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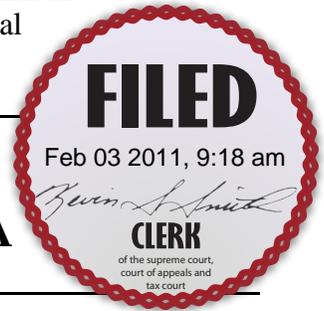
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**IN THE  
COURT OF APPEALS OF INDIANA**

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ERIC DANIELS, )  
 )  
Appellant-Defendant, )  
 )  
vs. )  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

No. 49A02-1005-CR-531

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Grant Hawkins, Judge  
Cause No. 49G05-1001-FB-3441

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**FEBRUARY 3, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**SHARPBACK, Senior Judge**

## STATEMENT OF THE CASE

Defendant-Appellant Eric Daniels appeals his convictions of burglary, a Class B felony, Indiana Code section 35-43-2-1(1999); and theft, a Class D felony, Indiana Code section 35-43-4-2 (2009). We affirm.

## ISSUE

Daniels raises one issue for our review: whether the State presented sufficient evidence to support the convictions.

## FACTS AND PROCEDURAL HISTORY

On January 14, 2010, Indianapolis Police Officer Jeffrey Messer received a dispatch from a security alarm representative about an entry into the victim's house. Officer Messer and another officer arrived at the house, walked to the front door, and noticed that the door had been kicked in. The officers then entered the victim's house and noticed that it had been ransacked. The officers saw that the back door was open, and that a single set of footprints led from the victim's house to a neighbor's house.

During this time period, the victim arrived at the house. She noticed that her jewelry cabinet drawers and items of jewelry were missing.

The officers contacted a detective who told them to put the neighbor's house under surveillance. Approximately thirty minutes later, Officer Messer knocked on the front door of the neighbor's house. Antwan Daniels, Daniels' brother, answered the door, and the officers explained the investigation to him. The officers then allowed Antwan to call his mother, the owner of the house.

Antwan informed the officers that Daniels and a juvenile friend, R.W., were inside the house. Daniels and R.W. walked to the front door, and Officer Messer noticed that neither of them was wearing shoes.

A detective received consent from the homeowner to search the house. During the search, items that had been taken from the victim and two pairs of tennis shoes were found in an otherwise empty attic. Daniels and R.W. were arrested and charged with burglary and theft.

### DISCUSSION AND DECISION

Daniels contends that the State failed to present sufficient evidence to support his convictions. Specifically, he contends that the State presented no evidence that Daniels, rather than the other occupants of the house, entered the victim's house with the intent to commit theft and then left a single set of footprints in the snow.

Our standard of review for sufficiency claims is well settled. In reviewing sufficiency of the evidence claims, this court does not reweigh the evidence or assess the credibility of witnesses. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We consider only the evidence most favorable to the judgment, together with all reasonable and logical inferences drawn therefrom. *Fancher v. State*, 918 N.E.2d 16, 22 (Ind. Ct. App. 2009). Nonetheless, as Daniels points out, we have “a duty to examine the evidence closely, not with a view toward resolving conflicts thereon, but for the purpose of determining whether or not, after resolving all doubts in favor of the verdict, it may be said that, upon such evidence, a reasonable man could have reached such a verdict, beyond a reasonable doubt.” *Luginbuhl v. State*, 507 N.E.2d 620, 622 (Ind. Ct. App.

1987), *trans. denied*. Also, as Daniels emphasizes, our review “may require a probing and sifting of the evidence to determine whether the residue of the facts warrants a conviction. . . .” *Gaddis v. State*, 251 N.E.2d 658, 660 (Ind. 1969).

Convictions will be affirmed if there is substantial evidence of probative value to support the conclusion of the trier of fact. *Davis v. State*, 791 N.E.2d 266, 270 (Ind. Ct. App. 2003), *trans. denied*. Convictions must be affirmed “unless no reasonable fact-finder could find the elements of the crime beyond a reasonable doubt.” *Fancher, id.*

The State may prove its case by circumstantial evidence alone. *Lay v. State*, 933 N.E.2d 38, 42 (Ind. Ct. App. 2010), *trans. denied*. “Circumstantial evidence by its nature is a web of facts in which no single strand may be dispositive.” *Kriner v. State*, 699 N.E.2d 659, 664 (Ind. 1998). It is sufficient that the evidence in the aggregate points to the defendant’s guilt. *Id.* Such circumstantial evidence is not required to overcome every reasonable hypothesis of innocence. *Cardin v. State*, 540 N.E.2d 51, 58 (Ind. Ct. App. 1989), *trans. denied*.

Here, our examination of the evidence shows that a reasonable trier of fact could determine that the State’s evidence showed, beyond a reasonable doubt, that Daniels and R.W. entered the victim’s house through the kicked-in front door, took items from the house, and then returned to Daniels’ mother’s house with one going out the front door and one unthinkingly going out the back door and leaving tracks in the snow. The trier of fact could further determine that the State’s evidence showed, beyond a reasonable doubt, that the police, alerted by representatives of the victim’s silent home alarm protection system, arrived soon after the burglary and theft occurred and that Daniels and R.W. were

forced to make a quick decision to hide the victim's property and their wet shoes in the attic. Finally, the trier of fact could reasonably believe Antwan's testimony that he was not involved in the burglary and theft and that one of the pairs of shoes found in the attic belonged to Daniels.

### CONCLUSION

The jury's verdict is affirmed, as a reasonable trier of fact could conclude that the State presented sufficient evidence to show, beyond a reasonable doubt, that Daniels committed burglary and theft.

Affirmed.

MAY, J., and CRONE, J., concur.