

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

Adam T. Beaty,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*



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March 1, 2024

Court of Appeals Case No.  
23A-CR-2069

Appeal from the Hendricks Circuit Court  
The Honorable Daniel F. Zielinski, Judge

Trial Court Cause No.  
32C01-2201-F6-22

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**Memorandum Decision by Judge Bradford**  
Chief Judge Altice and Judge Felix concur.

## **Bradford, Judge.**

### Case Summary

- [1] Adam Beaty was charged with and convicted of the theft of a DeWalt power tool double battery pack (“the battery pack”) from an Ace Hardware Store (the “Store”). Beaty challenges his conviction on appeal, arguing that the evidence was insufficient to sustain his conviction. Because we conclude otherwise, we affirm.

### Facts and Procedural History

- [2] On December 15, 2021, Store manager Jeffrey Brinson was notified by an employee of a potential theft. Brinson reviewed surveillance footage and saw a customer, later identified as Beaty, reach up and remove the battery pack from its display location. The battery pack had been secured with security measures aimed at making it difficult to remove it from its designated peg hook without assistance from a Store employee. Brinson later indicated that it is generally necessary to use a tool to remove the battery pack from its designated spot and that no Store employee had removed the security device connected to the battery pack. Beaty put something in his pocket before going to another aisle of the Store, which did not have any security cameras. Moments later, Beaty left the Store without making any purchases. Brinson checked the Store’s inventory system and found that the Store was short one battery pack and that none had been sold that day. Brinson and Store employees searched the Store but did not find the missing battery pack.

- [3] Brinson called the police after he had been unable to locate the missing battery pack in the Store. Hendricks County Sheriff's Captain Jesse Fulwider subsequently identified Beaty through a still photograph taken from the surveillance footage and posted on a Crime Tips Facebook Page.
- [4] On January 5, 2022, the State charged Beaty with Class A misdemeanor theft and Level 6 felony theft with a prior unrelated conviction. At Beaty's trial, Captain Fulwider identified Beaty as the individual shown in the surveillance footage who had taken the battery pack. Although he had not been involved in the investigation of the theft of the battery pack from the Store, Captain Fulwider had known of Beaty's identity prior to seeing the surveillance footage photograph and testified that, after receiving a tip from the crime scene website, he had run Beaty's name through the Bureau of Motor Vehicle's database to confirm that the individual depicted in the database's photograph matched the image of the individual depicted in the surveillance footage. A jury found Beaty guilty of the misdemeanor theft charge, after which Beaty pled guilty to the Level 6 felony charge. On August 7, 2023, the trial court sentenced Beaty to 365 days of incarceration.

## Discussion and Decision

- [5] 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 factfinder 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) (cleaned up). Stated differently, in reviewing the sufficiency of the evidence, “we consider only the evidence and reasonable inferences most favorable to the convictions, neither reweighing evidence nor reassessing witness credibility” and “affirm the judgment unless no reasonable factfinder could find the defendant guilty.” *Griffith v. State*, 59 N.E.3d 947, 958 (Ind. 2016).

[6] A person commits Class A misdemeanor theft if they “knowingly or intentionally exert[] unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use.” Ind. Code § 35-43-4-2(a). In challenging his conviction, Beaty argues that the evidence is insufficient to prove his identity as the individual shown in the surveillance footage.<sup>1</sup> We disagree. Captain Fulwider, who had known of Beaty prior to the theft, identified Beaty as the individual in the surveillance footage. Beaty’s challenge to the sufficiency of the evidence to prove his identity is nothing more

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<sup>1</sup> Beaty does not challenge the Level 6 felony enhancement or his admission that he had had a prior theft conviction, only the sufficiency of the evidence to sustain his conviction for this theft.

than a request to reweigh the evidence, which we will not do. *See Griffith*, 59 N.E.3d at 958.

[7] Beaty also argues that the evidence is insufficient to prove that he removed the battery pack from the Store. Again, we disagree. Surveillance footage showed that Beaty had reached up and removed the battery pack before placing something in his pocket, gone to an aisle with no surveillance cameras, and left the store without making a purchase. Store employees searched for the missing battery pack but were unable to locate it. While the surveillance footage does not explicitly show Beaty walking out of the Store with the battery pack, the evidence is sufficient to support the reasonable inference that Beaty had removed the battery pack from the Store with the intent to deprive the Store of its value. *See Steen v. State*, 987 N.E.2d 159, 163 (Ind. Ct. App. 2013) (concluding that a defendant had exerted unauthorized control over clothing that she had taken out of a store without purchasing), *trans. denied*. Beaty argues that it would have been difficult for him to have removed the security device with only one arm, but the evidence indicated that Beaty had done just that. Further, while Beaty suggests that another individual may have been responsible for the theft, this suggestion effectively amounts to a request to reweigh the evidence, which again, we will not do. *See Griffith*, 59 N.E.3d at 958.

[8] The judgment of the trial court is affirmed.

Altice, C.J., and Felix, J., concur.

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