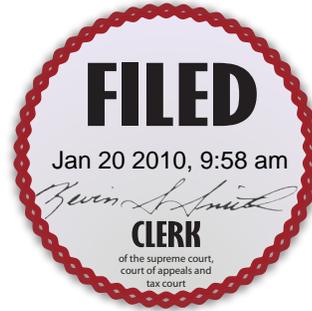


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

ANNALISHA MURRAY,)

Appellant/Defendant,)

vs.)

STATE OF INDIANA,)

Appellee/Plaintiff.)

No. 49A02-0907-CR-615

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Barbara A. Collins, Judge
The Honorable John J. Boyce, Master Commissioner
Cause No. 49F08-0810-CM-227366

January 20, 2010

MEMORANDUM DECISION – NOT FOR PUBLICATION

BRADFORD, Judge

Annalisha Murray appeals from her conviction for Class B misdemeanor Harassment,¹ contending that the State failed to produce sufficient evidence to sustain her conviction. We affirm.

FACTS AND PROCEDURAL HISTORY

Murray and Devin Richardson have a son together, who was one year old in September of 2008. On Friday, September 19, 2008, Murray left her son with Richardson and his sister Leslie Taylor for a visit. On September 21, 2008, Murray began telephoning Taylor at approximately 11:00 a.m., asking where her son was. During the third call, Murray told Taylor that she was going to kill Richardson and shoot him in the head. Taylor reported the telephone calls to the police and told Murray to stop calling her. Murray called Taylor a “b*tch” and told her that she would “kick [her] a**[.]” Tr. p. 6. On October 7, 2008, the State charged Murray with Class B misdemeanor harassment. On June 8, 2009, the trial court found Murray guilty as charged and sentenced her to sixty days of incarceration, all suspended.

DISCUSSION AND DECISION

Whether the State Produced Sufficient Evidence to Sustain Murray’s Conviction

Our standard of review for challenges to the sufficiency of the evidence supporting a criminal conviction is well-settled:

In reviewing a sufficiency of the evidence claim, the Court neither reweighs the evidence nor assesses the credibility of the witnesses. We look to the evidence most favorable to the verdict and reasonable inferences drawn therefrom. We will affirm the conviction if there is probative

¹ Ind. Code § 35-45-2-2 (2008).

evidence from which a reasonable jury could have found Defendant guilty beyond a reasonable doubt.

Vitek v. State, 750 N.E.2d 346, 352 (Ind. 2001) (citations omitted).

In order to convict Murray of harassment, the State was required to prove that she, “with intent to harass, annoy, or alarm another person but with no intent of legitimate communication ... ma[de] a telephone call[.]” Ind. Code § 35-45-2-2(a)(1). Murray contends that her intent of her communication, even when threatening Taylor, was the legitimate one of locating her son and ensuring his well-being. The question of Murray’s intent, however, was reserved for the trier of fact, which found that while Murray might have had a legitimate purpose at first, her intent eventually became illegitimate. *See, e.g., Crose v. State*, 650 N.E.2d 1187, 1191 (Ind. Ct. App. 1995), *trans. denied*. The trial court was free to find that Murray’s intent in calling Taylor a “b*tch” and threatening her and Richardson was to harass, annoy, or alarm her. Murray’s argument is an invitation to reweigh the evidence, which we will not do.

The judgment of the trial court is affirmed.

NAJAM, J., and FRIEDLANDER, J., concur.