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ATTORNEY FOR APPELLANT:

THOMAS P. KELLER
South Bend, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

GARY DAMON SECREST
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JASON MANWARREN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 71A03-0902-CR-76
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ST. JOSEPH SUPERIOR COURT
The Honorable Roland W. Chamblee, Judge
Cause No. 71D08-0803-FD-207

May 27, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Jason Manwarren appeals his two convictions for Class D felony intimidation. We affirm.

Issue

Manwarren raises one issue, which we restate as whether there was sufficient evidence to support his convictions.

Facts

After being refused entry into the Club Landing bar on March 7, 2008, Manwarren pushed the security guard and ran away. The security guard, Officer Kevin Hieber, was an off-duty South Bend police officer who radioed for help. Officer Ransberger was working parking lot security at the bar and responded. Manwarren continued running, despite being ordered to stop by both officers. Officer Ransberger ran close to Manwarren and used a taser to immobilize him. Manwarren fell to the asphalt, sustaining injuries to his face.

Officers Herman and Mason transported Manwarren to the hospital, where he refused treatment, then to jail. Manwarren was verbally abusive to the officers during this time. While booking him at the jail, Manwarren made numerous threatening remarks to Officers Herman and Mason. He told them they were "done" and their families "were done." Tr. p. 39. Officer Mason testified that Manwarren threatened his life and his family's life at the hospital and the jail. Officer Herman testified that Manwarren made threats against him and his family while at the jail. Jurors watched a recording of the in-car video from that night. They found Manwarren guilty of Class A misdemeanor

resisting law enforcement, and two counts of Class D felony intimidation.[1] The trial court sentenced Manwarren to twelve months for the resisting law enforcement conviction, and eighteen months for each of the intimidation convictions, all to run concurrently. This appeal followed.

Analysis

Manwarren argues that there is insufficient evidence to support his intimidation convictions. When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). It is the fact-finder's role, not ours, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. Id. When confronted with conflicting evidence, we must consider it in a light most favorable to the conviction. Id. We will affirm the conviction unless no reasonable fact-finder could have found the elements of the crime proven beyond a reasonable doubt. Id.

Indiana's intimidation statute provides that "a person who communicates a threat to another person, with the intent that the other person be placed in fear of retaliation for a prior lawful act" commits intimidation as a Class A misdemeanor. Ind. Code § 35-45-2-1(a). The offense is a Class D felony if the person to whom the threat is communicated is a law enforcement officer. See I.C. § 35-45-2-1(b). The charges against Manwarren were based on his statements to Officers Herman and Mason that "they were done" and

[1] One count was for threats to Officer Herman and one count was for threats to Officer Mason.

that he was going to kill him for their acts of transporting him to the hospital and jail. App. p. 23.

Although Manwarren concedes that he made threats to the officers, he contends these threats were just a part of his torrent of abusive language and not made to place the officers in fear of retaliation for their lawful act of transporting him. He seems to contend the abusive language was a consequence of his discomfort following the use of a taser. Regardless of whether Manwarren was upset about being tased, he made threats to the officers and their families during his transportation and while at the hospital and jail. The jury heard the recording of his threats and could reasonably conclude that Manwarren made threats to the officers because they were transporting him to the jail and hospital. Manwarren's arguments on appeal are merely an attempt to engage this court in reweighing the evidence, which we cannot do. See Drane, 867 N.E.2d at 146.

Conclusion

There is sufficient evidence to sustain the Class D felony intimidation convictions. We affirm.

Affirmed.

BAKER, C.J., and MAY, J., concur.