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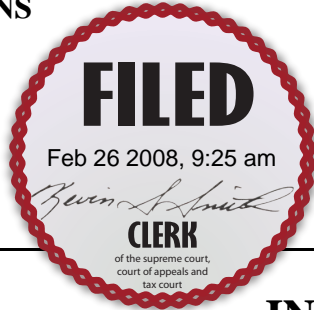
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**IN THE
COURT OF APPEALS OF INDIANA**

MARIJANE STUCK,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A04-0707-CR-379

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Barbara Collins, Judge
Cause No. 49F08-0705-CM-84262

February 26, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Marijane Stuck appeals her conviction for trespass as a class A misdemeanor. Stuck questions whether the evidence is sufficient to sustain her conviction. We affirm.

At approximately 8:45 p.m. on May 13, 2007, Stuck entered the City- County Building in Indianapolis. Marion County Sheriff's Deputy Steven Kelly encountered Stuck inside the building and asked her to state her business. Stuck, who was homeless at the time, said that she wanted to sleep on a bench in the building. Deputy Kelly informed Stuck that she could not sleep at the City-County Building. Stuck became loud and boisterous, and Deputy Kelly called for assistance. Corporal Brandon Allen responded to Deputy Kelly's call, and both officers repeatedly asked Stuck to leave the building. She refused, and Deputy Kelly eventually placed her under arrest.

The State charged Stuck with class A misdemeanor trespass, class A misdemeanor resisting law enforcement, and class B misdemeanor disorderly conduct. On June 12, 2007, the trial court found Stuck guilty of class A misdemeanor trespass. The court found Stuck not guilty of class A misdemeanor resisting law enforcement and granted Stuck's Indiana Trial Rule 41(B) motion to dismiss the disorderly conduct charge. Stuck now appeals.

Our standard of review is well settled. In reviewing sufficiency of the evidence claims, we will not reweigh the evidence or assess the credibility of the witnesses. *Moore v. State*, 869 N.E.2d 489, 492 (Ind. Ct. App. 2007). We will consider only the evidence most favorable to the judgment, together with all reasonable and logical inferences to be drawn therefrom. *Id.* We will affirm the conviction if there is substantial evidence of probative value from which a reasonable trier of fact could have drawn the conclusion that the defendant was guilty of the crime charged beyond a reasonable doubt. *Kien v. State*, 782

N.E.2d 398, 407 (Ind. Ct. App. 2003), *trans. denied*.

In order to obtain this conviction, the state had to show that Stuck

knowingly and intentionally ... refuse[d] to leave the real property of City of Indianapolis, another person, after having been asked to leave by said other person or an agent of said other person, said Defendant, not having a contractual interest in said real property.

Appellant's App. at 9 (charging information); *see also* Ind. Code § 35-43-2-2(a)(2). Stuck argues that the State failed to prove that she knowingly or intentionally refused to leave the City-County Building.

Deputy Kelly testified that he asked Stuck to leave the building between five and ten times, and she did not leave. Corporal Allen, who was called to assist Kelly, twice asked Stuck to leave, and she did not leave. When Deputy Kelly told Stuck that she could not sleep on a bench, she became "loud and boisterous." Tr. at 11. During the course of the more-than-fifteen-minute-long encounter, Stuck became angrier and continued to argue with the officers. She stated that she would not leave and that "it was not fair what was happening to her." *Id.* at 13. Eventually, Deputy Kelly told Stuck that he would arrest her if she did not vacate the building. Two to three minutes later, Deputy Kelly told her that she had five seconds to leave the building. He counted to five, and Stuck did not move. He and another deputy then placed her under arrest.

Stuck's argument is merely a request to reweigh the evidence in her favor. She claims that she never refused to leave the building and that when Deputy Kelly counted to five, she was distracted because she was answering a question posed by Corporal Allen. As the State points out, however, it is well established that "the uncorroborated testimony of one witness

may be sufficient by itself to sustain a conviction on appeal.” *Scott v. State*, 871 N.E.2d 341, 343 (Ind. Ct. App. 2007), (quoting *Toney v. State*, 715 N.E.2d 367, 369 (Ind. 1999)), *trans. denied*. Here, we have the testimony of two witnesses, Deputy Kelly and Corporal Allen, to support the trial court’s judgment. Regardless of Stuck’s version of events, we must conclude that the probative evidence and reasonable inferences supporting Stuck’s conviction could have allowed a reasonable trier of fact to find her guilty beyond a reasonable doubt.

Affirmed.

BAILEY, J., and NAJAM, J., concur.