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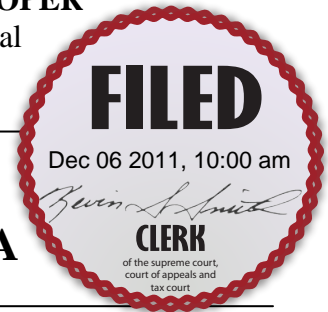
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**IN THE  
COURT OF APPEALS OF INDIANA**

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RONALD COLDREN,  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
Appellee-Plaintiff.

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No. 34A04-1106-CR-320

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APPEAL FROM THE HOWARD CIRCUIT COURT  
The Honorable Lynne Murray, Judge  
Cause No. 34C01-0801-FB-18

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**December 6, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BROWN, Judge**

Ronald Coldren appeals his conviction for robbery as a class B felony.<sup>1</sup> Coldren raises one issue which we revise and restate as whether the evidence was sufficient to support his conviction. We affirm.

The facts most favorable to the conviction follow. On January 10, 2008, Heather Fouts, a teller at Star Financial Bank in Kokomo, observed a man walk in the bank through the north doors, look at the clock, look at his watch, look at Fouts, and then turn around and walk out of the bank. Fouts later described the man as wearing a blue coat and jeans, and being tall, skinny, older, and white.

On January 11, 2008, a man wearing the same clothes as the day earlier entered the south doors, looked at the clock and turned around and left. Moments later, the man entered the bank and then entered a teller line. The man pulled a hat down over his face, and Fouts realized that the hat was “like a sock hat with holes cut in it.” Transcript at 24.

The man approached Amanda Paul, a teller, and told her that “this was a robbery and [he] had a sack out.” Id. at 45. Paul said “excuse me,” and the man repeated himself and displayed a knife. Id. Paul showed the man her empty drawer, and the man left her window and went to the next teller, Beverly Vaught. The man displayed the knife and told Vaught “this is a robbery, give me all the money in your top drawer.” Id. at 57. Vaught complied with the man’s request. The robbery occurred at approximately 9:12 a.m., and the man left through the north doors of the bank. Coldren entered the YMCA, which was across the street from the bank, “anywhere between 9:12 and 9:15.” Id. at

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<sup>1</sup> Ind. Code § 35-42-5-1 (2004).

109. Coldren exhibited a “nervousness in which he was wanting [] attention” of the front office manager for the Kokomo YMCA, Brandi Cupp. Id. at 110.

Kokomo Police Detective Michael Banush conducted an investigation, which led him to the CAM Center, which provides housing for homeless persons and makes referrals for assistance. Detective Banush observed Coldren walk out the back door of the CAM Center, look directly at Detective Banush’s vehicle and Detective Banush, and then turn around and walk back inside the building. The police discovered a receipt from Walgreens for \$70.96 in purchases paid for with \$71.00 cash in a trash can in the area where Coldren stayed at the CAM Center. The receipt showed that the purchases were made at 10:05 a.m. or “approximately 45 minutes after the bank robbery.” Id. at 70. The fact that the receipt was for seventy-one dollars “jump[ed] out at” Detective Banush as it was an unusual amount for someone at the CAM Center to spend at Walgreens. Id. at 70.

Detective Banush viewed the surveillance videos from the bank and Walgreens and observed that the video of the robbery suspect revealed that the suspect wore white tennis shoes and blue jeans and had “a very distinct walk with his feet being out” and that the man in the Walgreens video was wearing white tennis shoes and blue jeans and also walked with his “feet out, pointed outward.” Id. at 73. The video from Walgreens also shows Coldren handling a large sum of money. Detective Banush interviewed Coldren’s ex-wife Rita and showed her the surveillance videos from the bank, and Rita identified Coldren as the person in those videos and stated that she was one hundred percent sure that the person was Coldren.

Kokomo Police Officer Scott Purtee interviewed Coldren, and Coldren said that he had obtained money by selling copper to Newlon Metals and that was the source of the money he had at Walgreen's. After being told that Newlon Metals did not have any record of him selling copper, Coldren stated that his friend had sold the copper but could not provide the name of his friend. Coldren then stated that he received money from his mother.

The State charged Coldren with robbery as a class B felony.<sup>2</sup> During the jury trial, videos of the robbery and the transaction at Walgreens were played for the jury. Fouts stated that she saw the robber multiple times but he never approached her. Fouts identified Coldren as the person who robbed the bank, and when asked how sure she was of her identification testified that “[o]n a scale of 1 to 10, probably a 9.” *Id.* at 33. Fouts also testified that when she identified Coldren in the photo array she was “a 10” at that time. *Id.* at 34. Paul testified that she recognized Coldren from the date of the robbery and that when she identified the man in the photo array she was “[p]robably 90 to 95 percent” sure that the person in the photo was the person who robbed the bank. *Id.* at 49. The deposition of Kathy Lee Esslinger, the supervisor of the CAM Center, was read into evidence at trial and she identified Coldren as the bank robber. Rita testified that the person on the surveillance video from the bank was not Coldren. The jury found Coldren guilty as charged. The court sentenced Coldren to twelve years with ten years executed and two years suspended to probation.

