

Arlene M. Doub (“Doub”) was convicted in Elkhart Superior Court of Class D felony receiving stolen property and Class A misdemeanor resisting law enforcement. Doub appeals her conviction for receiving stolen property arguing that the evidence is insufficient to support her conviction.

We affirm.

Facts and Procedural History

In May 2010, Brian Howard (“Brian”) allowed his mother, Doub, to borrow his truck because her vehicle was being serviced. A digital camera belonging to Brian and his wife, Amy Howard, (“Amy”) was left in the truck, and while she was in possession of the truck, Doub took the camera. After the truck was returned to Brian, Amy noticed that their digital camera was missing. But Doub had already contacted Brian and told him that she had taken the camera from the truck. Brian told Doub that he needed the camera returned by May 20, 2010, because he and Amy were going on vacation. Tr. p. 34. Brian did not give Doub permission to take the camera and did not give her permission to keep it. Tr. p. 36.

After at least one attempt to meet with Doub to retrieve the camera was unsuccessful, on May 19, 2010, Amy proceeded to Doub’s residence for the purpose of retrieving the camera. Amy could hear Doub speaking inside the residence, but Doub initially refused to answer the door. When Doub finally opened the door, Amy observed that Doub appeared to be intoxicated. Doub denied having knowledge of the camera or its whereabouts. Therefore, Amy called the police.

Goshen Police Officer Josh Havens (“Officer Havens”) arrived at Doub’s residence shortly thereafter. The officer asked Doub about the camera, and Doub vacillated between denying she had the camera and admitting she had it. Finally, she stated that she threw the camera into her backyard. Tr. p. 31. After Officer Havens found the camera in the backyard, he placed Doub under arrest. Doub resisted being placed in handcuffs and was forcibly pushed into Officer Havens’s police vehicle.

On May 21, 2010, Doub was charged with Class D felony receiving stolen property and Class A misdemeanor resisting law enforcement. A jury trial was held on November 8, 2010, and Doub was found guilty as charged. She was ordered to serve an aggregate sentence of three years, with two and one-half years suspended to probation. Doub now appeals. Additional facts will be provided as necessary.

Discussion and Decision

Doub argues only that the State failed to present sufficient evidence to convict her of Class D felony receiving stolen property. Upon a challenge to the sufficiency of evidence to support a conviction, we neither reweigh the evidence nor judge the credibility of the witnesses. McHenry v. State, 820 N.E.2d 124, 126 (Ind. 2005). We consider only the probative evidence and reasonable inferences supporting the verdict. Id. We will affirm if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. Id.

To prove that Doub committed Class D felony receiving stolen property, the State was required to establish that she knowingly or intentionally received, retained or

disposed of Amy Howard's property that Doub knew had been the subject of theft. See Ind. Code § 35-43-4-2 (2009); Appellant's App. p. 8. Possession of recently stolen property when joined with attempts at concealment, evasive or false statements, or an unusual manner of acquisition may be sufficient to support a conviction for receiving stolen property. Purifoy v. State, 821 N.E.2d 409, 414 (Ind. Ct. App. 2005), trans. denied. Moreover, a person can be convicted of the crime of receiving stolen property if that person is the actual thief. Gibson v. State, 643 N.E.2d 885, 892 (Ind. 1994).

In this case, Doub took the camera from Brian's truck without his permission. When Brian and Amy attempted to retrieve their camera, Doub failed to return it. Amy finally confronted Doub at her residence, and Doub denied ever having possession of the camera. But after Amy called the police, Doub finally admitted that she had disposed of the camera by throwing it into her backyard. Officer Havens searched for and found the camera in Doub's backyard.

As the actual thief, Doub cannot reasonably dispute the fact that she knew the camera was stolen. Doub falsely stated that she never had the camera, would not return the camera to Brian and/or Amy, and attempted to conceal the whereabouts of the camera and dispose of it by throwing it into her backyard. For all of these reasons, we conclude that Doub's conviction for Class D felony receiving stolen property is supported by sufficient evidence, and Doub's arguments to the contrary are simply a request to reweigh the evidence and the credibility of the witnesses, which our court will not do.

Affirmed.

BAILEY, J., and CRONE, J., concur.

