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IN THE
COURT OF APPEALS OF INDIANA

LEONARD SAGO	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A04-0812-CR-718
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Barbara A. Collins, Judge
The Honorable John J. Boyce, Commissioner
Cause No. 49G01-0807-FC-170908

June 30, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Defendant Leonard Sago appeals from his Class C Felony Robbery[1] conviction. Sago contends that the State produced insufficient evidence to support his conviction. We affirm.

FACTS AND PROCEDURAL HISTORY

On July 18, 2008, at approximately 10:00 p.m., Sharon Moore stood at a bus stop near the intersection of Washington and Oriental Streets in Indianapolis. The intersection was lit by three or four street lamps and a light from a laundromat. While speaking on her cellular phone, Moore noticed three individuals approach her, one petite white female with blonde hair; one black male with a short or shaved hair cut, wearing black shorts without a shirt; and one white male with a short "crew cut." Tr. p. 28. The female attacked Moore, took her cell phone, and began to taunt Moore as she walked away. Moore followed the female to retrieve her phone. While in pursuit, Moore noticed the black male following her. The black male grabbed Moore's purse, breaking its straps, and ran into a nearby alley.

Moore called the police from a nearby gas station. Shortly thereafter, police arrived, and Moore gave them a description of all three suspects. Indianapolis Metropolitan Police Sergeant Vincent Burke canvassed the area near the intersection. Sergeant Burke recognized a black male matching Moore's description of her assailant running up the stairs of an apartment building across the street. Several police officers entered the apartment building and knocked on the door of Lesley Woods, who told police officers that her nephew, Sago, had just returned home after going out with his

[1] Ind. Code § 35-42-5-1 (2008).

friends. Woods described Sago's friends as a "skinny" white girl with blonde hair and the girl's brother, a white man with a short hair cut. Tr. p. 97.

Woods allowed police to enter the apartment, and they found Sago, who had a short hair cut and was wearing black shorts with no shirt. Police apprehended Sago, and during a show up shortly thereafter, Moore identified Sago as the assailant who had grabbed her purse. Later, police were able to recover some of Moore's possessions from a dumpster behind Sago's apartment complex. Officer Burke had seen Sago running from the area of the dumpster before he entered the apartment building.

On July 18, 2008, the State charged Sago with Class C Felony robbery. Following an October 22, 2008 jury trial, Sago was convicted as charged. The trial court sentenced Sago to six years, with four years of incarceration and two years on work release. This appeal follows.

DISCUSSION AND DECISION

Sago challenges the sufficiency of the evidence to support his conviction of robbery. When reviewing the sufficiency of the evidence to support a conviction, we must consider only the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not reweigh the evidence or judge the credibility of the witnesses. *Kien v. State*, 782 N.E.2d 398, 407 (Ind. Ct. App. 2003), *trans. denied*. If we are confronted with conflicting evidence, we consider the evidence most favorable to the trial court's verdict. *Drane*, 867 N.E.2d at 146. We must affirm if the probative evidence and reasonable inferences drawn from

that evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. *Id.* at 147.

To convict Sago, the State had to prove that he knowingly or intentionally took Moore's property by the use of force. *See* Ind. Code § 35-42-5-1. In challenging his conviction, Sago asserts that (1) there was a lack of physical evidence to connect him to the robbery of Ms. Moore's purse and (2) his identification as the assailant was inaccurate considering the circumstances of the robbery.

As to Sago's physical evidence challenge, he cites no authority to suggest that physical evidence is required to sustain his conviction. Sago's second argument that Moore's identification was inaccurate due to the lighting of the area merely is an invitation to reweigh the evidence, which we will not do. Moore identified Sago as the man who snatched her purse and ran. She testified that she was able to see Sago with the light provided by the street lamps. In convicting Sago, the jury found Moore's testimony to be credible. We will not reassess the jury's credibility determination on that point. *Kien*, 782 N.E.2d at 407.

In the end, we cannot agree with Sago's contention that the evidence at trial was insufficient to support his conviction for robbery. Sago matched the description of the suspect, was identified by Moore as the assailant who took her purse, was spotted leaving the area where Moore's property was found, and was said to be in the company of two others who matched Moore's descriptions of her other assailants. This evidence is sufficient to support Sago's conviction for robbery.

The judgment of the trial court is affirmed.

CRONE, J., and BROWN, J., concur.