

Following a jury trial, Robert D. Baxton, Jr. was convicted of robbery¹ as a Class B felony. Baxton presents the following issue for our review: whether the State presented sufficient evidence to sustain his conviction.

We affirm.

FACTS AND PROCEDURAL HISTORY

On October 8, 2009, Baxton and Daniel Moore (“Moore”) went to the home of Mario Johnson in Evansville, Indiana. Johnson had met Baxton in 2005 and directed Baxton and Moore to his garage. There, Baxton pulled out a handgun, pointed it at Johnson, and said: “Where is the F’ing money?” *Tr.* at 26-28. Johnson ran back inside his home with Baxton and Moore in pursuit. Baxton again pointed the handgun at Johnson and demanded money. Baxton and Moore kept asking Johnson for \$20,000. Johnson admitted to only having \$75 and went into his bedroom to retrieve it. Johnson returned to Baxton and Moore, threw the money on the floor, and Moore picked it up. *Id.* at 35-36. Johnson then ran out of his home. *Id.* at 39.

The State charged Baxton with robbery, burglary and being an habitual offender. After a jury found Baxton guilty of robbery and not guilty of burglary, Baxton admitted the habitual offender allegation. The trial court sentenced Baxton to fifteen years for the robbery enhanced by ten years for his status as an habitual offender. Baxton now appeals.

DISCUSSION AND DECISION

Baxton contends that the State’s evidence was insufficient to sustain his

¹ See Ind. Code § 35-42-5-1.

conviction because the evidence supported a theory of accomplice liability and no such instruction was given. Because the evidence is sufficient to support Braxton's conviction as a principal in the robbery, we do not reach this contention.

Our standard of review for sufficiency claims is well settled. We do not reweigh evidence nor judge the credibility of witnesses. *Corbin v. State*, 840 N.E.2d 424, 428 (Ind. Ct. App. 2006). We only consider the evidence most favorable to the judgment, together with reasonable inferences that can be drawn therefrom. *Id.* Where there is substantial evidence of probative value to support the verdict, it will not be disturbed. *Id.* “In a criminal case, upon a challenge to the sufficiency of the evidence to support a conviction, a reviewing court respects ‘the jury’s exclusive province to weigh conflicting evidence.’” *Id.* (quoting *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005) (citation omitted)). “[I]t is for the jury ‘to resolve conflicts in the evidence and to decide which witnesses to believe or disbelieve.’” *Sherwood v. State*, 784 N.E.2d 946, 952 (Ind. Ct. App. 2003), *trans. denied* (quoting *McCarthy v. State*, 749 N.E. 2d 528, 538 (Ind. 2001)). If the testimony believed by the jury supports the verdict, then the reviewing court should not disturb it. *Id.*

To convict Baxton of robbery as a Class B felony, the State was required to prove beyond a reasonable doubt that Baxton knowingly or intentionally took property from another person, by the use of force on any person or by putting any person in fear, while armed with a deadly weapon. *See* Ind. Code § 35-42-5-1. Baxton contends that he did not personally take any money from Johnson, and, therefore, he cannot be convicted of robbery. We disagree.

“Where two people act in concert to commit a crime, each may be charged as a principal in all acts committed by the accomplice in the accomplishment of the crime.” *Davis v. State*, 835 N.E.2d 1102, 1111 (Ind. Ct. App. 2005). The State is not required to prove that a defendant personally committed every element in commission of the crime. *Harris v. State*, 425 N.E.2d 154, 156 (Ind. Ct. App. 1981). “One who aids or abets another or induces or causes another to commit a criminal offense can be charged with that offense and tried and convicted as a principal.” *Bean v. State*, 460 N.E.2d 936, 942 (Ind. Ct. App. 1984).

Here, the evidence presented at trial clearly established that Baxton was a principal actor throughout the commission of the robbery. Baxton was the one who was armed with a handgun and pointed it at the victim. Baxton demanded the money from the victim and further threatened the victim. Although Baxton did not personally take the \$75 from Johnson, the evidence was sufficient for a jury to conclude that Baxton committed robbery. The fact that another man participated in the commission of the crime is of no moment. *See Hoskins v. State*, 441 N.E.2d 419, 425 (Ind. 1982) (“a person engaged in the commission of an unlawful act is criminally liable for probable and natural consequences including everything done by a confederate which follows incidental to the execution of a common design”). We conclude that sufficient evidence was presented to support Baxton’s conviction for robbery as a Class B felony.

Affirmed.

CRONE, J., and BRADFORD, J., concur.