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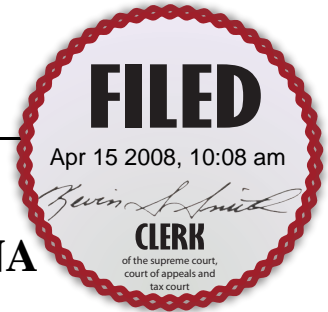
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**IN THE  
COURT OF APPEALS OF INDIANA**

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STARLA HOLDER, )  
 )  
Appellant-Defendant, )  
 )  
vs. )  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

No. 49A05-0709-CR-534

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Amy Barbar, Magistrate  
Cause No. 49G02-0608-FC-147989

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**April 15, 2008**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**CRONE, Judge**

Starla Holder challenges the sufficiency of the evidence supporting her convictions for class C felony forgery and class D felony theft. We affirm.

The facts most favorable to the trial court's judgment indicate that on May 23, 2006, Holder and two other women entered a Crown Liquors store in Indianapolis. Holder's sister, Ashley, was a store employee and on duty at that time. Holder and the other women each presented what purported to be a Family Dollar payroll check. Holder's check was for \$550.25. Store employee Dennis Linderman noticed that the amount was "pretty big" for a payroll check and remarked, "[W]ow, you guys make some pretty good money at the Family Dollar, what ya'll do there?" Tr. at 27, 28. Holder responded that she worked in management at Family Dollar. She had never worked for that company. Holder followed the store's check-cashing procedures, which involved presenting her driver's license, putting a thumbprint on the check, and providing her telephone number. Linderman cashed the checks, and the women left the store. The checks were not authentic and were dishonored by Crown Liquors' bank.

The next day, Holder returned to Crown Liquors and presented a second Family Dollar payroll check for over \$2,000. Holder told manager De Reimold, "Hi, I'm Ashley's sister." *Id.* at 37. Reimold had inspected the checks cashed the previous day, which had a similar appearance, and believed that they were forgeries. She told Holder that she would have to call Family Dollar to verify the check. Holder replied that no one was in the corporate office and that Reimold could not call. Holder told Reimold that she would take her check and go elsewhere and left the store. The State charged Holder with class C felony

forgery and class D felony theft. On June 27, 2007, the trial court found Holder guilty as charged.

A person who, with intent to defraud, utters a written instrument in such a manner that it purports to have been made by authority of one who did not give authority commits class C felony forgery. Ind. Code § 35-43-5-2. “A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use,” commits class D felony theft. Ind. Code § 35-34-4-2. Holder claims that the State failed to prove that she had the requisite intent to defraud Crown Liquors with the bogus Family Dollar payroll check and to deprive the store of its money. Our standard of review is well settled:

[W]e neither reweigh the evidence nor judge the credibility of witnesses. Rather, we consider only the evidence that is favorable to the judgment along with the reasonable inferences to be drawn therefrom to determine whether there was sufficient evidence of probative value to support a conviction. We will affirm the conviction if there is substantial evidence of probative value from which a reasonable trier of fact could have drawn the conclusion that the defendant was guilty of the crime charged beyond a reasonable doubt.

*Staten v. State*, 844 N.E.2d 186, 187 (Ind. Ct. App. 2006) (citations omitted), *trans. denied*.

“Intent to defraud may be proven by circumstantial evidence which will often include the general conduct of the defendant when presenting the instrument for acceptance.” *Miller v. State*, 693 N.E.2d 602, 604 (Ind. Ct. App. 1998). Likewise, intent to commit theft “may be proven by circumstantial evidence, and it may be inferred from a defendant’s conduct and the natural and usual sequence to which such conduct logically and reasonably points.” *Long v. State*, 867 N.E.2d 606, 614 (Ind. Ct. App. 2007). Here, Holder cashed the check at a store where her sister Ashley worked, presumably to avoid arousing suspicion about the

transaction, and lied about being a Family Dollar management employee when asked why the amount of the check was so large. Linderman cashed the check, and Holder left the store. The next day, she returned with a check in a much larger amount and announced that she was Ashley's sister. When Reimold stated that she would have to call Family Dollar to verify the check, Holder stated that no one was at the corporate office and left the store.

Taken together, the circumstantial evidence most favorable to the judgment is sufficient to establish beyond a reasonable doubt that Holder intended to defraud Crown Liquors and intended to deprive the store of its money. Holder's argument to the contrary is simply an invitation to reweigh the evidence in her favor, which we must decline. Accordingly, we affirm Holder's convictions.

Affirmed.

BARNES, J., and BRADFORD, J., concur.