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ATTORNEY FOR APPELLANT:

BRUCE E. ANDIS
Lebanon, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana
Indianapolis, Indiana

ARTURO RODRIGUEZ II
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

BRITT SCOTT,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0901-CR-36
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Steven Rubick, Commissioner
Cause No. 49G05-0807-FB-177246

AUGUST 20, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

GARRARD, Senior Judge

After a bench trial, Britt Scott was convicted of robbery, a Class B felony. He contends the evidence was insufficient to establish a robbery.

On July 27, 2008, Robert Griffin left his car while carrying a handful of items and walked to his apartment building in Indianapolis. Scott held the door open for Griffin to enter the building. As Griffin passed by, Scott reached into Griffin's back pocket to take his billfold. Griffin felt the removal and stopped. Griffin then turned around and saw Scott holding a large caliber semiautomatic handgun in his hand. Scott said, "give me your sh**, dude." Griffin did nothing, and Scott turned and walked away. Griffin then went in his apartment and called police. Scott was later apprehended with Griffin's wallet, and police found his handgun wrapped in a black t-shirt in bushes nearby.

A robbery occurs when a person knowingly or intentionally takes property from another person (1) by using or threatening the use of force, or (2) by putting any person in fear. The offense is a Class B felony if it is committed while armed with a deadly weapon. Ind. Code § 35-42-5-1.

Scott argues that the wallet was taken from Griffin's pocket before Griffin was subjected to any threat of force and before he saw any weapon. He, thus, contends that the taking was complete when the billfold was removed from the pocket and the requirements for robbery were not met.

The argument fails. In *Young v. State*, 725 N.E.2d 78, 80 (Ind. 2000), our supreme court held that force applied to the victim after his billfold had been taken and while the defendant was attempting to drive away in his car was sufficient to constitute robbery.

The court considered with approval prior similar decisions in *Coleman v. State*, 653 N.E.2d 481 (Ind. 1995); *Eckelberry v. State*, 497 N.E.2d 233 (Ind. 1986); and *Cooper v. State*, 656 N.E.2d 888 (Ind. Ct. App. 1995). The court ruled that a crime "that is continuous in its purpose and objective is deemed to be a single uninterrupted transaction….A robbery is not complete until the defendant asports the property, or takes if from the possession of the victim….Asportation continues as the perpetrators depart from the place where the property was seized." *Young*, 725 N.E.2d at 81.

Scott's case is quite similar to that in *Coleman*, where the robber threatened the store manager with a knife after he had left the store with canisters of film.

In the present case, Griffin felt his wallet being taken, turned around, and was confronted by Scott holding a large handgun. The threat of force was implicit. Moreover, Griffin testified that he feared for his life.[1]

Accordingly, the evidence was sufficient to show that Griffin's wallet was taken by threat of force.

Affirmed.

BARNES, J., and BRADFORD, J., concur.

[1] Mere appearance that perpetrator is armed with a gun establishes the inference that the victim was put in fear. *Taylor v. State*, 178 Ind.App. 650, 383 N.E.2d 1068, 1070 (1978).