



Jeffrey Puckett appeals his conviction of escape, a Class D felony.<sup>1</sup> Finding the evidence sufficient to support his conviction, we affirm.

### **FACTS AND PROCEDURAL HISTORY**

On August 21, 2007, Puckett was placed on home detention. The next day Puckett met with community corrections staff, who explained the home detention rules to him, had him sign the pre-orientation guidelines, and gave him his monitoring equipment. The pre-orientation guidelines explained that Puckett was to remain in his home unless he was leaving for a pre-approved activity or for a medical emergency. Puckett did not attend his formal orientation on August 27, 2007.

On September 6, 2007, Ashley Brace came to Puckett's house to wait for a telephone call from her boyfriend. Puckett told her he was unhooking the telephone because he was leaving the house, but he would reconnect it when he returned home. Puckett then left the house and drove away in Brace's minivan. Puckett's father, who also lived in the house, called the police to report Puckett had stolen Brace's minivan, and he placed Puckett's electronic monitoring equipment on the front porch. A few hours later, police stopped Brace's minivan and arrested Puckett for auto theft. Police found a crack pipe in Puckett's pocket.

The State charged Puckett with Class C felony operating a motor vehicle after his license was forfeited for life, Class D felony auto theft, Class D felony intimidation, Class D felony escape, and Class A misdemeanor possession of paraphernalia. At the close of evidence, the court dismissed the intimidation charge. A jury found Puckett not

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<sup>1</sup> Ind. Code § 35-44-3-5(b).

guilty of auto theft, but guilty of operating a vehicle after forfeiting his license, escape, and possession of paraphernalia.

## **DISCUSSION AND DECISION**

Puckett appeals the sufficiency of the evidence supporting his conviction of escape. Our standard of review is:

When reviewing the sufficiency of the evidence to support a conviction, appellate courts must consider only the probative evidence and reasonable inferences *supporting* the verdict. It is the fact-finder’s role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. To preserve this structure, when appellate courts are confronted with conflicting evidence, they must consider it most favorably to the trial court’s ruling. Appellate courts affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence. The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.

*Drane v. State*, 867 N.E.2d 144, 146-47 (Ind. 2007) (quotations, citations, and footnote omitted) (emphasis in original).

A person commits escape if he “knowingly or intentionally violates a home detention order . . . .” Ind. Code § 35-44-3-5(b). Puckett asserts he could not have knowingly or intentionally violated his home detention order because “the instructions that Marion County Community Corrections provided to Puckett were vague and ambiguous.” (Appellant’s Br. at 9.) He claims his instructions were vague because his irregular work schedule would have permitted him to leave the house at the time police stopped him.

We cannot agree. Puckett signed Pre-Orientation Guidelines that stated: “You shall be confined inside (with[in] the walls of you[r] residence: front door to back door) your HOME at all times except when working or traveling directly to and from approved employment.” (App. at 26) (emphasis in original). Puckett could not leave his home for any other reason unless the activity had been pre-approved by community corrections. (*See id.*) Even if an emergency arose, Puckett was required to “call the Monitoring Center and explain the nature of [his] Emergency.” (*Id.*) (emphasis in original).

Puckett argues that because his work schedule was irregular, he could have been traveling to or from work when he was pulled over. However, Puckett admitted at trial that he was not traveling for work when he was pulled over and that he “shouldn’t have been away from the house.” (Tr. at 143.) Accordingly, the evidence supports the jury’s finding Puckett knowingly and intentionally left the house in violation of his home detention order, and we affirm.

Affirmed.

NAJAM, J., and ROBB, J., concur.