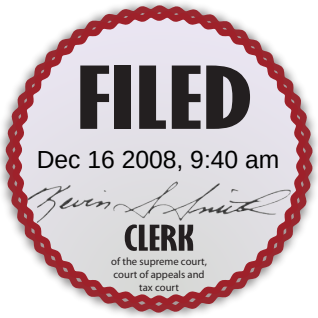

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IN THE
COURT OF APPEALS OF INDIANA

NAFEESAH DAVIS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-0807-CR-587
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Richard Sallee, Senior Judge
Cause No. 49F10-0803-CM-050

December 16, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Nafeesah Davis appeals her conviction for Criminal Conversion,[1] a class A misdemeanor, arguing that the evidence was insufficient to support the conviction. Finding sufficient evidence, we affirm.

FACTS

On March 1, 2008, Davis was shopping at a Steve & Barry's store in Indianapolis. Diana Chiscon, an employee of the store, was on the store floor when she first noticed Davis. Chiscon left the store floor and went to the Loss Prevention office, where she observed Davis via closed circuit television. Because the closed circuit television does not cover all areas of the store, however, Chiscon eventually returned to the store floor. At that time, she observed Davis take a necklace off of the shelf, remove it from the card to which it was fastened, place it in her pocket, and return the card to the display fixture. After that, Davis selected two more items and proceeded to the cash register. She paid for those two items but did not pay for the necklace. Chiscon followed Davis out of the store and asked Davis to return to the store; Davis complied. After returning to the store, Davis produced the necklace and admitted that she had not paid for it, though she blamed the cashier for failing to ring it up. She also informed Chiscon that she was on probation for theft.

On March 2, 2008, the State charged Davis with class A misdemeanor criminal conversion. Following a June 3, 2008, bench trial, Davis was found guilty as charged.

[1] Ind. Code § 35-43-4-3(a).

The trial court sentenced Davis to 365 days, with 34 days executed and 331 days suspended to probation. Davis now appeals.

DISCUSSION AND DECISION

Davis argues that there is insufficient evidence supporting her conviction. When reviewing a claim of insufficient evidence, we consider the evidence most favorable to the conviction together with all reasonable inferences that may be drawn therefrom. Warren v. State, 725 N.E.2d 828, 834 (Ind. 2000). We will neither reweigh the evidence nor assess witness credibility; instead, we will affirm if there is substantial evidence of probative value supporting each element of the crime based on which a reasonable factfinder could have found the defendant guilty beyond a reasonable doubt. Id.

To convict Davis of class A misdemeanor criminal conversion, the State was required to show that she knowingly or intentionally exerted unauthorized control over the property of another person. I.C. § 35-43-4-3(a). The State presented evidence that Chiscon observed Davis take a necklace off of a shelf, remove it from the card to which it had been attached, place it in her purse, and replace the card on the shelf. Davis then exited the store without paying for the necklace. When Chiscon confronted Davis, she produced the necklace and admitted that she had not paid for it.

Davis points to inconsistencies in Chiscon's testimony and argues that the trial court should have credited Davis's testimony over Chiscon's. This, however, amounts to a request that we reweigh the evidence and assess witness credibility—practices in which we do not engage when evaluating the sufficiency of the evidence supporting a

conviction. Having reviewed the record, we find the evidence sufficient to support Davis's conviction.

The judgment of the trial court is affirmed.

NAJAM, J., and KIRSCH, J., concur.