

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

Lawrence Elvis Riles, III,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

November 17, 2021

Court of Appeals Case No.
21A-CR-1224

Appeal from the St. Joseph
Superior Court

The Honorable John M. Marnocha

Trial Court Cause No.
71D02-2003-F6-325

Mathias, Judge.

- [1] Lawrence Elvis Riles, III was convicted of Level 6 felony residential entry. Riles appeals, arguing that the evidence is insufficient to support his conviction.

[2] We affirm.

Facts and Procedural History

[3] Riles and Marquisha Horton have two children together, and during their relationship Riles lived in Horton’s home in South Bend, Indiana. Around March 17, 2020, Horton kicked Riles out of the home.

[4] On March 23, 2020, Riles arrived at Horton’s home and started an argument with her. Riles kicked in the door to the home, leaving a shoe print on the door and breaking the exterior door handle. At least one child was present. The child called 911 and reported that her father “broke in the door.” Ex. Vol., State’s Ex. 1; *see also* Tr. p. 67. Horton told Riles that their daughter was on the phone with the police and yelled “get out of my house.” *Id.* Horton then told the 911 dispatcher that Riles had kicked her door in.¹ *Id.*; *see also* Tr. p. 68 She then told the dispatcher that Riles was leaving and driving away in a green PT Cruiser. *Id.*

[5] Officers were dispatched to Horton’s residence. While en route, they saw a green PT Cruiser parked at a liquor store approximately one block from

¹ Riles claims in his appellate brief that the voices heard on the 911 call were never identified and that we should not assume that the voices belonged to Horton and their daughter. But Officer Marshall Onnink testified that, while there were other individuals present at the home, he met with Horton and her daughter. Tr. p. 35. He explained that he took Horton’s statement and he listened to the 911 call. *Id.* Thus, it is reasonable to infer that the child speaking in the call is Riles’s daughter and that the older female’s voice belongs to Horton. Riles’s own testimony also supports an inference that Horton participated in the 911 call. Tr. pp. 66, 68. Importantly, Horton identified Riles by name in the 911 call. Ex. Vol., State’s Ex. 1. Horton failed to appear to testify at trial.

Horton's home. The officers stopped and questioned the driver, who identified himself as Riles. Riles admitted that he had just departed from his "baby mama's" house and that the officers "would see a kicked-in door" at her home. Tr. p. 34. When the officers arrived at Horton's residence, they saw a shoe print on the front door and that the exterior door handle was missing.

- [6] Riles was charged with Level 6 felony residential entry. A jury found Riles guilty as charged. At sentencing, the trial court ordered Riles to serve thirty months executed in the Department of Correction. Riles now appeals, arguing that the evidence is insufficient to support his conviction.

Standard of Review

- [7] When reviewing a claim of insufficient evidence, we consider only the evidence and the reasonable inferences favorable to the judgment, and we neither reweigh the evidence nor judge witness credibility. *Davis v. State*, 13 N.E.3d 939, 947 (Ind. Ct. App. 2014), *trans. denied*. "We will affirm the judgment if it is supported by substantial evidence of probative value[,] even if there is some conflict in that evidence." *Gibson v. State*, 51 N.E.3d 204, 210 (Ind. 2016) (cleaned up).

Discussion and Decision

- [8] "A person who knowingly or intentionally breaks and enters the dwelling of another person commits residential entry." Ind. Code § 35-43-2-1.5. Riles claims that the State failed to prove that he "broke and entered" Horton's residence. We disagree.

[9] “[A]ny breach of the threshold, however slight, by any part of the body constitutes criminal residential entry.” *Cupello v. State*, 27 N.E.3d 1122, 1130 (Ind. Ct. App. 2015) (concluding that officer’s placing of foot into threshold of apartment door was unlawful entry); *see also Williams v. State*, 873 N.E.2d 144, 148 (Ind. Ct. App. 2007) (interpreting residential entry statute to determine that partial entry is sufficient to support conviction); *McCormick v. State*, 178 Ind. App. 206, 209, 382 N.E.2d 172, 175 (1978) (explaining that entry of entire body is not necessary to satisfy the “entry” element of offense of burglary). The use of the slightest force to gain unauthorized entry establishes the breaking element of the offense. *Davis v. State*, 770 N.E.2d 319, 322 (Ind. 2002).

[10] Here, the evidence established that Riles kicked in Horton’s door. He left a footprint on the door, and the exterior door handle was missing. The footprint was near the location of the missing door handle. Riles’s daughter called 911 and reported that her father “broke in the door.” Ex. Vol., State’s Ex. 1. Horton told Riles to get out of the house. *Id.* Horton also told the 911 dispatcher that Riles had kicked her door in. *Id.* Riles admitted to the arresting officer that the officer would see a kicked in door at Horton’s house. Tr. p. 34. The evidence is sufficient to prove that Riles broke and entered Horton’s home.

Conclusion

[11] The State presented sufficient evidence to support Riles’s residential-entry conviction.

[12] **Affirmed.**

Tavitas, J., and Weissmann, J., concur.