

## 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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Joseph Walton Reynolds,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

July 28, 2022

Court of Appeals Case No.  
22A-CR-332

Appeal from the Marion Superior  
Court

The Honorable Mark D. Stoner,  
Judge

The Honorable Jeffrey L. Marchal,  
Magistrate

Trial Court Cause No.  
49D32-2104-F5-11258

**Mathias, Judge.**

[1] Joseph Walton Reynolds appeals his conviction for Class A misdemeanor criminal trespass. Reynolds raises a single issue for our review, namely, whether the State presented sufficient evidence to show that he entered into the victim’s home without her consent. We affirm.

## **Facts and Procedural History**

[2] In 2017, Cynthia Sowell began dating Reynolds. While they were dating, Reynolds was also in an intimate relationship with Jazmaneka Jackson. Sowell and Reynolds’ relationship ended later in 2017, but they began “messaging around” again in 2019 or 2020, which as Sowell later described meant that they “weren’t together” and they “just had sex.” Tr. Vol. 2, p. 49. Reynolds continued his relationship with Jackson throughout this time.

[3] Sowell became pregnant with Reynolds’s child, and Sowell informed Reynolds. Jackson also learned of the pregnancy around the beginning of April 2021. Reynolds and Jackson then “called [Sowell] for two days straight,” and Sowell blocked them on her phone. *Id.* at 52-53. However, on April 7 and again on April 8, Sowell invited Reynolds over to her residence for sexual intercourse, and Reynolds accepted the invitations.

[4] On April 9, Sowell did not invite Reynolds or Jackson to her home, but they both arrived while Sowell was in her car with Reynolds’s “best friend.” *Id.* at 50. Reynolds and his friend got into a fight, and Jackson tried to get Sowell out of the car to “beat this b[\*\*\*\*] up.” *Id.* at 52. Sowell called the police, and Reynolds and Jackson left the residence.

- [5] About an hour later, Reynolds and Jackson returned to Sowell’s residence. Around the same time they arrived, Sowell’s mother arrived, and her mother told Reynolds and Jackson “to leave” and told the two that they were “not coming into” the house. *Id.* at 55, 85. But Jackson said that she was going to “kick the baby out of” Sowell, and Reynolds and Jackson then entered the residence. *Id.* at 55. As they did so, Sowell’s mother went back to her car for her cell phone and called the police.
- [6] While trying to avoid Reynolds and Jackson inside the home, Sowell tripped and fell. Jackson then started kicking Sowell in the stomach, and Reynolds joined in. Sowell screamed, and her mother ran inside to try to “get them off . . . and . . . out of [the] home.” *Id.* at 59. Reynolds and Jackson then ceased their attack and “left the house.” *Id.* Despite the attack, a subsequent ultrasound confirmed that “everything [was] okay with the baby[.]” *Id.* at 62.
- [7] The State charged Reynolds<sup>1</sup> with Level 5 felony domestic battery; Level 6 felony residential entry; Class A misdemeanor criminal trespass; and Class B misdemeanor battery. At the ensuing bench trial, Sowell testified that Reynolds did not “have permission to go into the house” on April 9. *Id.* at 57. Sowell’s mother likewise testified that Reynolds “[a]bsolutely [did] not” have “an invitation to go into [the] home” that day. *Id.* at 86. The court found Reynolds guilty of Level 5 felony domestic battery, Class A misdemeanor criminal

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<sup>1</sup> The State also charged and tried Jackson, but she is not a party to this appeal.

trespass, and Class B misdemeanor battery, and the court sentenced Reynolds to an aggregate term of four years with one year executed and three years suspended. This appeal ensued.

## Discussion and Decision

[8] Reynolds appeals only his conviction for Class A misdemeanor trespass. Specifically, he asserts that the State failed to present sufficient evidence to show that he did enter Sowell's residence on April 9 without her consent.

[9] As our Supreme Court has made clear:

For sufficiency of the evidence challenges, we consider only probative evidence and reasonable inferences that support the judgment of the trier of fact. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). On sufficiency challenges, we will neither reweigh evidence nor judge witness credibility. *Love v. State*, 73 N.E.3d 693, 696 (Ind. 2017). We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id.*

*Hall v. State*, 177 N.E.3d 1183, 1191 (Ind. 2021).

[10] To prove that Reynolds committed Class A misdemeanor criminal trespass, the State was required to show beyond a reasonable doubt that Reynolds, not having a contractual interest in the property, knowingly or intentionally entered the dwelling of another person without the person's consent. *Ind. Code § 35-43-2-2(b)(5)(B)* (2020). As we have explained:

An act of criminal trespass requires a mens rea of at least knowingly; “[a] person engages in conduct ‘knowingly’ if, when

he engages in conduct, he is aware of a high probability that he is doing so.” [Ind. Code § 35–41–2–2\(b\)](#). As such, if a person has a fair and reasonable foundation for believing that he or she has a right to be present on the property, there is no criminal trespass. *See Olsen v. State*, 663 N.E.2d 1194, 1196 (Ind. Ct. App. 1996).

*Curtis v. State*, 58 N.E.3d 992, 994 (Ind. Ct. App. 2016).

- [11] Reynolds argues only that the State failed to show that he did not have Sowell’s consent to enter her residence. In particular, Reynolds asserts that he was in an intimate relationship with Sowell and that she had invited him into her residence on April 7 and April 8, 2021, for sexual intercourse. But the invitations of April 7 and April 8 were not an invitation on April 9. Instead, when Reynolds first arrived at Sowell’s residence on April 9, he got into a fight with his friend, and Sowell called the police before Reynolds left. Reynolds returned about an hour later, at which time Sowell’s mother told him to leave and to not come inside the house. And Sowell and her mother both testified that there was “[a]bsolutely” no invitation for Reynolds to be in the house on April 9. Tr. Vol. 2, pp. 57, 86. Further, Reynolds had no fair and reasonable foundation for believing that he had permission to go into Sowell’s home on April 9 to attack her.
- [12] The State presented ample evidence to support Reynolds’s conviction for Class A misdemeanor criminal trespass, and Reynolds’s argument to the contrary is merely a request for this Court to reweigh the evidence, which we will not do. We affirm his conviction.

[13] Affirmed.

Brown, J., and Molter, J., concur.