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IN THE
COURT OF APPEALS OF INDIANA

JOHN BATTLES,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-1012-CR-1279
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Annie Christ-Garcia, Judge
Cause No. 49F24-1006-FD-47484

July 5, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Defendant John Battles appeals his conviction for Class D felony Auto Theft.[1] Specifically, Battles contends that the evidence was insufficient to support his conviction. We affirm.

FACTS AND PROCEDURAL HISTORY

At approximately 4:00 p.m. on May 20, 2010, Ladonna Baker was leaving an A.J. Wright department store in Indianapolis. Baker unsuccessfully attempted to start her vehicle. Baker called her son, Curtis Wyche, and asked him to come help her start her vehicle. When Wyche arrived, Baker noticed that her ex-boyfriend, Battles, was in Wyche's vehicle. Battles, a mechanic, offered to look at Baker's vehicle. Baker talked to Wyche, who was parked a few parking spots away, while Battles started "messing with … something underneath the hood." Tr. p. 56.

Suddenly, Battles, who had gotten the vehicle to start, slammed the hood, jumped into the driver's seat, and drove away in Baker's vehicle. Baker had not given Battles permission to drive her vehicle. Baker and Wyche attempted to chase Battles in Wyche's car, but eventually lost track of Battles. Baker repeatedly attempted to call Battles's cell phone and left numerous voicemail messages asking Battles to return her vehicle. Baker and Wyche then waited for Battles at his place of employment, but Battles did not arrive for work as scheduled. The next day, having not been able to contact Battles, Baker called the police to report that her vehicle had been stolen and obtained a rental vehicle.

[1] Ind. Code § 35-43-4-2.5 (2009).

On May 22, 2010, Baker and Wyche searched Battles's cell phone history on the website Sprint.com and noticed that he had contacted a local hotel.[2] Baker and Wyche went to the hotel to try to locate Battles. Upon arriving at the hotel's parking lot, Baker and Wyche saw Baker's vehicle parked in the lot with a flat tire. Wyche stayed with the vehicle while Baker called police to inform them that she had found her vehicle, and drove to a nearby AAA office to request a tow. While Baker was gone, Battles exited the hotel and sat in the driver's seat of her vehicle. Wyche notified Baker and approached Battles. In an attempt to prevent Battles from leaving, Wyche tried to knock the keys to Baker's vehicle out of Battles's hand. As Battles and Wyche struggled, Baker returned and parked the rental vehicle that she was driving directly behind her vehicle, effectively blocking Battles from leaving. Battles eventually exited Baker's vehicle, and sat briefly in her rental vehicle before walking away from the hotel.

On June 21, 2010, the State charged Battles with one count of Class D felony auto theft. The State subsequently requested, and was granted, permission to amend the charging information to include the allegation that Battles was a habitual offender. Following a trial on August 31, 2010, the jury determined that Battles was guilty of Class D felony auto theft. Battles subsequently admitted that he was a habitual offender. On September 15, 2010, the trial court sentenced Battles to an aggregate term of four years' incarceration. On November 4, 1010, Battles petitioned the trial court for permission to file a belated appeal, which the trial court granted. This belated appeal follows.

[2] Battles's cell phone was an additional number on Baker's plan.

DISCUSSION AND DECISION

Battles contends that the evidence was insufficient to support his conviction for Class D felony auto theft because the evidence failed to prove that his control over the vehicle in question was unauthorized, and that he intended to deprive its owner of its use or value.

> The standard for reviewing sufficiency of the evidence claims is well settled. We do not reweigh the evidence or assess the credibility of the witnesses. Rather, we look to the evidence and reasonable inferences drawn therefrom that support the verdict and will affirm the conviction if there is probative evidence from which a reasonable jury could have found the defendant guilty beyond a reasonable doubt.

Stewart v. State, 768 N.E.2d 433, 435 (Ind. 2002) (citations omitted). "[I]t is for the trier of fact to reject a defendant's version of what happened, to determine all inferences arising from the evidence, and to decide which witnesses to believe." *Holeton v. State*, 853 N.E.2d 539, 541 (Ind. Ct. App. 2006).

In order to convict Battles of Class D felony auto theft, the State was required to prove that Battles: (1) knowingly or intentionally; (2) exerted unauthorized control over the motor vehicle of another; (3) with the intent to deprive the owner of the vehicle's value or use. Ind. Code § 35-43-4-2.5. The phrase "'to exert control over property' means to obtain, take, carry, drive, lead away, conceal, abandon, sell, convey, encumber, or possess property, or to secure, transfer, or extend a right to property." Ind. Code § 35-43-4-1(a) (2009). "[A] person's control over property of another person is 'unauthorized' if it is exerted: (1) without the other person's consent…." Ind. Code § 35-43-4-1(b).

Battles claims that the evidence was insufficient to prove that he exerted unauthorized

control over Baker's vehicle. Battles acknowledges that Baker testified that she did not give him permission to take her vehicle, but argues that other evidence tends to show that he had permission to work on the seemingly disabled vehicle and had previously been granted permission to drive the vehicle. In making this claim, however, Battles merely requests that we reweigh the evidence presented at trial, which we will not do. *See Stewart*, 768 N.E.2d at 435. Thus, we conclude that in light of Baker's testimony, the evidence was sufficient to support the jury's determination that Battles exerted unauthorized control over Baker's vehicle.

Battles also claims that the evidence was insufficient to prove that he intended to deprive Baker of the vehicle's value or use.

> "Intent is a mental state, and absent an admission, the [factfinder] must resort to the reasonable inferences based upon an examination of the surrounding circumstances to determine whether, from the person's conduct and the natural consequences that might be expected from that conduct, there exists a showing or inference of the required criminal intent." *Germaine v. State*, 718 N.E.2d 1125, 1132 (Ind. Ct. App. 1999), *trans. denied*.

M.Q.M. v. State, 840 N.E.2d 441, 446 (Ind. Ct. App. 2006). Battles argues that the evidence detailing his actions is more indicative of a misunderstanding and that he only possessed the vehicle for two days in order to repair it.

Upon review, we conclude that the evidence was indeed sufficient to support the jury's determination that Battles intended to deprive Baker of the use of her vehicle. The evidence indicates that upon taking Baker's vehicle, Battles evaded Baker's attempts to get the vehicle back from him. Battles jumped in the vehicle, drove off, led Baker and her son

on a chase through the streets of Indianapolis, and refused to answer Baker's repeated telephone calls and voicemails in which she requested that he return her vehicle. In addition, Battles's behavior when Baker found the vehicle parked at an Indianapolis hotel two days later also supports the jury's finding that Battles intended to deprive Baker of the use of her vehicle. Upon seeing Baker's son, Battles attempted to get in the vehicle and drive away, causing Baker and her son to have to use force to prevent Battles from leaving.

Having concluded that the evidence is sufficient to support the jury's determination that Battles exerted unauthorized control over Baker's vehicle, and that in doing so, he intended to deprive Baker of the use of her vehicle, we affirm Battles's Class D felony auto theft conviction.

The judgment of the trial court is affirmed.

BAKER, J., and MAY, J., concur.