR-1413

Appeal from the Lake Superior  
Court

The Honorable Natalie Bokota,  
Judge

Trial Court Cause No.  
45G02-2104-F5-207

**Memorandum Decision by Judge Riley.**  
Chief Judge Altice and Judge Pyle concur.

**Riley, Judge.**

## STATEMENT OF THE CASE

- [1] Appellant-Defendant, Michael Galateanu (Galateanu), appeals his convictions for obstruction of justice, a Level 5 felony, Ind. Code § 35-44.1-2-2(a)(1)(A), (b) (2017); and intimidation, a Level 5 felony, I.C. § 35-45-2-1(a)(2), (b)(2)(B)(ii) (2019).
- [2] We affirm.

## ISSUE

- [3] Galateanu presents this court with two issues, which we consolidate and restate as the following single issue: Whether the State proved beyond a reasonable doubt that he committed obstruction of justice and intimidation.

## FACTS AND PROCEDURAL HISTORY

- [4] In November 2019, the State filed multiple charges against Galateanu stemming from domestic violence alleged to have been committed against his girlfriend, N.M. Deputy Prosecutor Giovanni Miramontes (Miramontes) was assigned to the case. As part of the domestic violence case, a no-contact order was entered for Galateanu and N.M. Despite her initial reporting of domestic violence, N.M. posted a \$6,200 bond for Galateanu. When Galateanu failed to appear for a July 2020 court date, he was taken into custody.
- [5] From January 28, 2021, to March 8, 2021, while Galateanu was in custody at the Lake County Jail and the no-contact order was in effect, he used his jailhouse telecommunications account to speak with N.M. almost daily, often

multiple times per day, through videocalls and written messages, all of which Galateanu was warned in advance were recorded. During these communications, N.M. told Galateanu regularly and repeatedly that she expected him to repay the \$6,200 bond she had posted for him, and at various times, Galateanu said that he would. Galateanu urged N.M. on multiple occasions not to appear for any depositions or for trial in the domestic violence case so that his case would be dismissed. Galateanu told N.M. that in a similar previous case in which he had been a defendant, the putative victim had told the prosecutor that she had moved out-of-state, she would not appear for trial, and that the prosecutor should stop contacting her. Galateanu explained to N.M. that, as a result, the case had been dropped. Galateanu and N.M. discussed N.M. taking a similar tactic with the pending domestic violence charges, as N.M. had been planning a move to Georgia that pre-dated the filing of the charges.

[6] On January 29, 2021, N.M. sent an email to Miramontes requesting that the domestic violence charges be dropped. On February 1, 2021, Miramontes responded that the Lake County Prosecutor's Office had a "no drop" policy once charges were filed. (Exh. 35, Exh. Vol., p. 38). In addition to N.M. contacting the deputy prosecutor, Galateanu and N.M. began discussing drafts of a letter to be sent to the trial court judge presiding over the domestic violence case in which N.M. would attempt to persuade the trial court to dismiss the case or to order Galateanu into treatment. During these discussions, Galateanu

told N.M. to change words in the drafts and to tell the trial court that she would not cooperate in his prosecution.

- [7] On February 22, 2021, N.M. told Galateanu that she had found a home in Georgia that she was trying to purchase. Galateanu messaged N.M.,

U know how I feel that I must pay for mostly everything. Of course I'll contribute. I know your earning potential is little to nothing. I am going to give u all I can and I will contribute all I can which you'll be happy wit[h]. [If] I'm gonna do this with you I absolutely want to contribute more than enough so it can be OUR home, u know get a new garage, gas efficient car for me to go to and from work . . .

(Exh. 30, Exh. Vol., p. 32) (emphasis in the original and sic throughout). On February 27, 2021, Galateanu told N.M. that

I'll be just great with \$\$ and over time you'll not need to worry about \$\$ at all . . . It would ma[k]e me feel great to be able to more [th]an take care of you, so you won't have to worry about all the little internet stuff u do to make ends meet. I think you'll be a lot less stressed out and worry free without needing to worry about \$\$.

(Exh. 31, Exh. Vol., p. 33) (sic throughout).

