



Nick Dotts (“Dotts”) was convicted in Marion Superior Court of Class A misdemeanor invasion of privacy.<sup>1</sup> He appeals, arguing that the State presented insufficient evidence to support his conviction. We affirm.

### **Facts and Procedural History**

From 2001 through mid-December 2005, Dotts had a romantic relationship with Ashley Estes (“Estes”) and shares a daughter with her. On January 13, 2006, the Marion Superior Court issued a protective order specifying that Dotts was to have no contact with Estes. After the order was issued, Dotts continued to contact Estes. After Estes changed her home and cell phone numbers, on June 7, 2006, Dotts called Estes at her workplace three times. She advised him not to call her and hung up. After the third call, Estes called police.

On June 19, 2006, the State charged Estes with invasion of privacy for knowingly violating a protective order. At the conclusion of a bench trial on August 23, 2006, the trial court found Dotts guilty and sentenced him to 365 days with 259 days suspended. Dotts now appeals.

### **Standard of Review**

Our standard of review for claims challenging the sufficiency of the evidence is well settled. We neither reweigh the evidence nor judge the credibility of the witnesses, and we affirm if there is substantial evidence of probative value supporting each element of the crime from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. Prickett v. State, 856 N.E.2d 1203, 1206 (Ind. 2006). The factfinder bears the responsibility for determining whether the evidence in a given case is

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<sup>1</sup> Ind. Code § 35-46-1-15.1 (2004 & Supp. 2006).

sufficient to satisfy each element of an offense, and we consider conflicting evidence in the light most favorable to the trial court's ruling. Id.

### **Discussion and Decision**

Dotts contends that the State presented insufficient evidence to convict him of Class A misdemeanor invasion of privacy. In order to convict Dotts, the State was required to prove that he knowingly or intentionally violated a protective order issued under Indiana Code chapter 34-26-5. Ind. Code § 35-46-1-15.1 (2004 & Supp. 2006).

Dotts admitted that he knew about the protective order, which prohibited Dotts from “harassing, annoying, telephoning, contacting, or directly or indirectly communicating with” Estes. Tr. p. 9; Ex. Vol., State’s Ex. 1. Estes testified that she knew Dotts’s voice and that he called her workplace three times between 4:00 and 4:30 p.m. on June 7, 2006. Tr. pp. 10-13. Dotts testified that he was in jail in Johnson County on that date, and argues that he would not have been able to call Estes. Tr. p. 29. It is the province of the fact-finder to determine witness credibility, and we will not reweigh the testimony.

Dotts also argues that the calls were not in violation of the protective order because he had previously communicated with Estes about visitation with their daughter. However, Dotts offered no evidence that the protective order had been modified. The State presented sufficient evidence to prove that Dotts committed Class A misdemeanor invasion of privacy.

Affirmed.

DARDEN, J., and KIRSCH, J., concur.