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IN THE
COURT OF APPEALS OF INDIANA

SHERMAN HARRIS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A04-0902-CR-00071
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda Brown, Judge
Cause No. 49F10-0809-CM-206843

September 4, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Sherman Harris ("Harris") was convicted in Marion Superior Court of Class A misdemeanor conversion. He appeals and argues that the evidence is insufficient to support his conviction. We affirm.

Facts and Procedural History

On September 4, 2008, Harris entered a Marsh Supermarket store in Indianapolis, Indiana. Loss prevention officers began to watch Harris from the video surveillance room because of his suspicious body language. Harris proceeded to the health and beauty aisle of the store and selected cranberry supplements. Harris continued towards the frozen food section where he selected two frozen meals. He then placed the cranberry supplements in his right front pocket. He paid for the frozen meals but walked past all points of sale without paying for the supplements. A loss prevention officer stopped Harris near the store's exit.

Harris was charged with Class A misdemeanor conversion. A bench trial was held on January 14, 2009. Harris was convicted as charged. Harris was sentenced to 365 days with 351 days suspended and fourteen days executed. Harris now appeals.

Discussion and Decision

Harris argues that the evidence is insufficient to support his Class A misdemeanor conversion conviction. When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is

substantial evidence of probative value to support the conviction, it will not be set aside. Id.

To establish that Harris committed Class A misdemeanor conversion, the State was required to prove that Harris knowingly or intentionally exerted unauthorized control over the property of another person. Ind. Code § 35-43-4-3 (2004).

Harris argues that he placed the supplement pills in his pocket so that he could carry the other items he intended to purchase, and he merely forgot to pay for the supplements. Harris's argument is merely an invitation to reweigh the evidence and the credibility of the witnesses, which our court will not do.

The State proved that Harris placed the supplements in his pocket and walked past all points of sale without paying for them. This evidence is sufficient to support Harris's Class A misdemeanor conversion conviction.

Affirmed.

DARDEN, J., and ROBB, J., concur.