- [8] On March 3, 2021, Miramontes informed N.M. of the terms of Galateanu's proposed plea agreement to resolve the domestic violence case—thirty-six months executed in exchange for a guilty plea to two of the charges. Shortly after receiving this information from Miramontes, N.M. videocalled Galateanu

three times. N.M. began her conversation with Galateanu on March 3, 2021, by informing him that she had spoken to Miramontes and had learned that the deputy prosecutor had been reading and watching their conversations. N.M. told Galateanu that she needed him to remain calm and that Miramontes was going to be aware of anything that Galateanu said. N.M. informed Galateanu of the terms of the proposed plea agreement and of Miramontes' plan to subpoena her to appear at trial, news which angered Galateanu. Galateanu told N.M. multiple times that she was not going to go to court and that she was going to tell Miramontes in no uncertain terms that she had moved to Georgia, she would not appear for trial, and that Miramontes should stop contacting her. N.M. stated she would have to appear if subpoenaed, and Galateanu assured her that Miramontes was just engaging in "scare tactics" and that N.M. was "letting [Miramontes] intimidate [her] with falsehoods." (Exh. 7). Galateanu told N.M. that it was a mistake for her to have spoken with Miramontes, that "now is the time to break off communications with the opposition," and that any other action would "cause [him] harm, which in turn is going to cause us harm." (Exhs. 7, 8). N.M. told Galateanu, "Don't threaten [Miramontes], he's going to listen to this," to which Galateanu responded, "I hope I never see him out on the street because it's going to be ugly" and "I'm not threatening nobody, I'm just saying that I pray for his well-being that I never see that pussy." (Exh. 7). In the third March 3, 2021, videocall, Galateanu discussed his potential employment prospects as a truck driver who could earn \$300,000 in six months of work, and N.M. commented, "I hope so." (Exh. 9).

Galateanu told N.M., “We’re going to be good[,]” and “No more contact with the prosecutor.” (Exh. 9). Miramontes subsequently viewed the March 3, 2021, videocalls and understood Galateanu’s statements to be a serious threat to his personal safety that if Galateanu ever encountered him, he would do physical harm to him. In messages sent March 4 and 6, 2021, Galateanu told N.M. not to talk to Miramontes and that she “can’t make no more statements to nobody.” (Exh. 10).

[9] On April 16, 2021, the State filed an Information, which it amended twice, charging Galateanu with Level 5 felony obstruction of justice, Level 5 felony intimidation, and Level 6 felony obstruction of justice. On February 22, 2022, the trial court convened Galateanu’s four-day jury trial. Miramontes testified that Galateanu’s March 3, 2021, statements to N.M. after hearing about the proposed plea agreement “made [him] feel concerned for [his] well-being. [He] felt threatened and [he] was afraid.” (Tr. Vol. III, p. 133). At the time he heard these statements, Miramontes believed that it was possible that Galateanu could be released on bond relatively soon. Miramontes further testified as follows:

When I heard the statement I had taken that as a threat. In the video and the audio [] Galateanu was very animated, he was very upset with the news that [N.M.] had presented to him, and I believe that threat was made out of anger.

(Tr. Vol. III, p. 132). Miramontes felt vulnerable because his arrival and departure times from work were predictable and could be easily tracked. N.M.

testified at Galateanu's trial and confirmed that they were still in a relationship. At the close of the evidence, the jury found Galateanu guilty as charged.

[10] On May 20, 2022, the trial court held Galateanu's sentencing hearing. The trial court vacated Galateanu's conviction for Level 6 felony obstruction of justice. The trial court sentenced Galateanu to three and one-half years for each of his remaining convictions, to be served consecutively, for an aggregate sentence of seven years.

[11] Galateanu now appeals. Additional facts will be provided as necessary.

## **DISCUSSION AND DECISION**

### *I. Standard of Review*

[12] Galateanu challenges the evidence supporting his convictions. Our standard of review is well-established: When reviewing such claims, we consider only the probative evidence and reasonable inferences supporting the fact-finder's determination, without reweighing the evidence or reassessing the credibility of the witnesses. *Fix v. State*, 186 N.E.3d 1134, 1138 (Ind. 2022). We will affirm unless no reasonable fact-finder could find that the elements of the offense were proven beyond a reasonable doubt. *Id.*

### *II. Sufficiency of the Evidence*

#### *A. Obstruction of Justice*

[13] Galateanu argues that the State failed to prove that he committed obstruction of justice. A person commits Level 6 felony obstruction of justice when he or she

