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**IN THE
COURT OF APPEALS OF INDIANA**

DELISHA TAYLOR,)

Appellant-Defendant,)

vs.)

STATE OF INDIANA,)

Appellee-Plaintiff.)

No. 49A02-0605-CR-415

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Jeffrey Marchal, Commissioner
Cause No. 49G06-0511-FC-188519

December 18, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Delisha Taylor appeals her conviction for forgery, a Class C felony.¹ Specifically, she contends that the evidence is insufficient to support her conviction because the State did not prove beyond a reasonable doubt that she had the intent to defraud. We find the evidence sufficient and therefore affirm Taylor's conviction.

Facts

On October 31, 2005, Taylor entered the Charter One bank at 6100 North Keystone Avenue in Marion County. She approached bank teller Matthew Thompson and told him that she wanted to open a checking account with a check that she received for school expenses. Taylor showed her identification and presented a check that was made payable to her in the amount of \$5278.31. The check was from FulGuard Financial, a registered corporation through which Raymond Holland, a licensed insurance agent, sells insurance. FulGuard has never participated in student loans or scholarships, and neither FulGuard nor Holland gave the check to Taylor.

Taylor told Thompson that she would like to deposit a portion of the check into a checking account and receive cash for the remainder of the check. Thompson told Taylor that pursuant to bank policy, she would have to deposit the full amount of the check into an account. Thompson, however, noticed several irregularities with the check: a font difference between the "pay to" line and the written amount of the check; the written amount and the name each had a rainbow watermark that did not appear to be authentic; the ink on the check was from a money order printer; the check was unsigned; and there

¹ Ind. Code § 35-43-5-2(b)(4).

was no indication that the proceeds of the check were school-related funds. Thompson excused himself to show the check to the branch manager, leaving Taylor standing at the counter. The manager called National City, which is the bank the check was drawn from, to verify that there were funds in the account. He was informed that there was no account at National City matching the account number on the check. The manager then called the police.

At this point, Thompson returned to the counter, where Taylor was still standing. He continued the process of opening the account, including having Taylor endorse the check, to keep Taylor at the bank until the police arrived. When the police arrived, Taylor was advised of her *Miranda* rights. She told the police that she received the check from an online scholarship fund. The police arrested Taylor for forgery.

Thereafter, the State charged Taylor with Class C felony forgery. A bench trial ensued. At trial, Taylor testified that she conducted a Google search for financial assistance to attend culinary school, entered her information on the website, and “all of a sudden” received a check in the mail. Tr. p. 41. Taylor also testified that although she had an account at a different bank, she went to this bank because it was closer to her house. Following the bench trial, Taylor was convicted as charged. The trial court sentenced Taylor to four years, all suspended, and one and one-half years of probation. Taylor now appeals.

Discussion and Decision

Taylor contends that the evidence is insufficient to support her conviction for forgery. When reviewing a challenge to the sufficiency of the evidence, we do not

reweigh the evidence or judge the credibility of witnesses. *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005). We must consider only the probative evidence and reasonable inferences supporting the verdict. *Id.* We must 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.* When a conviction is based on circumstantial evidence, we will not disturb the verdict if the fact-finder could reasonably infer from the evidence presented that the defendant is guilty beyond a reasonable doubt. *Brown v. State*, 827 N.E.2d 149, 152 (Ind. Ct. App. 2005). Additionally, the circumstantial evidence need not overcome every reasonable hypothesis of innocence; the evidence is sufficient if an inference may reasonably be drawn to support the verdict. *Id.*

As charged in this case, forgery is defined as “[a] person who, with intent to defraud, . . . utters . . . a written instrument in such a manner that it purports to have been made . . . by authority of one who did not give authority.” Ind. Code § 35-43-5-2(b)(4). Taylor argues that the State failed to prove that she had the intent to defraud. Intent to defraud may be proven by circumstantial evidence. *McHenry*, 820 N.E.2d at 127; *Sanders v. State*, 782 N.E.2d 1036, 1039 (Ind. Ct. App. 2003). Intent to defraud involves an intent to deceive and thereby work a reliance and an injury. *Eifler v. State*, 570 N.E.2d 70, 77 (Ind. Ct. App. 1991) (citing *Wendling v. State*, 465 N.E.2d 169, 170 (Ind. 1984)), *trans. denied*. Intent is a mental function, and, absent an admission, it must be determined by the fact-finder from a consideration of the defendant’s conduct when

presenting the instrument for acceptance and the natural and usual consequences of such conduct. *Id.* at 77; *see also Wendling*, 465 N.E.2d at 170.

Specifically, Taylor claims that her conduct at the bank when presenting the check to open an account—that is, showing her identification, signing the check with her own name, and remaining at the counter while Thompson discussed the check with the manager—does not prove intent to defraud. However, the evidence shows that Taylor presented a check purportedly issued by FulGuard Financial on a National City account. She wanted to deposit some of the proceeds into the account and receive the rest in cash. Neither FulGuard nor Holland issued the check to Taylor, and FulGuard did not have an account with National City. In addition, FulGuard has never dealt with student loans or scholarships. The check was not signed, showed some other irregularities, and did not indicate that the proceeds were school-related funds. This circumstantial evidence is sufficient to prove intent to defraud. As such, Taylor’s arguments are merely an invitation for us to reweigh the evidence, which we will not do. We therefore affirm Taylor’s conviction for forgery.

Affirmed.

BAILEY, J., and BARNES, J., concur.