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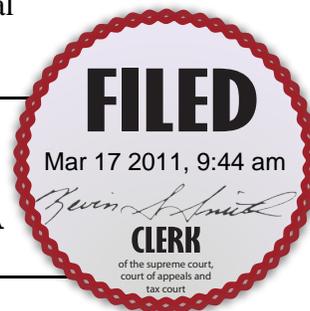
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**IN THE
COURT OF APPEALS OF INDIANA**



IN RE THE MATTER OF:)
T.M.,)
)
Appellant-Respondent,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Petitioner.)

No. 49A05-1008-JV-527

APPEAL FROM THE MARION SUPERIOR COURT - JUVENILE DIVISION
The Honorable Scott B. Stowers, Magistrate
Cause No. 49D09-1004-JD-001068

March 17, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

T.M. appeals his adjudication as a juvenile delinquent for committing acts that would be burglary, attempted theft, and criminal mischief if committed by an adult. He argues that the evidence is insufficient to support the true findings. Finding the evidence sufficient, we affirm.

Facts and Procedural History

The facts most favorable to the true findings reveal that on April 23, 2010, T.M. used a knife and a screwdriver to break the knob off a laundromat door at Eagle Creek Apartments in Indianapolis. Because T.M. was not a resident of the apartment complex, he did not have a key or permission to enter the locked laundromat. Once inside the laundromat, T.M. tried to open the locked coin box on at least one of the washing machines with the screwdriver and damaged the machine in the process. The tip broke off the screwdriver and fell behind the washing machine.

At about the same time, James Stevens walked by the laundromat on his way to take the trash from his parents' apartment to the dumpster. Stevens observed T.M., who was wearing a black sweatshirt with "New York" across the front and the hood pulled over his head, "fumbling" with the change box on the washing machine. Tr. p. 6, 11. Stevens was approximately fifteen feet away from T.M. as he walked by. After Stevens put the trash in the dumpster, he walked back by the laundromat. Stevens thought it was "suspicious" because T.M., who was still inside, ducked behind the washing machines. *Id.* at 12.

Stevens went to his parents' apartment and instructed his mother to call the apartment office because he thought somebody was "breaking into the washers." *Id.* at 13. Stevens went back outside and met up with the apartment manager. Stevens gave the apartment manager a description of what T.M. was wearing. The apartment manager then drove around the complex and spotted T.M. near the entrance. The manager pointed T.M. out to the police, who were just arriving on the scene. A police officer apprehended T.M. walking about 100 feet west of the laundromat. A screwdriver with a missing tip and a knife were found within ten feet of T.M. A later search of the laundromat revealed the screwdriver's missing tip behind one of the washing machines. The police returned T.M. to the scene, and Stevens identified T.M. as the person "trying to break into the washing machine." *Id.* at 16.

The State filed a petition alleging that T.M. was a delinquent child for committing what would be burglary, attempted theft, and criminal mischief if committed by an adult. The juvenile court found the allegations to be true, adjudicated T.M. a delinquent, and awarded warship to the Indiana Department of Correction for housing in any correctional facility for children under the age of twenty-one for a period of six months. T.M. now appeals.

Discussion and Decision

T.M. contends that the State did not present sufficient evidence to support his true findings for burglary, attempted theft, and criminal mischief. When the State seeks to have a juvenile adjudicated as a delinquent child for committing an act that would be a crime if committed by an adult, the State must prove every element of the crime beyond a

reasonable doubt. *J.S. v. State*, 843 N.E.2d 1013, 1016 (Ind. Ct. App. 2006), *trans. denied*. In reviewing a juvenile delinquency adjudication, we will consider only the evidence and reasonable inferences that support the judgment. *B.R. v. State*, 823 N.E.2d 301, 306 (Ind. Ct. App. 2005). We neither reweigh the evidence nor judge witness credibility. *Id.* If there is substantial evidence of probative value from which a reasonable trier of fact could conclude beyond a reasonable doubt that the juvenile committed the delinquent act alleged, we will affirm the adjudication. *Id.*

T.M.’s sole argument on appeal is that the evidence is insufficient “to prove [he] was at the scene of the break-in or that he was in any way tied to the criminal acts that took place there.” Appellant’s Br. p. 5. He does not challenge the individual elements of the crimes.

The evidence, however, proves beyond a reasonable doubt that it was, in fact, T.M. who broke into the laundromat, attempted to steal the coins, and damaged the washing machine in the process. T.M.’s arguments on appeal seem to focus on the absence of evidence presented by the State. For example, T.M. argues that Stevens did not see him with anything in his hands, the police could not testify how long the knife and the screwdriver were on the ground before they were found, and no fingerprints were recovered from the laundromat, the knife, or the screwdriver. However, these arguments ignore the substantial circumstantial evidence that the State did present. That is, Stevens identified T.M.—both at the scene and during the hearing—as the person who was inside the laundromat “fumbling” with the coin box on the washing machine and then hiding behind the washing machines when he walked by a second time. The door knob to the

locked laundromat was removed, and there were scratches on the washing machine. T.M., who did not live in the apartment complex, was apprehended 100 feet from the laundromat. A screwdriver with a missing tip and a knife were found a mere ten feet from T.M. When the laundromat was searched, the missing tip to the screwdriver was located behind one of the washing machines. This evidence is sufficient to prove T.M.'s identity as the perpetrator of the crimes. As for T.M.'s argument that Stevens was on parole for burglary on the date of the offenses in this case, it is merely a request for us to judge the credibility of a witness, which we will not do. The evidence is sufficient to support T.M.'s true findings for burglary, attempted theft, and criminal mischief. We therefore affirm T.M.'s adjudication as a juvenile delinquent.

Affirmed.

BAKER, J., and BARNES, J., concur.