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IN THE
COURT OF APPEALS OF INDIANA

EARNEST JOHNSON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 46A05-0812-CR-699
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LAPORTE CIRCUIT COURT
The Honorable Thomas J. Alevizos, Judge
Cause Nos. 46C01-0709-FD-517 and 46C01-0803-FC-170

October 27, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Case Summary and Issue

Earnest Johnson, a sex offender, appeals his conviction for class C felony failing to register a new principal residence address within seventy-two hours, asserting that the evidence is insufficient. We affirm.

Facts and Procedural History

The evidence most favorable to the verdict shows that on December 23, 2007, Johnson was released on probation from the LaPorte County Jail, where he had been serving his sentence under cause number 46C01-0709-FD-517 ("FD-517") for his conviction of class D felony failure to register a new principal address within seventy-two hours. On December 26, 2007, Johnson went to the LaPorte County Sheriff's Office and completed a Sex Offender Registration Form, indicating his principal residential address as 510 East Homer Street, Michigan City, the residence of his mother, Dorothy Pankey. Johnson also read and signed an acknowledgement of his legal duty to inform the LaPorte County Sheriff's Office of a change of his principal residence address within seventy-two hours of the change.

Johnson's girlfriend, Donna Wines, resided at 18417 South Torrence Avenue, Lansing, Illinois. Sometime at the end of January 2008, Johnson began staying at Wines's apartment. He brought his personal belongs to her apartment. At Johnson's prompting, Wines called Johnson's LaPorte probation officer, Jackie Demordy, and told her that Johnson worked as a chef in Wines's catering business at 18417 South Torrence Avenue. Wines did not operate any catering business, and Johnson was, in fact, unemployed.

On several occasions between January and March 2008, Wines called the Lansing Police Department to have Johnson removed from her apartment. On one of these occasions, Lansing Police Officer Eric Morey went to Wines's apartment. Officer Morey asked Wines and Johnson for identification. Johnson showed Officer Morey an Indiana photo-identification card. Johnson told Officer Morey that he did not live in Indiana and had lived in the Lansing apartment for six months but had not had time to obtain an Illinois identification card. Johnson showed Officer Morey his personal belongings to demonstrate that he lived in the Lansing apartment. Officer Morey told Wines that he could not remove Johnson from the apartment because Johnson resided there.

During the second week of March 2008, Wines called Demordy for help in removing Johnson from her apartment. Johnson left her apartment later that month. During the time Johnson was with Wines, he traveled to and from Indiana twice by train. Johnson did not have an automobile.

On March 20, 2008, the State charged Johnson in cause number 46C01-0803-FC-170 ("FC-170") with class C felony failure to register a new principal address within seventy-two hours. On September 8, 2008, a jury found Johnson guilty as charged. The LaPorte Probation Department filed a petition for revocation of suspended sentence in cause FD-517. Following a hearing on October 31, 2008, the trial court found that Johnson had violated his probation in cause number FD-517 based on his conviction in FC-170 and revoked his probation. Johnson appeals.

Discussion and Decision

Johnson challenges the sufficiency of the evidence supporting his conviction.

> 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 evidence from which a reasonable jury could have found the defendant guilty beyond a reasonable doubt.

Brasher v. State, 746 N.E.2d 71, 72 (Ind. 2001) (citations omitted).

To convict Johnson of class C felony failure to register a new principal address, the State was required to prove beyond a reasonable doubt that Johnson changed his principal residence and knowingly or intentionally failed to notify the LaPorte County Sheriff's Office within seventy-two hours of the change. *See* Ind. Code § 11-8-8-11; Ind. Code § 11-8-8-17 (providing that a sex offender who knowingly or intentionally fails to register when required to register and has a prior unrelated conviction for failing to register commits a class C felony). "Principal residence" is defined as "the residence where a sex or violent offender spends the most time." Ind. Code § 11-8-8-3. The term includes a residence owned or leased by another person if the sex or violent offender does not own or lease a residence or spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender. *Id*. The purpose of requiring sex offenders to register "is to inform police of the current location of offenders for surveillance and notification purposes." *Milliner v. State*, 890 N.E.2d 789, 791 (Ind. App. Ct. 2008), *trans. denied*.

The only contested issue at trial was whether Johnson was merely visiting his girlfriend or actually resided there. On appeal, Johnson asserts that Wines told the Lansing police that Johnson did not live in her apartment. Johnson's argument is merely a request for this Court to reweigh the evidence, which we must decline. We conclude that there is sufficient evidence to support Johnson's conviction for class C felony failing to register a new principal address.

Affirmed.

MAY, J., and BROWN, J., concur.