

Case Summary

Appellant-Defendant Daniel Poe (“Poe”) appeals his conviction for Escape, a Class D felony.¹ We affirm.

Issue

Poe presents one issue on appeal: whether there was sufficient evidence to support his escape conviction.

Facts and Procedural History

On July 21, 2006, Poe was placed on home detention as part of his sentence for his conviction of assisting a criminal. During a group orientation meeting on August 6, 2006, Poe met with his home detention officer, Jill Jones (“Jones”), to review and execute his home detention contract. After Jones read the contract to Poe and used specific examples to illustrate each provision, Poe signed and dated the contract. His signature acknowledged that the contract had been read and explained to him, that he understood its provisions, and that he agreed to abide by those provisions. The home detention contract provided, in part:

YOU SHALL be confined **inside** (within the walls of your residence: front door to back door) your HOME at all times except when:

....

Unemployed and seeking **approved** employment. With approval you may seek Employment; dates and times to be determined by your Community Supervision Manager (CSM) or Home Detention Officer (HDO).

....

You are required to abide by a schedule that has been **approved in advance**. You shall not change your schedule without notifying your CSM or HDO in advance and obtaining permission for such a change.

....

¹ Ind. Code § 35-44-3-5(b).

If you leave your residence without permission from Home Detention and/or fail to return, you will be considered an Absconder. A violation of Home detention will be filed and a warrant issued for your arrest. Further, you understand that you can also be prosecuted for the crime of ESCAPE as a Class D felony.

State's Exhibit 3 at 8, 10 (emphasis in original).

On August 8, 2006, Poe exited his home to play basketball in the street near his home with two companions. During this time, Poe had an argument with one of the neighbors that prompted someone to call the police. When Officer Malachi West ("Officer West") arrived, he noticed three men in the street playing basketball and saw one of them run into a nearby yard. Officer Malachi questioned the men about whether there had been a fight to which all of them responded in the negative. Poe said that he had been in the yard while the other two were playing basketball. Officer Malachi informed the men that they needed to move the basketball hoop out of the street and proceeded to leave.

A neighbor approached Officer Malachi as he was leaving to inform him that there had been a fight and that she had videotaped the whole incident. Both Officer Malachi and another officer viewed the videotape that depicted Poe in the street yelling at someone. Officer Malachi noted that in the video Poe was wearing the same clothes as he was when the police arrived on the scene. After confirming with Poe, the Community Prosecutor, and Community Corrections that Poe was on home detention and was not to be outside the four walls of his home, Officer Malachi arrested Poe.

The State charged Poe with Escape, a Class D felony, and later filed a Habitual

Offender² allegation. A jury found Poe guilty of escape. Poe then pled guilty to being a habitual offender. The trial court sentenced Poe to two years for escape, enhanced by two and one half years for being a habitual offender. Poe now appeals.

Discussion and Decision

I. Standard of Review

In addressing a claim of insufficient evidence, we only consider the probative evidence and reasonable inferences supporting the judgment to assess whether a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. Brown v. State, 868 N.E.2d 464, 470 (Ind. 2007). It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). We will affirm a conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. Id. The evidence is sufficient if any inference may be reasonably drawn from it to support the verdict. Id. at 147.

II. Analysis

On appeal, Poe challenges whether the State proved beyond a reasonable doubt that he knowingly violated his home detention. To convict Poe of Escape based on a violation of a home detention order under Indiana Code Section 35-44-3-5(b), the State was required to show that Poe knowingly or intentionally violated a home detention order. A person engages in conduct "knowingly" if, when he engages in the conduct, he is aware of a high probability that he is doing so. Ind. Code § 35-41-2-2.

² Ind. Code § 35-50-2-8.

Here, Jones, Poe's home detention officer, testified that she read the home detention contract to Poe during his home detention orientation. The contract, signed by Poe, includes a provision that he is not to be outside the walls of his home without permission. His signature acknowledged that the contract had been read and explained to him, that he understood its provisions, and that he agreed to abide by those provisions. Jones also testified that she did not give him permission to leave his home on August 8 to seek employment.

Joyce Sons, Poe's neighbor, testified that Poe had been playing basketball in the street, outside his home for most of the day on August 8. When Officer Malachi arrived in Poe's neighborhood, Poe immediately ran into his yard when he noticed the approaching police car. From this evidence and the reasonable inferences that can be drawn therefrom, we conclude that the evidence is sufficient to establish that Poe knowingly violated his home detention order and that his conviction for escape stands.

Affirmed.

BAKER, C.J., and VAIDIK, J., concur.