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IN THE
COURT OF APPEALS OF INDIANA

DOLLIE DENISE MARSHALL,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 82A04-0901-CR-7
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE VANDERBURGH CIRCUIT COURT
The Honorable David Kiely, Special Judge
Cause No. 82C01-0708-FD-986

July 28, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Dollie Marshall challenges the sufficiency of the evidence supporting her convictions for intimidation, a class D felony, and invasion of privacy, a class A misdemeanor. We reverse both convictions.

The facts most favorable to the trial court's judgment indicate that around February of 2007, Marshall traded vehicles with Christopher Goodman, each assuming possession and payments of the other's vehicle. Goodman's mother, Jamie Lee, co-owned the car that Goodman traded to Marshall. The deal soured, and on August 23, 2007, Marshall got into an altercation with Lee over the transaction which resulted in Marshall's arrest. Marshall was released on bond and was ordered to have no contact with Goodman, Lee, or Lee's residence. On August 26, 2008, Marshall sent a personal MySpace email message to Goodman, which Goodman then communicated to Lee. Specifically, the message stated,

> Dont think that you are gonna get away from this s***. you can't hide forever and one of these days when you are out and about…you know thy aint going to pin nothing on me. Cant prove s***. aint gonna and I am just waiting for that day. You want a war??? Your gonna get it now f*****. I don't know YET who told you the s*** in my blogs or was feedin you info on me but you can rest assured that I am gonna f*** them uptoo when I found out. And I WILL find out. The s*** aint done and you better know that. Its only a matter of time.
>
> The bitch you know I can be.

State's Ex. 4.

On August 30, 2007, the State charged Marshall with residential entry, theft, and battery resulting in bodily injury. Marshall was also charged with intimidating Lee and invading Lee's privacy based on the MySpace message that she sent to Goodman. On

November 10, 2008, a jury acquitted Marshall of theft and found her guilty of the remaining charges. This appeal ensued.

When reviewing a claim of insufficient evidence, we do not reweigh the evidence, nor do we reevaluate the credibility of witnesses. *Rohr v. State*, 866 N.E.2d 242, 248 (Ind. 2007). This Court will consider only the evidence most favorable to the verdict and will draw all reasonable inferences therefrom. *Id*. We will affirm the conviction if there is substantial evidence of probative value from which a reasonable fact-finder could find the defendant guilty beyond a reasonable doubt. *Id*.

The State alleged that Marshall committed class D felony intimidation by communicating a threat to knowingly injure Lee, with the intent that Lee be placed in fear of retaliation for calling the police. Appellant's App. at 88; *see also* Ind. Code § 35-45-2-1(a)(2). Marshall claims that the State failed to prove these allegations. We agree. Here, the State's only evidence of intimidation was an email sent to Goodman which contained a threat to Goodman. Even though the communication may be indirect, a defendant must have known or had reason to know that her communication will reach the victim. *J.T. v. State*, 718 N.E.2d 1119, 1123 (Ind. Ct. App. 1999). Here, the email was not addressed to Lee, nor was Lee mentioned by name. The only reference to someone other than Goodman is to someone Marshall does not know. There is no evidence that Marshall knew or had reason to know that Goodman would show Lee her message.

The State alleged that Marshall committed class A invasion of Lee's privacy by knowingly or intentionally violating a no contact order issued as to Lee. Ind. Code § 35-46-

1-15.1(5). Marshall claims that the State failed to prove this allegation. We agree. While the email violated the no contact order as it pertained to Goodman, there is no evidence that Marshall ever contacted Lee after the no contact order was entered. Therefore, we reverse her convictions.

Reversed.

BRADFORD, J., and BROWN, J., concur.