“knowingly or intentionally induces, by threat, coercion, false statement, or offer of goods, services, or anything of value, a witness or informant in an official proceeding or investigation to withhold or unreasonably delay in producing any testimony, information, document, or thing.” I.C. § 35-44.1-2-2(a)(1)(A) (2017). However, the offense is a Level 5 felony if, during the pendency of a domestic violence case, a person knowingly or intentionally “(1) offers, gives, or promises any benefit to; (2) communicates a threat . . . to; or (3) intimidates, unlawfully influences, or unlawfully persuades; any witness to abstain from attending or giving testimony at any hearing, trial, deposition, probation, or other criminal proceeding or from giving testimony or other statements to a court or law enforcement officer[.]” I.C. § 35-44.1-2-2(b) (2017). Galateanu does not contend that the State failed to prove that he persuaded N.M. to withhold her testimony. Rather, he argues that the evidence does not support a reasonable conclusion that he induced N.M. into doing so by threat, coercion, false statement, or by offering anything of value.<sup>1</sup>

[14] For purposes of the obstruction of justice statute, “‘the term ‘coercion’ carries with it, at a minimum, the sense of some form of pressure or influence being exerted on the will or choice of another.’” *McElfresh v. State*, 51 N.E.3d 103, 108 (Ind. 2016) (quoting *Sheppard v. State*, 484 N.E.2d 984, 988 (Ind. Ct. App.

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<sup>1</sup> Neither party addresses the specific elements of Indiana Code section 35-44.1-2-2(b) or argues that our analysis would be different under that section.



1985)) (emphasis removed). The form of the pressure or influence used can take many forms, but it will constitute coercion if it is knowingly or intentionally exerted to induce conduct by a witness or informant that is proscribed by the statute. *Id.* A defendant's pressure or influence must also be accompanied by a consequence, or else the statement or conduct at issue is merely a request, not coercion. *Id.* "As in other criminal contexts, the trier of fact may infer that the requisite intent exists based upon circumstantial evidence." *Id.* at 109.

[15] In support of his contention that the State failed to adequately prove the offense, Galateanu asserts that there was no evidence<sup>2</sup> that he confronted N.M. with any consequence to induce her to forgo her cooperation with the State, thus his acts were mere requests or suggestions. While it is accurate that there was no evidence presented of any express threats by Galateanu to N.M. for her failure to comply, we have acknowledged that, for purposes of proving obstruction of justice, "a consequence is synonymous with a certain result or outcome and does not necessarily indicate a *negative* result." *Scott v. State*, 139 N.E.3d 1148, 1158 (Ind. Ct. App. 2020) (holding that Scott's repeated phone calls, his acknowledgment to his victim that she was working long hours to care for two children, and his statement that he could not be there to help her with

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<sup>2</sup> Although Galateanu focuses his appellate arguments exclusively on statements mentioned by the State in its closing argument, we will consider all of the evidence submitted to the jury in determining whether sufficient evidence supported his convictions.

childcare until his case was dismissed was an implicit promise to help her care for their family sufficient to constitute coercion) (emphasis in the original), *trans. denied*.

[16] Here, Galateanu imposed at least two consequences on N.M. in his effort to have her forgo testifying against him, namely, one related to the repayment of the \$6,200 bond she had posted and a second related to her financial security once he was released. Regarding the bond, in a January 28, 2021, message, Galateanu made it clear to N.M. that once she posted the bond, it was held in his name and that “it[’s] up to me whether I wish to reimburse you or not.” (Exh. 12, Exh. Vol., p. 14). Although Galateanu told N.M. he would repay her, the bond money was a constant theme in the communications between N.M. and Galateanu during the timeframe charged in the Information. Galateanu later told N.M. that, if no one posted his bond again, he could be in custody for years, that once he was released, he would have the money to repay N.M. immediately, and that “once the case is over, they release the money.” (Exh. 1). Galateanu also informed N.M. that “if I was out I would be earning money right now to go towards the bond, plus whatever is returned to me would go straight to [house expenses.]” (Exh. 30, Exh. Vol., p. 32). In addition, when speaking about the purchase of her Georgia home, N.M. agreed when Galateanu asked her, “Don’t you think it would be helpful if I help you out[,]” and as set forth above, Galateanu assured N.M. that he would care for her financially when the case was over and that she would be free from money worries once he was released. (Exh. 5).

