



Appellant-defendant Shaun L. Steele appeals his conviction for Auto Theft,<sup>1</sup> a class D felony. Steele argues that the evidence is insufficient to support the conviction. Finding sufficient evidence, we affirm.

### FACTS

On August 12, 2007, John Graber was using his truck to help move a friend's sofa in Elkhart. Steele, who was visiting a house in the neighborhood and whom Graber had never met, offered to help unload the sofa. Steele asked Graber for a ride to Michigan so that Steele could see his wife. Graber declined because he had to go to church, but offered to loan the truck to Steele so long as Steele returned it to Graber's church by noon that same day. Steele accepted, and after Graber gave the keys to Steele and Steele drove away, Graber never saw the truck again. Steele did not visit his wife in Michigan and never attempted to return the truck. Through his own investigation, Graber uncovered Steele's full name and place of employment, and eventually located him in a Michigan jail. The truck was never recovered.

On April 7, 2008, Steele was charged with class D felony auto theft. Following Steele's January 16, 2009, jury trial, the jury found Steele guilty as charged. On May 20, 2009, the trial court sentenced Steele to three years with two years suspended. Steele now appeals.

### DISCUSSION AND DECISION

Steele's sole argument on appeal is that the evidence is insufficient to support the conviction. In addressing a sufficiency challenge, we neither reweigh the evidence nor

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<sup>1</sup> Ind. Code § 35-43-4-2.5(b).

assess witness credibility. Wright v. State, 828 N.E.2d 904, 906 (Ind. 2005). We will consider only the evidence and inferences most favorable to the jury's determination, and will reverse only if no reasonable factfinder could have found the defendant guilty beyond a reasonable doubt. Id. When a conviction is based on circumstantial evidence, we may affirm so long as an inference may reasonably be drawn therefrom to support the verdict; in other words, we will affirm if there is one reasonable hypothesis of guilt proved beyond a reasonable doubt. Lovell v. State, 474 N.E.2d 505, 507 (Ind. 1985).

To convict Steele of class D felony auto theft, the State was required to prove beyond a reasonable doubt that he knowingly or intentionally exerted unauthorized control over Graber's vehicle with the intent to deprive Graber of the vehicle's value or use. I.C. § 35-43-4-2.5(b)(2). "Exerting control over property" means "to obtain, take, . . . drive, . . . or possess property . . . ." I.C. § 35-43-4-1(a). A person's control over the property of another person is "unauthorized" if, among other things, it is exerted "in a manner or to an extent other than that to which the other person has consented . . . ." I.C. § 35-43-4-1(b)(2).

Here, it is undisputed that Steele drove Graber's vehicle away but did not have the authority to use or possess the truck after noon on the day in question, that Steele did not have the authority to abandon, sell, or transfer the vehicle to a third party, and that the vehicle was never returned to Graber. It was reasonable for the jury to infer that by failing to return the truck to Graber by noon—or at all—Steele knowingly exerted unauthorized control over Graber's vehicle with the intent to deprive Graber of the vehicle's value or use.

Steele's arguments to the contrary rely on cases based upon outdated versions of the relevant statute, Malone v. State, 169 Ind. 72, 81 N.E. 1099 (1907) (based on an outdated version of the larceny statute), West v. State, 250 Ind. 382, 235 N.E.2d 55 (1968) (based on an outdated version of the theft statute), rely on different factual circumstances, Muse v. State, 419 N.E.2d 1302 (Ind. 1981) (finding that where a defendant was found in possession of a stolen vehicle with no connection to the taking itself, there must be a showing of exclusive possession of the property during the time between theft and arrest), and amount to a request that we reweigh the evidence and assess witness credibility—a request we decline. We find the evidence sufficient to support Steele's conviction.

The judgment of the trial court is affirmed.

FRIEDLANDER, J., and RILEY, J., concur.