MEMORANDUM DECISION

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IN THE
COURT OF APPEALS OF INDIANA

Antonn Ridgnal,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

October 19, 2022

Court of Appeals Case No. 22A-CR-1064

Appeal from the Marion Superior Court

The Honorable Amy Jones, Judge

The Honorable Richard Hagenmaier, Magistrate

Trial Court Cause No. 49D34-2110-CM-33374

Bailey, Judge.

Case Summary

[1] Antonn Ridgnal appeals his conviction following a bench trial for theft, as a Class A misdemeanor.[1] Ridgnal presents one issue for our review, namely whether the State presented sufficient evidence to support his conviction. We affirm.

Facts and Procedural History

[2] On September 1, 2021, loss prevention officer Terrell Vance was working at a Walmart on Lafayette Road in Marion County. Vance watched, via a live video feed, Ridgnal place a Shop-Vac in a shopping cart. Vance then observed Ridgnal "take the barcode off of a smaller Shop-Vac and place it on the large[r] item that he had" in his cart. Tr. at 8. Vance also saw Ridgnal place some cans of "compressed air" into his cart. *Id*. at 9. At that point, Ridgnal proceeded to the self-checkout area and rang up the Shop-Vac that was in his cart. Vance then watched Ridgnal place the compressed air into a bag without ringing them up. Ridgnal "passed all points of sale," at which time he was apprehended. *Id*. at 10.

[3] The State charged Ridgnal with theft, as a Class A misdemeanor, and possession of a fraudulent sales document, as a Class A misdemeanor.[2] The

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[1] Ind. Code § 35-43-4-2(a) (2022).

[2] I.C. 35-43-5-14(a).

court held a bench trial on April 20, 2022. At that trial, Vance testified as to his observations of Ridgnal. But Vance also testified that he did not know the price of the Shop-Vac Ridgnal had placed in his cart or the price of the Shop-Vac from which Ridgnal had taken the barcode, and he testified that he did not know the actual amount of money Ridgnal had paid.

[4] At the close of the State's evidence, Ridgnal moved for a directed verdict. Ridgnal asserted that the State had failed to meet its burden because it did not present a video recording of the incident or a copy of a receipt to demonstrate how much he had paid. The court agreed that there was no evidence that the Shop-Vac "definitely had an incorrect label on it." *Id*. at 21. And the court noted that the State had not presented a receipt as evidence to show that the switched Shop-Vac label "was obviously less" than the Shop-Vac Ridgnal had in his cart. *Id*. at 22. Accordingly, the court granted Ridgnal's motion as to the charge for fraudulent possession of a sales document. However, the court found that there was evidence that Ridgnal took the compressed air "and put it in the bag without running it through." *Id*. at 22. As a result, the court denied his motion as to the charge for theft. *Id*. at 22. The court then found Ridgnal guilty of theft for having taken the compressed air. The court entered judgment of conviction accordingly and sentenced Ridgnal to a suspended sentence of 365 days. This appeal ensued.

Discussion and Decision

[5] Ridgnal contends that the State presented insufficient evidence to support his conviction. Our standard of review on a claim of insufficient evidence is well settled:

> For a sufficiency of the evidence claim, we look only at the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess the credibility of witnesses or reweigh the evidence. *Id*. We will affirm the conviction unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt. *Id*.

Love v. State, 73 N.E.3d 693, 696 (Ind. 2017).

[6] To convict Ridgnal of theft, as a Class A misdemeanor, the State was required to prove that he had knowingly or intentionally exerted unauthorized control over the property of Walmart with the intent to deprive Walmart of any part of its value or use. *See* Ind. Code § 45-43-4-2(a). On appeal, Ridgnal contends that the State failed to present sufficient evidence to support his conviction because there is no dispute that Ridgnal paid some amount of money to Walmart but that "[n]o records were presented and no testimony was elicited as to the amount of money [he] paid for the items in the cart." Appellant's Br. at 10. He further asserted that the State failed to present "any alleged incident surveillance videos, still pictures of videos, actual alleged items' pictures, [or] a sales receipt or price of those items." *Id*. Stated differently, he contends that the State failed to prove that he did not pay Walmart for the full value of the items he took.

[7] However, Ridgnal's argument on appeal is simply a request that we reweigh the evidence, which we cannot do. The evidence most favorable to the trial court's judgment demonstrates that Ridgnal attempted to exit the store without paying for the compressed air. Indeed, Vance testified that he had observed Ridgnal place "some compressed air" in his cart and then proceed to the self-checkout station. Tr. at 9. Vance also testified that, while Ridgnal rang up the Shop-Vac, he did not ring up the compressed air before placing it in a bag and attempting to leave. *Id*. at 10. Based on that evidence, a reasonable fact-finder could conclude that Ridgnal had committed theft, as a Class A misdemeanor.

[8] Still, Ridgnal briefly contends that the State failed to prove that he had committed theft because the charging information asserted that he had exerted unauthorized control over a "shop vacuum and/or tool set," but that compressed air is not a tool set. Appellant's App. Vol. 2 at 16. Ridgnal thus contends that, while the State may have demonstrated that he took compressed air, it did not prove that he took a tool set as charged. However, Vance testified that compressed air is "a tool." Tr. at 24. And, as discussed above, the State presented sufficient evidence to show that Ridgnal took the compressed air without paying.[3]

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[3] To the extent Ridgnal's argument can be construed to assert that the charging information did not sufficiently place him on notice regarding the compressed air, we note that the probable cause affidavit explicitly states that he had "bagged a non-scanned two-pack of compressed air" and then "passed all points of sale . . . without paying[.]" Appellant's App. Vol. 2 at 14. It is well settled that, "even where a charging instrument may lack appropriate factual detail, additional materials such as the probable cause affidavit supporting the charging instrument may be taken into account in assessing whether a defendant has been

Conclusion

[9] The State presented sufficient evidence to support Ridgnal's conviction for theft, as a Class A misdemeanor. We therefore affirm the trial court.

[10] Affirmed.

Riley, J., and Vaidik, J., concur.

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apprised of the charges against him." *State v. Laker*, 939 N.E.2d 1111, 1113 (Ind. Ct. App. 2010). Because the probable cause affidavit specifically referenced the compressed air, Ridgnal was sufficiently on notice that the charges against him included the theft of the compressed air.