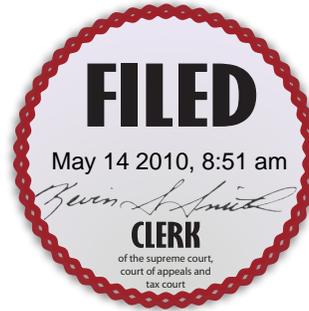


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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JOHN D. CANTRELL,  
Appellant- Defendant,

vs.

STATE OF INDIANA,  
Appellee- Plaintiff,

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No. 02A04-0910-CR-566

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APPEAL FROM THE ALLEN SUPERIOR COURT  
The Honorable Frances C. Gull, Judge  
Cause No. 02D04-0905-FC-100

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May 14, 2010

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**ROBB, Judge**

John D. Cantrell was charged with three counts of forgery and three counts of theft, all Class D felonies. A jury found him guilty of two counts of forgery and two counts of theft and not guilty of the remaining counts. Cantrell appeals his convictions, raising one issue for our review: whether the verdicts are fatally inconsistent. We affirm.

On May 4, 2009, Cantrell allegedly used counterfeit bills to purchase merchandise in three separate stores in Fort Wayne, Indiana. On May 8, 2009, the State charged Cantrell with three counts of forgery and three counts of theft corresponding to Cantrell's alleged conduct in each of the three stores.<sup>1</sup> A jury found Cantrell guilty of two counts of forgery and two counts of theft for his conduct at two of the stores but not guilty of one count of forgery and one count of theft for his conduct at the third. The trial court sentenced Cantrell to an aggregate sentence of eight years. Cantrell now appeals his convictions.

Cantrell contends that because his conduct was alleged to be the same in each of the three stores, the jury verdict finding him guilty of forgery and theft as to two stores and not guilty as to the other was “hopelessly inconsistent and def[ies] all efforts to reconcile.” Appeal Brief at 11. Our supreme court, however, recently held that “inconsistent jury verdicts are not subject to appellate review.” Beattie v. State, 924 N.E.2d 643, 649 (Ind. 2010). The court reasoned that appellate review of such claims

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<sup>1</sup> The State also charged Cantrell with one count of false reporting or informing, a Class A misdemeanor. The trial court, however, granted a directed verdict in Cantrell's favor on this charge.

would result in nothing more than speculation. Id. at 646. As such, appellate review of Cantrell's claim is precluded, and the jury verdict is affirmed.

Affirmed.

FRIEDLANDER, J., and KIRSCH, J., concur.