



## **Case Summary**

Robert Reffitt (“Reffitt”) appeals his conviction for Operating a Motor Vehicle After Forfeiture of License for Life, a Class C felony. Reffitt contends that the evidence is insufficient to sustain his conviction. Concluding that the evidence is sufficient, we affirm the judgment of the trial court.

## **Facts and Procedural History**

In the early morning hours of July 16, 2005, Todd Owens (“Owens”) contacted the police, fearful that Reffitt and others were coming to his residence to harm him. Thereafter, Officer Brett Wright and Officer Randy Sidwell were dispatched to Owens’ residence located at 8049 South County Road 800 West in Pendleton, Indiana. After arriving at Owens’ residence, Officers Wright and Sidwell spoke with Owens, who provided them with a description of Reffitt’s vehicle, and then parked their vehicles just south of the residence and waited for Reffitt and the others to arrive. Shortly thereafter, the officers observed the described vehicle driving eastbound on County Road 800 South. The vehicle missed the turn onto County Road 800 West and thereafter stopped, backed up, and then turned south onto County Road 800 West toward Owens’ residence. The vehicle pulled in just north of Owens’ residence into a grassy area on Owens’ yard. At the time, Reffitt lived at Owens’ residence. Officer Wright pulled in behind the vehicle, and Officer Sidwell parked alongside the vehicle at an angle. Once the vehicle came to a complete stop, Reffitt exited it from the driver’s side and began walking toward Owens, who was on his porch. A passenger exited the vehicle from the front passenger side door. Officer Sidwell stopped Reffitt before he reached Owens and asked him for

identification. Reffitt provided the officers with an identification card but not a driver's license. Reffitt told the officers that his license was suspended and that he knew that he was not supposed to be driving. After checking the status of Reffitt's driver's license, the officers learned that Reffitt's license had been suspended for life.

Reffitt was arrested and charged with Operating a Motor Vehicle After Forfeiture of License for Life, a Class C felony.<sup>1</sup> At the conclusion of his bench trial, the trial court found Reffitt guilty as charged, specifically finding that "there's no reasonable doubt as to who was driving" and that "[t]he evidence leads unerringly to the conclusion that you were driving." Tr. p. 197. The trial court sentenced Reffitt to four years, all suspended to probation. Reffitt now appeals.

### **Discussion and Decision**

On appeal, Reffitt argues that the evidence presented at trial is insufficient to support his conviction. "Upon a challenge to the sufficiency of evidence to support a conviction, a reviewing court does not reweigh the evidence or judge the credibility of the witnesses, and respects the jury's exclusive province to weigh conflicting evidence." *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005) (internal quotations omitted). We must consider only the probative evidence and reasonable inferences supporting the verdict. *Id.* We must affirm if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. *Id.*

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<sup>1</sup> Ind. Code. § 9-30-10-17.

In order to support a conviction for operating a motor vehicle after forfeiting his license for life, the State had to prove that Reffitt was driving and that his privileges had been forfeited for life. Ind. Code § 9-30-10-17; *see Ford v. State*, 711 N.E.2d 86, 88 (Ind. Ct. App. 1999) (“In order to support a conviction for Driving While Suspended for Life, the State must prove that the defendant was driving and that the defendant’s privileges had been suspended for life.”), *trans. denied*.

Here, two officers testified that Reffitt was driving an automobile and exited from the driver’s side of the vehicle.<sup>2</sup> Additionally, Reffitt admitted that he was not supposed to be driving. Moreover, the State introduced Reffitt’s certified driving record, which indicated that his driving privileges had been forfeited for life and that this suspension was in effect on July 16, 2005, the date of this incident. Reffitt’s argument that the evidence is insufficient because he did not admit to driving the vehicle and that it is not likely, had he been driving, that he would have missed the turn going to Owens’ residence because at the time he was a live-in friend is merely a request that we reweigh the evidence, which we will not do. The evidence is sufficient to support Reffitt’s conviction for operating a motor vehicle after forfeiting his license for life.

Affirmed.

BAKER, C.J., and BAILEY, J., concur.

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<sup>2</sup> We note that Reffitt’s appellate brief incorrectly states that Officer Wright and Officer Sidwell testified “that Reffitt exited the passenger side of the vehicle.” Appellant’s Br. p. 6, 7. This is simply not true. The record clearly reflects that Officer Wright and Officer Sidwell testified that Reffitt exited the driver’s side of the vehicle. *See* Tr. p. 116, 126-27.