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**IN THE
COURT OF APPEALS OF INDIANA**

PATRICK WILSON,)
)
Appellant-Defendant,)
)
vs.) No. 49A02-0712-CR-1101
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Tanya Walton Pratt, Judge
Cause Nos. 49G01-0708-FB-168283, 49G01-0208-FB-216486, and 49G01-0109-CF-187856

June 30, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Patrick Wilson challenges the sufficiency of the evidence supporting his convictions for class B felony burglary, class D felony theft, and class A misdemeanor criminal mischief. We affirm.

The facts most favorable to the trial court's judgment indicate that on August 15, 2007, police were summoned to 1612 Churchman Avenue in Marion County, on a report of burglary. The caller observed two black males and a white male carrying a large item toward another home on Churchman Avenue. Upon arriving at 1612 Churchman Avenue, officers investigated the scene and found that a window had been broken, and blood was smeared on the broken glass. The officers then went to 1641 Churchman Avenue, where they noticed a large item covered with a blanket in the backyard. A safe was uncovered, on top of which appeared a smear of blood. Once permitted to enter the home, the officers found Wilson and two other males in the front room. Wilson had a visible cut on his hand and was the only person in the house bleeding. The officers observed blood on the door, in the hallway, and on the walls. They also observed a dolly consistent with moving a large object. A search of the home yielded jewelry and personal items, which, along with the safe found in the backyard, had been taken from 1612 Churchman Avenue. The officers then noticed a trail of blood between the two houses.

Due to the cut on his hand, Wilson was taken to Wishard Hospital, where, after signing a waiver of his Miranda rights, he was interviewed by the police. During the interview, Wilson admitted to breaking the basement window at 1612 Churchman Avenue and removing the safe from the residence. On August 17, 2007, the State charged Wilson with class B felony burglary, class D felony theft, and two counts of class A misdemeanor

criminal mischief. On October 16, 2007, the State alleged that Wilson was a habitual offender. After a bench trial on November 16, 2007, the court found Wilson guilty on all charges except one count of class A misdemeanor criminal mischief.

On appeal, Wilson contends that the State failed to prove beyond a reasonable doubt that he was the person who committed the offenses. We disagree. Our standard of review is well settled:

[We 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*.

A conviction may be sustained based on circumstantial evidence. *See Pickens v. State*, 751 N.E.2d 331, 334 (Ind. Ct. App. 2001). Circumstantial evidence need not exclude every reasonable hypothesis of innocence; rather, circumstantial evidence may sustain a conviction if an inference may reasonably be drawn from the evidence to support the judgment. *Id.*

Here, Wilson admitted to breaking the window at 1612 Churchman Avenue and removing the safe. Police spotted a trail of blood originating at the crime scene and leading to the home where Wilson was arrested. At this location, police recovered several items taken from the crime scene, including the safe. Wilson had a cut hand and was the only person in the house bleeding. Also, police found blood smears on both the safe and the glass from the broken window at the crime scene. Taken together, we find the evidence sufficient

to support Wilson's conviction. Wilson's argument is simply an invitation to reweigh the evidence in his favor, which we must decline.

Affirmed.

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