[17] The jury could have reasonably inferred from these statements that Galateanu was indicating to N.M. what would happen if she did not go along with the plan to refrain from cooperating with the State—that he would remain in jail and that she would not receive the bond repayment and financial support he discussed with her. We cannot agree with Galateanu that his case is analogous to *Robinson v. State*, 126 N.E.3d 807, 808-10 (Ind. Ct. App. 2019), wherein we held that, while Robinson’s statements to his victim that she had caused him to sit in jail and that she should say that she did not fear him were adequate to show an attempt to induce her to refrain from testifying against him, they were inadequate to show a consequence to the victim if she failed to comply. Here, Galateanu indicated that N.M. would personally benefit from his release through the repayment of the bond and financial security. Neither can we credit Galateanu’s apparent assertion that the jury could not have inferred a nexus between his statements and any effort to induce N.M. to refrain from cooperating with the State because his statements about non-cooperation with the State and the consequences were not presented to N.M. simultaneously. It was not necessary for Galateanu to have expressly stated these consequences to N.M. or to have simultaneously linked these consequences to N.M. following his plan of non-cooperation with the State in his prosecution. *See Scott*, 139 N.E.2d at 1158 (observing that a consequence may be explicit or implicit); *McElfresh*, 51 N.E.3d at 111 (holding it was not necessary for the defendant to explicitly request to have the victim change her statement so he could get out of

a plea agreement and that intent to induce compliance can be inferred from the content of the defendant's statement and the surrounding circumstances).

[18] Galateanu draws our attention to N.M.'s trial testimony that she never felt pressured or coerced by Galateanu's requests, and he argues that N.M. "was openly and unambiguously willing to do whatever she could to help with the dismissal, never necessitating any form of inducement to aid Galateanu's cause." (Appellant's Br. p. 17). Our review of the record revealed otherwise. Although N.M. appeared willing at times to comply, her relationship with Galateanu was a volatile one. Throughout the communications admitted into evidence at trial, N.M. changed her mind about helping Galateanu, she expressed fear about going to jail for contempt, and she threatened to break off her relationship with Galateanu several times. The jury could have inferred from this evidence that Galateanu's efforts were geared toward ensuring N.M.'s continued willingness to assist him. These arguments are unpersuasive because they are essentially an invitation to reweigh the evidence and to consider evidence that does not support the jury's verdict, which is contrary to our standard of review. *Fix*, 186 N.E.3d at 1138. Accordingly, we conclude that the State presented sufficient evidence to sustain Galateanu's conviction for Level 5 felony obstruction of justice.<sup>3</sup>

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<sup>3</sup> Given that the obstruction statute is written in the disjunctive and that we have concluded that the State proved that Galateanu induced N.M. through coercion, we do not address Galateanu's separate arguments

## B. *Intimidation*

[19] Galateanu also challenges the evidence supporting his intimidation conviction. The State charged Galateanu with Level 5 felony intimidation, which occurs when a person communicates a threat with the intent that another person be placed in fear of retaliation for a prior lawful act, the other person is a deputy prosecuting attorney, and the threat is made in connection with the other person's official duties. I.C. § 35-45-2-1(a)(2), (b)(2)(B)(ii). For purposes of proving the offense of intimidation, a threat is "an expression, by words or action, of an intention to . . . unlawfully injure the person threatened[.]" I.C. § 35-45-2-1(c)(1). In an intimidation case, "[a] defendant's intent may be proven by circumstantial evidence alone, and knowledge and intent may be inferred from the facts and circumstances of each case." *B.B. v. State*, 141 N.E.3d 856, 860 (Ind. Ct. App. 2020) (quotation omitted).

[20] Here, as part of his official duties, Miramontes fashioned a plea agreement for Galateanu and informed the victim, N.M., of its terms, as he was required by statute to do. *See* I.C. § 35-35-3-2(a)(2) (providing that, prior to making a recommendation on a felony charge, a prosecutor must inform the victim of the contents of the recommendation). When informed of the terms of the proposed plea agreement, Galateanu stated to N.M., "I hope I never see him out on the street because it's going to be ugly" and "I'm not threatening nobody. I'm just

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that the State failed to prove he induced N.M. through a false statement or through the offer of "goods, services, or anything of value" pursuant to Indiana Code section 35-44.1-2-2(a)(1)(A).

saying that I pray for his well-being that I never see that pussy.” (Exh. 7).

Galateanu argues that his statements to N.M. could not constitute intimidation because they were not made with the requisite intent to retaliate against Miramontes.<sup>4</sup>

[21] Galateanu likens his case to *A.V. v. State*, 193 N.E.3d 1031 (Ind. Ct. App. 2022). A.V. and her daughter were living with A.V.’s mother when A.V. got into a dispute with her sister. *Id.* at 1033. A.V. became irate, causing her mother to lock herself, A.V.’s daughter, and the sister in a closet so that A.V. could not reach them. *Id.* A.V. went on a rampage, and at some point before the police arrived, she told her mother, “[S]ometimes I feel like I want to kill you.” *Id.* The State alleged that A.V. was delinquent for having intimidated her mother with a threat in retaliation for the prior lawful act of enforcing a CHINS order. *Id.* After a true-finding was entered, A.V. appealed, arguing that there was insufficient evidence that her statement about wanting to kill her mother constituted a threat or that it was made with the intent to place her mother in fear for the prior lawful act of enforcing a CHINS order. *Id.* at 1035.

