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ATTORNEY FOR APPELLANT:

ELLEN F. HURLEY
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

JODI KATHRYN STEIN
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JEROME WHITE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-1101-CR-29
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Reuben B. Hill, Judge
The Honorable Richard Sallee, Sr. Judge
Cause No. 49F18-1002-FD-9363

August 12, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Jerome White appeals his conviction for Class D felony residential entry. We affirm.

Issue

White raises one issue, which we restate as whether there is sufficient evidence to support his conviction.

Facts

On February 6, 2010, Mahaman Salifou lived in a one bedroom apartment in an apartment complex in Indianapolis. The first-floor apartment had a living room, bedroom, kitchen, and bathroom. The living room was furnished with a couch, love seat, rug, coffee table, end table, and 50" TV. At approximately 7:00 p.m. Salifou was napping in the bedroom of his apartment while a friend, who was visiting, slept on a couch in the living room. Salifou woke up when he heard a door close. He went into the living room, where he saw White standing by the door, which was shut, with a piece of metal in his hands. Salifou, who did not know White, said, "what's up man." Tr. p. 10. White opened the door and walked away. Salifou followed White and called the police.

When Robert Lowe, an Indianapolis police officer, arrived on the scene, Salifou identified White as the man who had been in his apartment. Officer Lowe was familiar with the area and had found White in vacant apartments in that apartment complex in the past. White told Officer Lowe that he thought the apartment was vacant and he was looking for a warm place to get out of the weather. White did not clarify why he thought the apartment was vacant.

On February 8, 2010, the State charged White with one count of Class D felony residential entry. A jury found White guilty as charged based on Salifou's and Officer Lowe's testimony. White now appeals.

Analysis

White argues there is insufficient evidence to support his conviction. The standard of review for claims of insufficient evidence is well settled. We do not reweigh the evidence or judge the credibility of the witnesses, and we respect the jury's exclusive province to weigh conflicting evidence. Jackson v. State, 925 N.E.2d 369, 375 (Ind. 2010). We consider only the probative evidence and reasonable inferences supporting the verdict and affirm if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. Id.

"A person who knowingly or intentionally breaks and enters the dwelling of another person commits residential entry, a Class D felony." Ind. Code § 35-43-2-1.5. "'Dwelling' means a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person's home or place of lodging." I.C. § 35-41-1-10. "A person engages in conduct 'intentionally' if, when he engages in the conduct, it is his conscious objective to do so." I.C. § 35-41-2-2(a). "A person engages in conduct 'knowingly' if, when he engages in the conduct, he is aware of a high probability that he is doing so." I.C. § 35-41-2-2(b).

Pointing to his statement to Officer Lowe that he thought the apartment was vacant, White argues he did not intentionally or knowingly enter the dwelling of another.

The jury, however, was not required to believe White's self-serving statement to Officer Lowe. See Fultz v. State, 849 N.E.2d 616, 623 (Ind. Ct. App. 2006) ("It was entirely within the jury's province to disregard Fultz's self-serving testimony regarding the cause of Farrell's death . . . ."), trans. denied. Because intent is a mental state, the trier of fact may resort to reasonable inferences based on examination of the surrounding circumstances to determine the existence of the requisite intent. White v. State, 772 N.E.2d 408, 413 (Ind. 2002).

Here, White broke and entered an apartment in an apartment complex with a piece of metal in his hands. Moreover, when White entered the fully furnished living room, where Salifou's guest was asleep on the couch, he remained in the apartment long enough to shut the door behind him and for Salifou to wake-up and walk into the living room, contradicting his assertion on appeal that, upon realizing his mistake, he immediately left the apartment. From this evidence, it was reasonable for the jury to infer that White was aware of the high probability that he was entering a dwelling of another. We must decline White's request to reweigh the evidence. The evidence is sufficient to support the residential entry conviction.

Conclusion

There is sufficient evidence to support White's conviction for residential entry. We affirm.

Affirmed.

ROBB, C.J., and BRADFORD. J., concur.