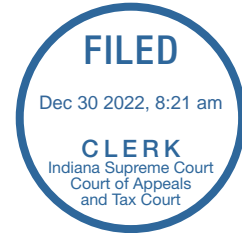


MEMORANDUM DECISION

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

Shonta E. Henderson,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

December 30, 2022

Court of Appeals Case No.
22A-CR-1322

Appeal from the St. Joseph
Superior Court

The Honorable Mark P. Telloyan,
Judge

The Honorable Keith C. Doi,
Magistrate

Trial Court Cause No.
71D07-2112-CM-2543

Altice, Judge.

Case Summary

- [1] Following a bench trial, Shonta E. Henderson appeals from her convictions for four counts of invasion of privacy, as a Class A misdemeanor. She contends that the evidence was insufficient to support her convictions.
- [2] We affirm.

Facts & Procedural History

- [3] Henderson was charged in another cause with the armed robbery of Garnaud Ntaganda, whom Henderson knew. On September 16, 2021, at her initial hearing on that charge, the magistrate issued a no contact order that expressly prohibited Henderson from having contact with Ntaganda “in person, by telephone or letter, through an intermediary, or in any other way, directly or indirectly, except through an attorney of record.” *Exhibits Vol. 1* at 14. The magistrate served Henderson with the no contact order that day in open court.
- [4] Thereafter, on September 21, 2021, Henderson called an individual from jail and provided the individual with Ntaganda’s contact information. On September 26, Henderson again called someone from jail who brought Ntaganda onto the call through a three-way call, allowing Henderson to speak with Ntaganda. Thereafter, on October 9 and 14, Henderson directly called Ntaganda from jail and spoke with him. During the calls, Henderson spoke about her innocence, the no contact order, and having the robbery charges dropped.

[5] While the robbery case was pending, Ntaganda also received several text messages about the case. One such message, sent on November 8, asked Ntaganda to call back and included a screenshot with information on to how to drop criminal charges. Ntaganda responded to the message: “I never place [sic] any charge at all, check everything, not at all. Tell your lawyer to call me if he needs any thing that can help or you ask me if any.” *Id.* at 24. Ntaganda indicated that subsequent messages became threatening and that the messages increased in frequency around the time of scheduled hearings in Henderson’s criminal case.

[6] On December 2, 2021, the State charged Henderson with four counts of invasion of privacy. At the conclusion of the bench trial on March 8, 2022, the trial court found Henderson guilty as charged. The court explained:

In reviewing the evidence, it’s clear from the records, the recordings, that she knew there was a protective order, she talked about it, she got the no contact order, that she was trying to persuade the person, the protected person to get the no contact order vacated. There was a long discussion with a third party about how to do that process, that it’s clear that she knew that. And it’s also in the recording itself that the protected person discussed that the police talked to [Ntaganda] not to talk to her, and she continued to contact him, and continued to discuss the matter, and about various different other things. That’s the reason why there is a no contact order, is not to have any contact between the victim and the defendant, in particular when it comes to another court case in which the protected person is going to testify as a victim in the case, and to circumvent the criminal justice system.

Transcript at 38. The trial court subsequently sentenced Henderson to 120 days in the county jail. Henderson now appeals.

Discussion & Decision

- [7] Henderson challenges the sufficiency of the evidence supporting her convictions for invasion of privacy. When reviewing the sufficiency of evidence supporting a conviction, we neither reweigh the evidence nor assess the credibility of witnesses. *Fix v. State*, 186 N.E.3d 1134, 1138 (Ind. 2022). We consider only the probative evidence and the reasonable inferences supporting the conviction and will affirm “unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Id.* (quoting *Jackson v. State*, 50 N.E.3d 767, 770 (Ind. 2016)).
- [8] To prove invasion of privacy as charged, the State was required to show that Henderson knowingly or intentionally violated the no contact order issued against her. *See* Ind. Code § 35-46-1-15.1(a)(5). Henderson acknowledges that she was present in court when the magistrate issued the order and that she contacted Ntaganda multiple times thereafter. Henderson claims, however, relying on her own testimony, that she did not fully comprehend the terms of the no contact order. That is, Henderson claimed to have understood that she could not visit Ntaganda in person but that she did not know she could not call him. Further, Henderson notes that she did not sign the order, and she claims that she did not receive a copy of the order when it was issued.

[9] Henderson made these same arguments below, and the trial court rejected them. We remind Henderson that we may not reweigh the evidence or judge witness credibility. The record establishes that she was served personally with the no contact order in open court, and that in subsequent jail calls, Henderson referenced the no contact order. There was ample evidence presented at trial of her knowledge of the no contact order and its contents, regardless of her lack of signature on the order.¹ Moreover, we reject Henderson’s passing suggestion that the text messages received by Ntaganda were not sufficiently linked to her.

[10] Judgment affirmed.

Brown, J. and Tavitas, J., concur.

¹ It is of no moment that Ntaganda accepted Henderson’s calls. See *Dixon v. State*, 516 N.E.2d 516, 520 (Ind. Ct. App. 2007) (holding that a victim cannot consent to violation of a protective order).