

Merritt Salyer (“Salyer”) was convicted in Allen Superior Court of Class D felony resisting law enforcement, Class A misdemeanor resisting law enforcement, and Class A misdemeanor operating a vehicle on a highway while license is suspended or revoked. Salyer appeals his convictions and argues that the State failed to present sufficient identification evidence. Concluding that Salyer’s argument is simply a request to reweigh the evidence and the credibility of the witnesses, we affirm.

Facts and Procedural History

On December 17, 2009, at approximately 11:45 p.m., Indiana State Police Officer Eric Egbert (“Officer Egbert”) observed a vehicle with an inoperable tail light, and turned on his emergency lights to initiate a traffic stop. The vehicle initially slowed, but then turned onto a side street and began to accelerate. Officer Egbert pursued the vehicle at speeds of approximately 60 miles per hour until the vehicle came to a sudden stop. The driver jumped out of the vehicle while it was still in motion and ran into the nearby woods.

Officer Egbert pursued the driver on foot, but was unable to apprehend him. The officer then returned to the abandoned vehicle where he found documents bearing Salyer’s name, including tax and civil court documents. When a county sheriff’s deputy arrived on the scene, Officer Egbert was able to view a photograph of Salyer on the deputy’s vehicle terminal. Officer Egbert identified Salyer as the driver of the vehicle. One of the tax documents found in the vehicle pertained to Salyer and the vehicle’s owner, Jennifer Simpson. Tr. pp. 72, 78. Officer Egbert testified that Simpson is Salyer’s girlfriend. Tr. p. 72.

On March 5, 2010, Salyer was charged with Class D felony resisting law enforcement, Class A misdemeanor resisting law enforcement, and Class A misdemeanor operating a vehicle on a highway while license is suspended or revoked. A jury trial was held on May 18, 2010.

At trial, Officer Egbert identified Salyer as the driver of the vehicle. The officer testified that he was able to get a “good look” at Salyer when he jumped out of the vehicle. Tr. p. 55. Officer Egbert also stated that while he was pursuing Salyer on foot, Salyer stumbled and turned his face toward the officer. Tr. p. 62. The officer testified that when this occurred he was approximately twenty feet from Salyer, and the area was “illuminated from his squad car lights.” Tr. p. 76.

The jury found Salyer guilty as charged. The trial court entered judgment of conviction on all counts, and ordered Salyer to serve an aggregate two-year sentence. Salyer now appeals.

Standard of Review

Salyer claims the evidence is insufficient to support his convictions. When we review a claim of insufficient 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 that 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.

Discussion and Decision

The only issue presented in this appeal is whether the State introduced sufficient evidence to identify Salyer as the driver of the vehicle. Specifically, Salyer argues that “the conditions were such that it would have been impossible to make a correct identification of the driver.” Appellant’s Br. at 9. Salyer’s argument is simply a request to reweigh the evidence and the credibility of the witnesses, which our court will not do.

Officer Egbert testified that he was able to get a “good look” at Salyer when he jumped out of the vehicle. Tr. p. 55. Officer Egbert also stated that while he was pursuing Salyer on foot, Salyer stumbled and turned his face toward the officer. Tr. p. 62. The officer testified that he observed Salyer’s face from a distance of approximately twenty feet, and the area was “illuminated from his squad car lights.” Tr. p. 76. The officer also identified Salyer in court as the driver of the vehicle. Tr. p. 75.

Furthermore, Officer Egbert testified that the vehicle’s owner is Salyer’s girlfriend. Moreover, documents bearing Salyer’s name were discovered inside the vehicle, including a civil court document addressed to Salyer. Officer Egbert’s identification of Salyer, as the driver of the vehicle, was unequivocal and supported by circumstantial evidence. We therefore conclude that the State presented sufficient evidence to identify Salyer as the driver of the vehicle and affirm his convictions for Class D felony resisting law enforcement, Class A misdemeanor resisting law enforcement, and Class A misdemeanor operating a vehicle on a highway while license is suspended or revoked.

Affirmed.

FRIEDLANDER, J., and MAY, J., concur.