

Appellant-defendant Anthony S. Williams appeals his conviction for Auto Theft,¹ a class D felony, contending that there is insufficient evidence supporting the conviction. Finding the evidence sufficient, we affirm.

FACTS

On December 23, 2007, Kevin Campbell parked his green Ford Explorer in his daughter's driveway in Noblesville. Early in the morning of December 24, Fidelis Amaize, a neighbor who lived across the street from Campbell's daughter, observed two men going around the neighborhood and attempting to open car doors. Amaize called 911 when he noticed the men trying to get into Campbell's vehicle. The men successfully entered the vehicle and drove it out of the neighborhood.

At approximately 4:00 a.m., Officer Joseph Keith of the Noblesville Police Department was dispatched to the neighborhood following Amaize's 911 call. At approximately the same time, Officer Jeffrey Phelps of the Fishers Police Department received a radio dispatch regarding Campbell's stolen vehicle. Officer Phelps observed a vehicle matching the description of the stolen vehicle and he followed it into a Fishers subdivision. Officer Phelps observed a single individual exit the driver's door of the vehicle; that individual ran away from the scene and the vehicle came to a stop upon crashing into a mailbox. Officer Phelps approached the vehicle, found it empty, and stayed with it until other officers arrived on the scene.

¹ Ind. Code § 35-43-4-2.5(b)(1).

The vehicle was towed to the Noblesville Police Department Annex, where officers and detectives began an investigation. Among other things, they observed a substance appearing to be saliva on the passenger floor board. They collected a sample of that evidence, which was later confirmed to be saliva. On a later date, a detective met with Williams at the Hamilton County Jail to obtain a DNA sample for comparison purposes. Williams agreed, and it was later determined that the saliva sample from the stolen vehicle matched Williams's saliva to a reasonable degree of scientific certainty.

On November 24, 2008, the State charged Williams with two counts of class D felony auto theft and also alleged him to be a habitual offender; the State later amended the second count of auto theft to be a class C felony charge. The State eventually dismissed the habitual offender allegation. On January 14, 2010, following Williams's bench trial, the trial court found him guilty of class D felony auto theft and not guilty of class C felony auto theft. On February 4, 2010, the trial court sentenced Williams to three years, to be served on work release. Williams now appeals.

DISCUSSION AND DECISION

Williams's sole argument on appeal is that the evidence is insufficient to support his conviction. In evaluating the sufficiency of the evidence supporting a conviction, we neither reweigh the evidence nor assess witness credibility, and will focus on the evidence most favorable to the conviction together with the reasonable inferences that may be drawn therefrom. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). We will affirm unless no reasonable factfinder could find the elements of the crime proved

beyond a reasonable doubt. Id. To convict Williams 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 Campbell's vehicle, with the intent to deprive Campbell of the vehicle's value or use. I.C. § 35-43-4-2.5(b).

The record reveals that Campbell's vehicle was taken from his daughter's driveway without his permission. When Officer Phelps observed a vehicle matching the description and followed it, he saw one individual exit the moving vehicle from the driver's side door. After the vehicle came to a stop, Officer Phelps discovered that the vehicle was empty. The floorboard in the vehicle contained a substance later determined to be saliva, and DNA tests confirmed that the saliva was a match for Williams, who did not have Campbell's permission to use the vehicle.

Campbell argues that because neither the neighbor who observed the theft nor Officer Phelps can positively identify him as the individual who took or ran from the vehicle, the evidence is insufficient. We disagree. It is not necessary that evidence overcome every reasonable hypothesis of innocence. Drane, 867 N.E.2d at 147. Instead, it suffices if an inference may reasonably be drawn from it to support the conviction. Id. Here, we find that a reasonable factfinder could infer from the circumstances of the theft, Officer Phelps's observations, and the DNA test placing Williams's saliva inside the stolen vehicle, that Williams knowingly or intentionally exerted unauthorized control over Campbell's vehicle with the intent to deprive him of its use or value. See Bond v. State, 925 N.E.2d 773, 782 (Ind. Ct. App. 2010) (holding that defendant's finger prints on

a falsified VIN and license plate supported an inference that defendant exerted unauthorized control over the victim's car), trans. denied. In other words, we find the evidence sufficient to support the conviction.

The judgment of the trial court is affirmed.

NAJAM, J., and MATHIAS, J., concur.