

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

Christopher Eugene Douglas,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.



March 20, 2024

Court of Appeals Case No.
23A-CR-2288

Appeal from the
Madison Circuit Court

The Honorable
Scott A. Norrick, Judge

Trial Court Cause No.
48C05-2210-F6-2996

Memorandum Decision by Senior Judge Baker
Judges Bailey and Tavitias concur.

Baker, Senior Judge.

Statement of the Case

- [1] Christopher Eugene Douglas appeals from his conviction after a bench trial of one count of Level 6 felony theft,¹ contending that the State's evidence of the vehicle's rightful ownership is insufficient. Concluding that the evidence supporting Douglas' conviction is sufficient, we affirm.

Facts and Procedural History

- [2] On August 9, 2022, Rod Sexton approached a man, later identified as Douglas, about purchasing a truck located on the property where Douglas was living. Sexton had noticed the truck on the property and asked Douglas if the truck was for sale. Douglas told Sexton that the truck was for sale, but that he did not have the title for the truck. Sexton replied that the lack of title was not a problem because he wanted the truck for parts, and the two agreed to a purchase price of \$300. Douglas wrote a receipt for the purchase at Sexton's request but signed it using the name Christopher Williams. Sexton had the

¹ Ind. Code § 35-43-4-2(a)(1)(B)(i) (2022).

truck towed to his property. Sexton identified Douglas at trial as the person who had sold the truck to him.

[3] Marc Akers and his wife owned the rental property where Douglas lived.² They had operated under an informal rental agreement with Douglas and were in the process of evicting him at the time of the truck sale. Akers went to the property and discovered that the truck was no longer there. He was shown a video of the truck being removed from the property by a tow truck while Douglas stood beside it. Akers called the Anderson Police Department to report the theft of his truck.

[4] Anderson Police Detective Trent Chamberlin conducted the investigation into the stolen truck. He determined the name of the towing company from the video and tracked the truck's location to Sexton. Sexton explained his transaction with Douglas to the detective. Detective Chamberlin looked through the truck and found some old mail addressed to Akers among the items stored in the glove compartment. He observed that the VIN numbers on the written receipt matched the VIN numbers on the truck and on the registration document inside it. And Akers came to Sexton's house where he identified the truck as his.

² Akers testified that his mother-in-law's name appeared on the deed to the property. However, Akers' wife held a power of attorney over her mother's matters. Nevertheless, ownership of the real property is not at issue in this appeal.

[5] The State charged Douglas with one count of Level 6 felony theft and the matter proceeded to a bench trial. At trial, the provenance of the truck was contested, with Douglas maintaining that Akers had to present documentary evidence of his ownership before the court could find Douglas guilty. Akers testified that his father-in-law had purchased the truck “new.” Tr. Vol. I, p. 36. Akers further testified that his mother-in-law gave the truck to him and that both his and his wife’s names were on the registration issued by the Indiana Bureau of Motor Vehicles. He said that his name was placed on the truck’s registration approximately ten to fifteen years prior, and though he did not have the title with him at trial, it was stored in a lock box at his house.

[6] At the conclusion of the bench trial, the court found Douglas guilty of Level 6 felony theft. The court imposed a sentence of one year with fifteen days executed and the remainder suspended to probation. Douglas now appeals.

Discussion and Decision

[7] Douglas challenges the sufficiency of the evidence supporting his conviction. Sufficiency of evidence claims “warrant a deferential standard, in which we neither reweigh the evidence nor judge witness credibility.” *Powell v. State*, 151 N.E.3d 256, 262 (Ind. 2020). We consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence. *Id.* “We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt.” *Woodard v. State*, 187 N.E.3d 311, 318 (Ind. Ct.

App. 2022) (quoting *Powell*, 151 N.E.3d at 263). “We affirm the conviction ‘unless no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.’” *Woodward*, 187 N.E.3d at 318 (quoting *Sutton v. State*, 167 N.E.3d 800, 801 (Ind. Ct. App. 2021)). “It is therefore not necessary that the evidence overcome every reasonable hypothesis of innocence.” *Id.* “The evidence is sufficient if an inference may reasonably be drawn from it to support the verdict.” *Id.*

[8] Furthermore, “every criminal conviction must be supported by evidence upon each material element of the crime charged, and it is well settled that *the name of the owner or possessor of property alleged to have been stolen is a material allegation which must be proven beyond a reasonable doubt.*” *Pryor v. State*, 889 N.E.2d 369, 371 (Ind. Ct. App. 2008). And “[a] conviction may be sustained by circumstantial evidence alone” *Id.*

[9] Douglas contends that his conviction cannot stand based on this record absent a “bill of sale, receipt, or written document . . . to confirm the truck was given to Akers.” Appellant’s Br. p. 10. We cannot agree.

[10] Unlike in *Pryor*, where there was no evidence that the stolen vehicle was owned by the victim, *see* 889 N.E.2d at 374, Akers testified that he did own and had the title for the truck. He further testified he had received the truck from his mother-in-law and that the truck was registered in his and his wife’s name. At a minimum, Akers established possession by his control over the truck. He stored it on property he and his wife controlled. Additionally, Akers

recognized the truck and its VIN number at trial. And Detective Chamberlin discovered Akers' mail in the glove compartment of the truck.

[11] Douglas' attempt to attack the chain of ownership of the truck by requiring evidence to corroborate Akers' testimony amounts to a request for us to engage in an impermissible reweighing of the evidence and reassessment of the witnesses' credibility. *See Powell*, 151 N.E.3d at 262. Accordingly, we decline to do so and conclude that sufficient evidence was presented to sustain Douglas' conviction.

Conclusion

[12] In light of the foregoing, we affirm the trial court's judgment.

[13] Affirmed.

Bailey, J., and Tavitas, J., concur.

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