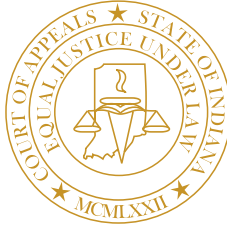


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

Michael Harrington,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



August 15, 2025

Court of Appeals Case No.
24A-CR-1787

Appeal from the LaPorte Circuit Court
The Honorable Thomas J. Alevizos, Judge
Trial Court Cause No.
46C01-2306-F6-924

Memorandum Decision by Judge Pyle
Judges Bradford and Kenworthy concur.

Pyle, Judge.

[1] In this appeal, Michael Harrington (“Harrington”) argues that there is insufficient evidence to support his conviction for Level 6 felony intimidation.¹ To convict Harrington, the State had to prove beyond a reasonable doubt that Harrington communicated a threat to commit a forcible felony with the intent that his neighbors, George (“George”) and Michelle (“Michelle”) Rosetto (collectively “the Rosettos”), be placed in fear that the threat would be carried out. *See* IND. CODE § 35-45-2-1(a)(4) and (b)(1)(A); (App. Vol. 2 at 15). A forcible felony is “a felony that involves the use or threat of force against a human being, or in which there is imminent danger of bodily injury to a human being.” I.C. § 35-31.5-2-138.

[2] Testimony at the May 2024 bench trial revealed that in June 2023, the Rosettos were inside their house watching television when they heard “a ruckus” in their backyard. (Tr. Vol. 2 at 5). When the Rosettos went outside, they saw Harrington, who was “in a rage[,]” breaking their wooden fence and throwing metal poles from a chain link fence into their yard. (Tr. Vol. 2 at 23). A “red and screaming” Harrington told the Rosettos that their wooden fence was on his property. (Tr. Vol. 2 at 23). In addition, Harrington repeatedly told the Rosettos that he would kill them both. Harrington also told the Rosettos that he would kill Michelle while George was at work. Further, Harrington told the

¹ IND. CODE § 35-45-2-1.

Rosettos that he would kill their dog. At trial, Harrington testified that he had not been angry that day and that he had not threatened to kill the Rosettos.

[3] Harrington argues that there is insufficient evidence to support his conviction because he “has denied ever threatening George or Michelle.” (Harrington’s Br. 9). However, Harrington’s argument amounts to a request that we reweigh the evidence and judge witness credibility, which we will not do. *See Hancz-Barron v. State*, 235 N.E.3d 1237, 1244 (Ind. 2024). After weighing the evidence and judging the credibility of the witnesses, the trial court determined beyond a reasonable doubt that Harrington had communicated a threat to commit a forcible felony with the intent that the Rosettos be placed in fear that the threat would be carried out. Accordingly, we affirm Harrington’s conviction for Level 6 felony intimidation.

[4] Affirmed.

Bradford, J., and Kenworthy, J., concur.

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