

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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## IN THE COURT OF APPEALS OF INDIANA

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Camilla Walker,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

December 21, 2022

Court of Appeals Case No.  
22A-CR-1718

Appeal from the Hendricks Circuit  
Court

The Honorable Dan Zielinski,  
Judge

Trial Court Cause No.  
32C01-2104-CM-390

**Riley, Judge.**

## STATEMENT OF THE CASE

- [1] Appellant-Defendant, Camilla Walker (Walker), appeals her conviction for theft, a Class A misdemeanor, Ind. Code § 35-43-4-2(a).
- [2] We affirm.

## ISSUE

- [3] Walker presents one issue on appeal, which we restate as: Whether the State presented sufficient evidence beyond a reasonable doubt to sustain her conviction for Class A misdemeanor theft.

## FACTS AND PROCEDURAL HISTORY

- [4] In March 2021, Walker was employed as a customer service manager by Walmart in Avon, Indiana. Walker had been engaged in that role for approximately eighteen months, and her duties involved training and supervising cashiers. She was also required to have a basic understanding of the general cost of the merchandise. In addition, Walker knew how to perform price checks and “price voids”. (Transcript p. 18). When a cashier performs a price void, the transaction is essentially cancelled before the sale is settled by a customer.
- [5] On March 21, 2021, the surveillance video showed Walker giving the cashier three packages of chicken. After the cashier scanned all three, the cashier instantly voided two packages valued at \$21.91. Walker then paid for one package of chicken valued at \$10.75 in cash, and she was given some change

and a receipt. Although the other two packages had been voided from the sale, Walker took the packages and passed all points of sale without paying for them. On March 27, 2021, she was caught on surveillance video walking up to the register and handing the cashier diapers, several BIC lighters, and a shampoo bottle. The cashier also grabbed a bottle of Patron Tequila for Walker and scanned it. The cashier, however, voided the diapers valued at \$5.72 and the Patron tequila valued at \$42.98. Walker then gave the cashier a \$20 bill and was given change and a receipt. Although the diapers and the tequila had been voided from the sale, Walker exited all of Walmart's points of sale with the merchandise.

- [6] After noticing Walker's suspicious transactions, Wal-Mart's asset protection operations coach Don Endres (Endress) interviewed her. Endress specifically asked Walker about the Patron tequila, and Walker admitted to Endress that she had taken it home, and that she had "felt bad about it." (Tr. p. 27).
- [7] On April 12, 2021, the State filed an Information, charging Walker with theft, a Class A misdemeanor. Walker's bench trial was held on June 20, 2022. The State offered the sale receipts and the surveillance videos into evidence. Endress testified, and so did Walker. At the close of the evidence, the trial court found Walker guilty as charged. On the same day, the trial court sentenced Walker to one year, all suspended to probation.
- [8] Walker now appeals. Additional facts will be provided as necessary.

## DISCUSSION AND DECISION

- [9] Walker contends that the State presented insufficient evidence to support her conviction for Class A misdemeanor theft. We look only at the probative evidence and reasonable inferences supporting the judgment for a sufficiency of the evidence claim. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We do not assess the credibility of witnesses or reweigh the evidence. *Id.*
- [10] To convict Walker of theft, as a Class A misdemeanor, the State needed to prove that she had knowingly or intentionally exerted unauthorized control over the property of Wal-Mart with the intent to deprive Wal-Mart of any part of its value or use. *See* I.C. § 35-43-4-2(a). “A person engages in conduct ‘knowingly’ if, when he engages in the conduct, he is aware of a high probability that he is doing so.” I.C. § 35-41-2-2(b). “[I]ntent 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) (internal citation omitted).
- [11] Walker argues that “[h]er mere presence while the cashier rang up and voided some of her items is not enough to infer intent.” (Appellant’s Br. p. 8). Providing support for her claim, she cites *Carey v. State*, 194 Ind. 626, 144 N.E. 22, 23 (1924) which held that a conviction could not be supported by the mere presence of someone who has not been shown to have participated in the unlawful act. But, as the State correctly argues, that case is inapplicable

because Walker was not an innocent bystander who played no role in the unlawful act.

[12] The evidence most favorable to the trial court's judgment establishes that when Walker committed the offense, she was a customer service manager and that her job required her to have a general understanding of the price of goods being sold at Wal-Mart. Walker also knew the procedure for voiding transactions at the register if a customer wished not to purchase an item. Store receipts and surveillance videos showed that during the first transaction, Walker spent \$10 on chicken priced at \$30, and \$5 for merchandise priced at \$50 in her second transaction. Because she used cash in both transactions and received change, she should have reasonably been aware she had not paid the full price of the items she was purchasing. In fact, the trial court noted that Walker was "in a position to know what was going on". (Tr. p. 47). Finally, when Walker was confronted about whether she took the voided items without paying for them, she admitted guilt and, in fact, stated that she felt bad about it.

[13] Based on the evidence presented, the trier of fact could reasonably infer that Walker knowingly or intentionally exerted unauthorized control over Wal-Mart's property with the intent to deprive Wal-Mart of its value or use.

## **CONCLUSION**

[14] Based on the foregoing, we conclude that the State presented sufficient evidence beyond a reasonable doubt to convict Walker for Class A misdemeanor theft.

[15] Affirmed.

[16] Bailey, J. and Vaidik, J. concur