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**IN THE  
COURT OF APPEALS OF INDIANA**

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CHRISTOPHER GRAY )  
 )  
Appellant-Defendant )  
 )  
vs. )  
 )  
STATE OF INDIANA )  
 )  
Appellee-Plaintiff. )

No. 49A02-0702-CR-127

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Danielle Gaughan, Commissioner  
The Honorable Jose Salinas, Judge  
Cause No. 49G17-0612-CM-228783

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**August 28, 2007**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**BRADFORD, Judge**

Following a bench trial, Appellant-defendant, Christopher Gray, appeals his conviction for Invasion of Privacy, a Class A misdemeanor.<sup>1</sup> Specifically, Gray challenges the sufficiency of the evidence to support his conviction. Concluding that the evidence was sufficient to support the conviction, we affirm the judgment of the trial court.

### **FACTS**

On November 30, 2006, Marion County Sheriff's Deputy Nikolas Layton was patrolling the area of West 86<sup>th</sup> Street in Indianapolis. Deputy Layton ran a random check of the vehicle in front of him, which indicated that the vehicle was stolen. Deputy Layton then called for backup, executed a traffic stop, and identified the driver of the vehicle as Gray and the passenger as Rebecca Jack.

Upon further investigation, the arresting officers discovered that there was a no contact order in effect that barred Gray from having any contact with Jack. The no contact order, which had been signed by Gray and filed on November 18, 2006, was a condition of his release from jail following his arrest for the alleged domestic battery of Jack.<sup>2</sup>

Gray admitted to police at the scene that he knew there was a no contact order issued against him, that he had signed at least two no contact orders, and that the trial

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

<sup>2</sup> The charges for domestic battery were subsequently dismissed by the State and this dismissal was granted by the trial court on January 5, 2007.

court had expressly instructed him at his initial hearing that “a no contact order, means no contact.” Tr. at 22.

Gray was charged with one count of invasion of privacy on December 1, 2006. His case proceeded to trial on January 5, 2007, where after a bench trial, the trial court found Gray guilty of invasion of privacy and sentenced him to seventy-four days of incarceration. Gray now appeals.

### **DISCUSSION AND DECISION**

Upon appeal, Gray challenges his conviction by claiming he did not have adequate knowledge of the no contact order that was issued against him. According to Gray, Jack had advised him that the no contact order had been terminated and, further, the trial court had failed to advise him of its continued effectiveness during a November 29, 2006 court appearance.

When reviewing the sufficiency of the evidence, we will not reweigh the evidence or judge the credibility of witnesses. *Alkhalidi v. State*, 753 N.E.2d 625, 627 (Ind. 2001) (quoting *Harrison v. State*, 707 N.E.2d 767, 788 (Ind. 1999)). We only consider the evidence most favorable to the judgment and the reasonable inferences that can be drawn therefrom. *Corbin v. State*, 840 N.E.2d 424, 428 (Ind. Ct. App. 2006). Moreover, we will affirm the trial court if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. *Alkhalidi*, 753 N.E.2d at 627.

Indiana Code Section 34-46-1-15.1 provides, in relevant part, that “[a] person who knowingly or intentionally violates . . . a no contact order issued as a condition of pretrial

release, including release on bail or person recognizance, or pretrial diversion . . . commits invasion of privacy, a class A misdemeanor.” I.C. § 34-46-1-15.1(5). It was therefore the State’s burden to prove beyond a reasonable doubt that Gray 1) knowingly or intentionally 2) violated an order of protection. I.C. § 34-46-1-15.1(5).

Gray argues that his conviction for invasion of privacy should be overturned because the facts presented are insufficient to show that he had actual knowledge of the no contact order. In support of this claim, Gray relies on *Hendricks v. State*, 649 N.E.2d 1050 (Ind. Ct. App. 1995). In *Hendricks*, a defendant convicted of invasion of privacy claimed he did not have actual knowledge of the protective order even though both the victim’s mother and a member of the Marion County Sheriff’s Department had informed him of such order in separate telephone conversations. *See Hendricks*, 649 N.E.2d at 1052. Upon reviewing the evidence, however, we concluded it was sufficient to establish that the defendant had actual knowledge of the protective order because he had been told about the existence of said order during at least the two different phone conversations. On that basis, we affirmed his conviction for invasion of privacy. *Id.*

Gray suggests that unlike the facts presented in *Hendricks*, the evidence in the instant case is insufficient to prove that he had actual knowledge that the no contact order that was issued against him on November 18, 2006 was still effective upon his arrest on November 30, 2006. In finding this argument unpersuasive, we observe that the facts indicating Gray’s knowledge of the November 18<sup>th</sup> no contact order are even more conclusive than the facts asserted in *Hendricks*. The no contact order was issued on November 18, 2006, as a condition of Gray’s release from jail, and upon his November

30<sup>th</sup> arrest, Gray admitted to the arresting officers that he knew a no contact order had been issued against him and that he was not to have any contact with Jack. (Tr. 17, 24 & 29) Likewise, Gray admitted that not only had he signed at least two no contact orders, he had also been specifically instructed by the trial court that “a no contact order, means no contact.” Tr. at 21, 22, & 39. Further still, in State’s Exhibit 2, a November 18, 2006 no contact order which appears to be signed by Gray, the stated duration of the order is “until this case has been tried and the Defendant has been sentenced, if found guilty.” While Gray may have questioned the validity of his signature at trial, the trial court was entitled to assess his credibility on that point.

Given this evidence and Gray’s admissions, we conclude the State produced sufficient evidence to establish Gray had actual knowledge of the no contact order that was in effect at the time of his arrest on November 30, 2006.

The judgment of the trial court is affirmed.

NAJAM, J., and MATHIAS, J., concur.