

Case Summary

Amanda Redman appeals her conviction for Class C felony forgery. We affirm.

Issue

Redman raises one issue, which we restate as whether there is sufficient evidence to support her conviction.

Facts

On January 6, 2009, Steven Lowel cashed a check made out to him in the amount of \$269.50 at a supermarket in South Bend. The check had been issued by DAW Enterprises, a company that did not exist. The check was later determined to be counterfeit. On January 22, 2009, Angela Brooks, who lived with Lowel, attempted to cash a check made out to her in the amount of \$120.57 at another supermarket in South Bend. That check was also issued by DAW Enterprises. Brooks was arrested.

An investigation led police to Redman's apartment in the same building as the apartment shared by Lowel and Brooks. A search of Redman's apartment revealed three computers, two of which contained information matching that on Lowel's check, and two printers. A paper with the information from Lowel's check was also found in Redman's apartment. Redman admitted to police that she had signed the checks.

On January 29, 2009, the State charged Redman with two counts of Class C felony forgery. A jury found Redman guilty of the count associated with Lowel and not guilty of the count associated with Brooks. Redman now appeals.

Analysis

Redman argues there is insufficient evidence to support her conviction because the totality of the testimony is inherently contradictory. In reviewing a claim of insufficient evidence, we do not reweigh the evidence, nor do we reevaluate the credibility of witnesses. Rohr v. State, 866 N.E.2d 242, 248 (Ind. 2007). “The Court views the evidence most favorable to the verdict and the reasonable inferences therefrom and will affirm the conviction if there is substantial evidence of probative value from which a reasonable jury could find the defendant guilty beyond a reasonable doubt.” Id.

Under certain circumstances we may apply the “incredible dubiousity” rule to impinge upon a jury’s function to judge the credibility of a witness. Fajardo v. State, 859 N.E.2d 1201, 1208 (Ind. 2007). Our supreme court has explained:

“If a sole witness presents inherently improbable testimony and there is a complete lack of circumstantial evidence, a defendant’s conviction may be reversed. This is appropriate only where the court has confronted inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiousity. Application of this rule is rare and the standard to be applied is whether the testimony is so incredibly dubious or inherently improbable that no reasonable person could believe it.”

Id. (quoting Love v. State, 761 N.E.2d 806, 810 (Ind. 2002)).

Redman points to inconsistencies in Lowel’s and Brooks’s testimony and argues that those contradictions render the evidence insufficient to support her conviction. However, we are not faced with a case where a sole witness presented inherently improbable testimony. Lowel testified that Redman brought him the check for him to cash and that they agreed to split the money obtained by cashing the check. Brooks

testified that Redman had created the check that she tried to cash and that Lowel had signed the check. According to Brooks, Lowel explained that she would keep half of the money from the cashed check and give half to Redman. Although Redman denied any agreement to split the money from the checks, she testified that she admitted to police that the checks were made on her computer and that she signed two of the checks. Indeed, two of Redman's computers had documents similar to the check cashed by Lowel on them, and a paper containing the same information as the check cashed by Lowel was found in Redman's apartment.

The incredible dubiousity rule does not apply here. It was a task for the jury to assess and weigh Lowel's and Brooks's testimony and their credibility. There is sufficient evidence to support Redman's conviction.

Conclusion

There is sufficient evidence to support Redman's conviction for Class C felony forgery. We affirm.

Affirmed.

BAILEY, J., and MAY, J., concur.