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IN THE
COURT OF APPEALS OF INDIANA

BASE ALSTON-BUTLER	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-1101-CR-55
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Robert Altice, Judge
Cause No. 49G02-1006-FB-43111

August 17, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Base Alston-Butler appeals his conviction of four counts of robbery as Class B felonies[1] contending the evidence is insufficient to support the convictions.

We affirm.

FACTS AND PROCEDURAL HISTORY

In the early morning hours of May 30, 2010, Alston-Butler, Michael Moore and Deangelo Spencer approached Jeremy Coach, Richard Marshall, Joshua Matthews and Loren Ayers as they were walking down the street in Indianapolis. Moore put a gun to Marshall's chest and said, "Check this out; you guys are being robbed," and threatened the group with a "head shot" if they did not turn over their property. They turned over their cell phones, cash, jewelry and other property. Alston-Butler patted down Matthews searching for property, removed property from his person, exchanged it with Spencer and Moore and fled.

Alston-Butler and the other two men were arrested shortly thereafter, and police recovered the stolen property. Alston-Butler was charged and convicted following a jury trial of four counts of robbery.

DISCUSSION and DECISION

On appeal, Alston-Butler contends that the evidence is insufficient to support his convictions because it is in conflict and that the only reasonable inference "is that [he] did not actively participate in the robberies."

Our standard of review is well established. In reviewing a challenge to the sufficiency of evidence to support a conviction, we do not reweigh the evidence or judge the credibility

[1] I.C. 35-42-5-1

of the witnesses, and we respect "the jury's exclusive province to weigh conflicting evidence." *McHenry v. State*, 820 N.E.2d 124, 128 (Ind. 2005). We consider only the probative evidence and reasonable inferences supporting the verdict. *Id.* "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," we will affirm the conviction.

Applying this standard to the facts of this case compels us to affirm Alston-Butler's convictions. Viewed in accordance with this standard, Alston-Butler and his two companions robbed four men at gunpoint of their property, and, contrary to his contention on appeal, Alston-Butler was an active participant, patting down one of the victims, taking his property, exchanging it with his companions, and found in possession of some of the stolen property when he was arrested. While the evidence was conflicting on certain points, it was for the jury to determine credibility and resolve the conflicts.

Affirmed.

BAKER, J., and BROWN, J., concur.