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<sup>4</sup> While Galateanu draws our attention to the fact that the Information did not specify what statements were relied upon to support the intimidation charge, he does not argue that the Information was unconstitutionally vague or that he had inadequate notice of what conduct was charged. In addition, we cannot agree with Galateanu’s assertion that the State did not identify during closing argument what statements it relied on in making its case for intimidation or with his contention that the State did not link his statements to Miramontes’ prior lawful act of informing N.M. of the plea agreement term, as the State argued that Miramontes told N.M. about the plea agreement and summarized Galateanu’s statements to N.M. on March 3, 2021, all while discussing the elements of the intimidation charge. The jury was instructed on the elements of the offense, including the requirement that Miramontes be “placed in fear of retaliation for a prior lawful act[.]” (Appellant’s App. Vol. II, p. 193).

The *A.V.* court reversed A.V.’s true finding, concluding that the State had failed to prove there was a CHINS order in effect at the time the statement was made and noting that A.V.’s mother had testified at trial that A.V. had made the statement because she was angry. *Id.* The *A.V.* court observed that “‘anger, without proof of intent to retaliate, is not enough to satisfy the requirements of the [intimidation] statute.’” *Id.* (quoting *Ransley v. State*, 850 N.E.2d 443, 447 (Ind. Ct. App. 2006), *trans. denied*). The *A.V.* court then cited three cases in which there was insufficient evidence of a prior lawful act to support an intimidation charge. *Id.* 1035-36.

[22] Citing Miramontes’ testimony that he believed that Galateanu made his March 3, 2021, statements out of anger, Galateanu argues, based on *A.V.*, that his intimidation conviction cannot stand because “it is evident that [his] threats were similarly made only out of anger, rather than intending to place Miramontes in fear for any prior act.” (Appellant’s Br. p. 20). Galateanu implies that, pursuant to *A.V.*, angry statements can never be the basis for an intimidation charge. This defies common experience and overstates the holding of *A.V.*, which merely concluded that there was inadequate proof, apart from A.V.’s anger, to support A.V.’s intent to retaliate because there was insufficient proof of a prior lawful act to be retaliated against, not that a statement made out of anger could never be part of a valid intimidation charge. *Id.* Here, the State proved a prior lawful act, *i.e.*, Miramontes’ act of fashioning a plea agreement and communicating its terms to N.M., so *A.V.* is distinguishable.

[23] In addition, Galateanu's argument that he later cooled down, stated that he was only irritated, and commented that Miramontes was probably not a bad guy is not persuasive, as crediting that argument would entail consideration of evidence that does not support the jury's verdict and a reweighing of the evidence, neither of which is part of our review. *See Fix*, 186 N.E.3d at 1138. Finally, Galateanu's argument that he did not make his statements with the requisite intent because Miramontes was not present when the statements were made is not well-taken. We will affirm an intimidation conviction where there is sufficient evidence for the finder of fact to conclude that the defendant knew that his statement would be transmitted to its intended target. *Newell v. State*, 7 N.E.3d 367, 370 (Ind. Ct. App. 2014), *trans. denied*. Here, N.M. told Galateanu at the beginning of their March 3, 2021, conversations that she had learned that Miramontes was monitoring their communications, N.M. reminded Galateanu of that fact throughout their conversations that day, and immediately before he made the incriminating statements, N.M. told Galateanu, "Don't threaten [Miramontes], he's going to listen to this." (Exh. 7). The jury could have reasonably inferred from the timing of Galateanu's remarks on the heels of N.M.'s warnings that he intended for Miramontes to hear his statement and to be placed in fear of retaliation. Concluding that sufficient evidence supports a finding that Galateanu acted with the requisite intent when he made his statements pertaining to Miramontes on March 3, 2021, we do not disturb the jury's intimidation verdict.



## CONCLUSION

- [24] Based on the foregoing, we conclude that the State proved beyond a reasonable doubt that Galateanu committed the offenses of obstruction of justice and intimidation.
- [25] Affirmed.
- [26] Altice, C. J. and Pyle, J. concur