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<sup>2</sup> The State initially charged Coldren on January 17, 2008, and later filed an amended information on February 26, 2009.

The issue is whether the evidence was sufficient to support Coldren's conviction. Coldren appears to argue only that the evidence was insufficient to identify him as the bank robber. Specifically, Coldren argues that "the conviction was based on identifications fraught with unreliability, unsureness, and ambiguity." Appellant's Brief at 10. Coldren also argues that the evidence "did nothing more than present equivocal eyewitness testimony as the only evidence of guilt."<sup>3</sup> Id. The State argues that two tellers identified Coldren as the person who robbed the bank, Rita initially identified Coldren as the robber, and the similarities between the person on the bank video and the Walgreens video constituted sufficient evidence.

Elements of offenses and identity may be established entirely by circumstantial evidence and the logical inferences drawn therefrom. Bustamante v. State, 557 N.E.2d 1313, 1317 (Ind. 1990). The unequivocal identification of the defendant by a witness in court, despite discrepancies between his description of the perpetrator and the appearance of the defendant, is sufficient to support a conviction. Emerson v. State, 724 N.E.2d 605, 610 (Ind. 2000), reh'g denied. It is the jury's task to weigh the evidence and determine the credibility of the witnesses. Gleaves v. State, 859 N.E.2d 766, 770 (Ind. Ct. App. 2007). As with other sufficiency matters, we will not weigh the evidence or resolve

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<sup>3</sup> Coldren also argues that "much of the trial was littered with character assassination oriented generalizations about the poverty of Mr. Coldren and the notion that homeless people could not possibly have legitimate sources of money." Appellant's Brief at 10. Coldren does not cite to relevant authority, develop a cogent argument, or cite to the record. Consequently, this argument is waived. See Cooper v. State, 854 N.E.2d 831, 834 n. 1 (Ind. 2006) (holding that the defendant's contention was waived because it was "supported neither by cogent argument nor citation to authority"); Shane v. State, 716 N.E.2d 391, 398 n.3 (Ind. 1999) (holding that the defendant waived argument on appeal by failing to develop a cogent argument).

questions of credibility when determining whether the identification evidence is sufficient to sustain a conviction. Id. Rather, we examine the evidence and the reasonable inferences therefrom that support the verdict. Id. Coldren's arguments regarding why the witnesses should not be believed amount to an invitation that we reweigh the evidence, which we cannot do. See id. at 769-770.

The record reveals that Fouts identified Coldren as the person who robbed the bank, and when asked how sure she was of her identification, she testified that “[o]n a scale of 1 to 10, probably a 9.” Transcript at 33. Fouts also testified that when she identified Coldren in the photo array she was “a 10” at that time. Id. at 34. Paul testified that she recognized Coldren from the date of the robbery and that when she identified the man in the photo array she was “[p]robably 90 to 95 percent” sure that the person in the photo was the person who robbed the bank. Id. at 49. The deposition of Kathy Lee Esslinger, the supervisor of the CAM Center, was read into evidence at trial. Esslinger testified that she was familiar with Coldren, that she knew him for approximately a year, and interacted with him each day that she was at the CAM Center. Esslinger also testified that she viewed the video of the bank robbery and the following exchange then occurred:

Q And I asked you if you could positively identify the individual in the video and what was your response to that?

A My response that this was --, that his jeans and white shoes looked very much like the shoes and jeans that [Coldren] had on that day. Also, his stance and the way he walked was very much like Ron. He even had just a bit of a limp, which Ron does have.

Id. at 167. Esslinger also testified that Coldren had a gray ski cap. Esslinger also identified the person in the Walgreens video as Coldren. Detective Banush viewed the surveillance videos from the bank and Walgreens and observed that the video of the robbery suspect revealed that the suspect wore white tennis shoes and blue jeans and had “a very distinct walk with his feet being out” and that the man in the Walgreens video was wearing white tennis shoes and blue jeans and also walked with his “feet out, pointed outward.” Id. at 73. Lastly, Detective Banush interviewed Coldren’s ex-wife Rita and showed her the surveillance videos from the bank, and Rita identified Coldren as the person in those videos and stated that she was one hundred percent sure that the person was Coldren. We cannot say that it was unreasonable for a jury to believe the identification testimony. See Emerson, 724 N.E.2d at 610 (holding it was reasonable for a jury to believe the testimony of witnesses who identified the defendant as the person who had robbed them). Based upon our review of the record, we conclude that evidence of probative value exists from which the jury could have found that Coldren committed robbery. See id. (holding an in-court identification of the defendant was sufficient to support the defendant’s convictions); Oliver v. State, 431 N.E.2d 98, 100 (Ind. 1982) (holding that there was sufficient evidence to support the conclusion beyond a reasonable doubt that the defendant was the person who committed the crime where identification of the defendant was corroborated by testimony regarding the clothing worn by the defendant).

For the foregoing reasons, we affirm Coldren's conviction for robbery as a class B felony.

Affirmed.

MAY, J., and CRONE, J., concur.