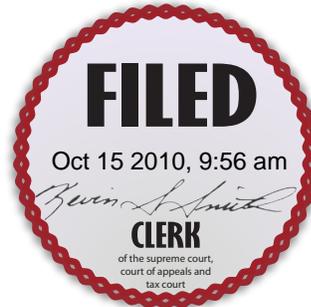


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

DAMETRICK M. GRAY,
Appellant/Defendant,

vs.

STATE OF INDIANA,
Appellee/Plaintiff.

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No. 02A05-1002-CR-143

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Frances C. Gull, Judge
Cause No. 02D04-0811-FB-194

October 15, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant/Defendant Dametrick Gray appeals from his conviction of Class B felony Robbery,¹ contending that the State failed to produce sufficient evidence to sustain his conviction. We affirm.

FACTS

On October 19, 2008, Adam Eastman was working alone as a cashier at a Lassus gas station in Fort Wayne. Sometime in the late morning, Gray entered the station and stood in line behind a customer. As Eastman opened the drawer on the cash register, Gray pushed the customer aside, pointed a gun at Eastman's face, and demanded all of the money in the cash register. Eastman placed approximately eighty-five dollars into a bag and gave it to Gray, who then left. On November 4, 2008, Eastman picked Gray out a six-person photo array. On November 13, 2008, the State charged Gray with Class B felony robbery. At trial, Eastman positively identified Gray as his robber, and a jury found him guilty as charged. On February 18, 2010, the trial court sentenced Gray to fifteen years of incarceration.

DISCUSSION AND DECISION

Whether the State Produced Sufficient Evidence to Sustain Gray's Conviction

Our standard of review for challenges to the sufficiency of the evidence supporting a criminal conviction is well-settled:

In reviewing a sufficiency of the evidence claim, the Court neither reweighs the evidence nor assesses the credibility of the witnesses. We look to the evidence most favorable to the [finding of guilt] and reasonable inferences drawn therefrom. We will affirm the conviction if there is

¹ Ind. Code § 35-42-5-1 (2008).

probative evidence from which a reasonable [finder of fact] could have found Defendant guilty beyond a reasonable doubt.

Vitek v. State, 750 N.E.2d 346, 352 (Ind. 2001) (citations omitted).

In order to sustain Gray's conviction for Class B felony robbery, the State was required to prove that he knowingly or intentionally took property from the presence of Eastman by threatening the use of force or putting Eastman in fear while armed with a deadly weapon. Ind. Code § 35-42-5-1. Gray contends only that the State failed to produce sufficient evidence to prove that he was the person who robbed Eastman. Eastman, however, not only selected Gray from a photo array but positively identified him at trial as his robber. It is well-settled that even the uncorroborated testimony of a single witness is sufficient to support a criminal conviction. *See, e.g., Thompson v. State*, 612 N.E.2d 1094, 1098 (Ind. Ct. App. 1993). Gray points to what he terms inconsistencies in the testimony of some witnesses and also argues that the jury wrongfully rejected his alibi evidence. These arguments, however, are nothing more than invitations to reweigh the evidence, which we will not do.

We affirm the judgment of the trial court.

DARDEN, J., and BROWN, J., concur.