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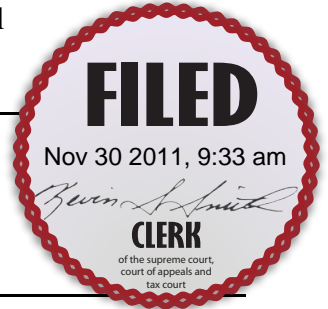
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**IN THE
COURT OF APPEALS OF INDIANA**



L.G.,)
)
Appellant-Respondent,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Petitioner.)

No. 49A02-1102-JV-181

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Gary K. Chavers, Judge Pro Tempore
Cause No. 49D09-1010-JD-002716
Cause No. 49D09-1006-JD-001726

November 30, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

L.G. appeals his adjudication as a juvenile delinquent, for committing an act that would have been Burglary, if committed by an adult.¹ He presents the issue of whether there is sufficient evidence to establish he committed the alleged act so as to support the juvenile delinquency adjudication. We affirm.

Facts and Procedural History

On September 30, 2010, Indianapolis Metropolitan Police Department Officer Ronald Wells responded to a report of a burglary in progress at 5326 West 34th Place. When Officer Wells arrived, he observed gaming equipment strewn across the yard and found that a large section of glass had been removed from the back door of the residence. The homeowner, Jeremy Burrows (“Burrows”), reported that a fifty-inch flat screen television set, a rifle, and a game system were missing from his house.² The television set was recovered from behind a shed at L.G.’s residence.

On October 1, 2010, the State alleged that L.G. is a juvenile delinquent because he committed acts that would be Burglary and Theft, if committed by an adult. (App. 18.) On January 13, 2011, at the conclusion of a denial hearing, the court entered true findings as to those allegations. In an unrelated case, L.G. had been found to have committed an act that

¹ Ind. Code § 35-43-2-1. He does not challenge his adjudication as a delinquent for having committed an act that would be Theft, Indiana Code § 35-43-4-2, if committed by an adult. However, unlike the adjudication based upon an act that would be Theft, the adjudication based upon an act that would be Burglary rendered L.G. eligible for a determinate sentence, in light of his age and prior adjudications. For this reason, L.G. challenges that particular adjudication although he admits he is delinquent.

² The rifle was later located in Burrows’ yard.

would be Auto Theft, if committed by an adult. The matters were consolidated for a dispositional hearing. At the conclusion of that hearing, the court committed L.G. to the Department of Correction for a determinate term of twenty months.³ This appeal ensued.

Discussion and Decision

When reviewing a juvenile delinquency adjudication, we will consider only the evidence and reasonable inferences that support the judgment. B.R. v. State, 823 N.E.2d 301, 306 (Ind. Ct. App. 2005). We neither reweigh the evidence nor judge witness credibility. Id. If there is substantial evidence of probative value from which a reasonable trier of fact could conclude beyond a reasonable doubt that the juvenile committed a delinquent act alleged, we will affirm the adjudication. Id.

To support a true finding for Burglary, as alleged, the State was required to establish beyond a reasonable doubt that L.G. broke and entered Burrows' residence with the intent to commit a felony therein. See Ind. Code § 35-43-2-1. Indiana Code Section 35-41-2-4 provides in relevant part: "A person who knowingly or intentionally aids, induces, or causes another person to commit an offense commits that offense." The Indiana Supreme Court has considered four factors in determining whether a person aided another in committing an offense: (1) presence at the scene, (2) companionship with another engaged in criminal activity, (3) failure to oppose the offense, and (4) conduct before, during, and after the

³ Indiana Code Section 31-37-19-10 allows for the imposition of a determinate commitment when the following are found: (1) the juvenile commits a felony against a person, a Class A or B felony controlled substance offense, or a Class A or B felony burglary, (2) the juvenile is at least fourteen years old, and (3) the juvenile has at least two unrelated prior adjudications of delinquency for acts that would be felonies if committed by an adult.

occurrence of the offense. Garland v. State, 788 N.E.2d 425, 431 (Ind. 2003).

Burrows testified that, on September 30, 2010, he received a text message from a neighbor indicating that “there are guys jumping your fence with your t.v.” (Tr. 214.) Officer Wells responded to a report of a burglary and observed indications of forced entry to Burrows’ residence. One of the missing items was a fifty-inch television set.

Acting upon information from neighbors, officers went to L.G.’s residence and questioned L.G. and D.B. Officer Christopher Frazier recovered a television set, identified by serial number as Burrows’ television, behind a shed at L.G.’s residence. When interviewed, L.G. stated that D.B. had asked him to carry a television “from across the street.” (Tr. 238.) L.G. admitted that he knew the television was stolen.

This is sufficient evidence to permit the fact-finder to conclude beyond a reasonable doubt that L.G. burglarized the residence at 5326 W. 34th Street either as a principal or as an accomplice. As such, the State presented sufficient evidence to support the court’s adjudication that L.G. is a delinquent child for having committed an act that would be Burglary if committed by an adult.

Affirmed.

MATHIAS, J., and CRONE, J., concur.