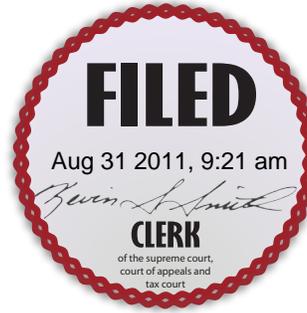


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

DANNY GRIGSBY,)
)
Appellant-Defendant,)
)
vs.) No. 49A02-1101-CR-41
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable James B. Osborn, Judge
Cause No. 49F15-1008-FD-64997

August 31, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Danny Grigsby appeals his conviction for theft, as a Class D felony, following a jury trial. Grigsby raises a single issue for our review, namely, whether the State presented sufficient evidence to support his conviction. We affirm.

FACTS AND PROCEDURAL HISTORY

In the evening of August 19, 2010, four Indianapolis Metropolitan Police Department officers conducted a sting operation near the corner of Prospect Street and Keystone Avenue. The officers placed a bicycle in front of a liquor store. Attached to the bicycle was a coin purse containing six counterfeit bills. The officers then monitored the bicycle.

Grigsby approached the bicycle, stopped, and removed the bills from the purse. He then walked behind the liquor store. The officers quickly apprehended him and found the counterfeit bills still in his hand.

On August 23, the State charged Grigsby with theft, as a Class D felony. The trial court held his jury trial on December 8, after which the jury found him guilty as charged. The court entered its judgment of conviction and sentence accordingly. This appeal ensued.

DISCUSSION AND DECISION

Grigsby contends that the State failed to present sufficient evidence of this theft because he had not yet left the property when he was arrested and because the counterfeit bills lacked real value. When reviewing a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d

1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the verdict and the reasonable inferences that may be drawn from that evidence to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. To prove theft, as a Class D felony, the State was required to show beyond a reasonable doubt that Grigsby knowingly or intentionally exerted unauthorized control over the property of another person, with the intent to deprive the other person of any part of its value or use. See Ind. Code § 35-43-4-2(a).

Grigsby's arguments are not well taken. His first argument, that he had not yet left the property where he had taken the counterfeit bills, misconstrues the record. The bicycle from which he removed the bills was in a public space, not a private one. And, in any event, the question is not how far he made it from the purse but whether he intended to exert unauthorized control over the property of another with the intent to deprive the other person of its value or use. See id.; Chambliss v. State, 746 N.E.2d 73, 78 (Ind. 2001). The evidence supports the jury's conclusion on that question.

Neither is Grigsby's contention that counterfeit money has no commercial value supported by Indiana law. As the State rightly notes, our supreme court has long recognized that "[t]here are . . . some things[] having a commercial value, which from their very nature are under legal condemnation . . . [,] for instance, counterfeit money" State v. Derry, 171 Ind. 18, 85 N.E. 765, 767 (1908). Grigsby's mistake on this point is that he confuses the legal value of counterfeit money with its commercial value.

And, regardless of its value, Grigsby had no right, title, or interest in the property of the Indianapolis Metropolitan Police Department.

In sum, the State presented sufficient evidence to demonstrate, beyond a reasonable doubt, that Grigsby committed the crime of theft, as a Class D felony. Accordingly, we affirm his conviction.

Affirmed.

RILEY, J., and MAY, J., concur.