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**IN THE  
COURT OF APPEALS OF INDIANA**

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J.R., )  
 )  
Appellant-Defendant, )  
 )  
vs. ) No. 49A02-0702-JV-136  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Christopher Piazza, Magistrate  
Cause No. 49D09-0609-JD-3558

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**August 31, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**MAY, Judge**

J.R. appeals his adjudication as a delinquent for committing an act that would be trespass, a Class D felony,<sup>1</sup> if committed by an adult. He asserts he could not have committed trespass because no school official had denied him entry to school property. The Sheriff's Deputy who denied J.R. entry to the school property was an agent of the school. We therefore affirm.

### **FACTS AND PROCEDURAL HISTORY**

On September 8, 2006, J.R. was a student at Southport High School. J.R. appeared to be under the influence of drugs and was brought to the office of Dean Kirby Shot. Also present in the room were J.R.'s grandmother and Sheriff's Deputy Patrick Murphy. Dean Shot informed J.R. and his grandmother that J.R. was suspended from school. Deputy Murphy then explained to J.R. and his grandmother that during his suspension J.R. was not permitted on Perry Township property:

I told him that he was being trespassed [sic] from all Perry Township properties. I specifically said because there was a football game that night that he was not allowed to be at the football game and I even went further more to say that Perry Township property included all the middle school and the elementary schools. And my, the thing I tell them is they can't even be on a swing set at a[n] elementary school . . . [d]uring their suspension.

(Tr. at 8.) Nevertheless, J.R. went to the football game. When asked to leave, J.R. refused and was arrested for trespass.

The State alleged J.R. was delinquent for committing criminal trespass, a Class D felony if committed by an adult, and public intoxication, a Class B misdemeanor if

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<sup>1</sup> Ind. Code § 35-43-3-3.

committed by an adult.<sup>2</sup> J.R. denied the allegations. After hearing evidence, the court found J.R. committed criminal trespass. The court placed J.R. on probation.

### **DISCUSSION AND DECISION**

J.R. challenges the sufficiency of the evidence supporting his adjudication. When reviewing such claims, we view the evidence in the light most favorable to the trial court's judgment and, without reweighing the evidence or reassessing the credibility of the witnesses, we determine whether a reasonable trier of fact could have found every element proven beyond a reasonable doubt. *J.D.P. v. State*, 857 N.E.2d 1000, 1010 (Ind. Ct. App. 2006), *trans. denied* 869 N.E.2d 449 (Ind. 2007).

The State alleged J.R. committed trespass, which is: "enter[ing] the real property of another person after having been denied entry by the other person or that person's agent." Ind. Code § 35-43-3-3. J.R. argues he could not be guilty of trespass because Deputy Murphy was not an agent of the school. We disagree.

Deputy Murphy testified he is an employee of the Marion County Sheriff's Department, but he is contracted to work for Perry Township Schools and is assigned to Southport High School. He wears a Sheriff's uniform, but his paycheck comes from Perry Township, not the Sheriff's Department. Counsel for the State asked Deputy Murphy, "as an officer at Southport High School is it your duty to tell individuals that they are not allowed to be on property at Perry Township?" (Tr. at 9.) Deputy Murphy's response was, "Absolutely, absolutely." (*Id.*) Under these circumstances, Deputy Murphy was an agent of Perry Township and Southport High School. *See, e.g., S.A. v.*

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<sup>2</sup> Ind. Code § 7.1-5-1-3.

*State*, 654 N.E.2d 791, 795 (Ind. Ct. App. 1995) (“While Officer Grooms is a trained police officer, he was acting in his capacity as security officer for the IPS schools.” Therefore he was a school official, not a police officer.), *trans. denied*.

After Dean Shot informed J.R. that he was suspended, Deputy Murphy explained to J.R. and his grandmother, in the presence of Dean Shot, that the suspension meant J.R. was prohibited from being on any Perry Township property. Thus an agent of Perry Township had denied entry to J.R., and his presence at the football game was trespass.

Affirmed.

DARDEN, J., and CRONE, J., concur.