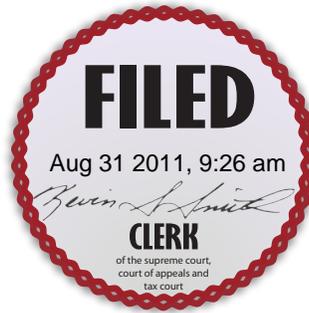


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

DOHJAE KIRKLAND,)
)
Appellant-Defendant,)
)
vs.) No. 49A02-1101-CR-6
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Christina R. Klineman, Master Commissioner
Cause No. 49G05-1009-FB-70518

August 31, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Dohjae Kirkland appeals his conviction for robbery, as a Class B felony, following a bench trial. Kirkland raises the following issue for our review: whether the State presented sufficient evidence to support his robbery conviction, namely, that he was armed with a deadly weapon. We affirm.

FACTS AND PROCEDURAL HISTORY

On September 9, 2010, Kirkland and two other men approached the Indianapolis house of Charles and Marvelean Williams and David Howell. Kirkland shouted at Charles and Marvelean, “you all got my sh*t, I want my sh*t.” Transcript at 8-9. Neither the Williamses nor Howell knew Kirkland or his acquaintances. The Williamses told Kirkland he was mistaken, but one of Kirkland’s acquaintances pulled a firearm from Kirkland’s pocket and insisted that they be allowed to enter the residence. The Williamses and Howell allowed the entry.

Kirkland did not find his property and eventually decided to leave. As he and his acquaintances were leaving, one of the confederates told Kirkland to take Charles’ cell phone. Kirkland did so after threatening to have his friend shoot Charles if he did not comply. No other property was removed from the residence. Soon thereafter, police recovered the cell phone and arrested Kirkland. The State found the firearm a half-mile from the Williamses’ home and 500 feet from where Kirkland was arrested. No fingerprints were found on the firearm.

On September 10, the State charged Kirkland with robbery, as a Class B felony, and burglary, as a Class B felony. The court found Kirkland guilty of the robbery

allegation and a lesser-included offense of residential entry, as a Class D felony. This appeal ensued.

DISCUSSION AND DECISION

Kirkland contends that the State failed to present sufficient evidence to prove that he committed robbery, as a Class B felony. 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 judgment 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 robbery, as a Class B felony, the State was required to show that Kirkland knowingly or intentionally took property from another person, either by using or threatening to use force on that person or by putting that person in fear, while armed with a deadly weapon. See Ind. Code § 35-42-5-1.

Kirkland's only argument on appeal is that the State failed to show that he was armed with a deadly weapon at the time of the offense. But Marvelean expressly testified that Kirkland's accomplice pointed a firearm at her and Charles, and that, while the gun was pointed at them, Kirkland said, "if you don't give me the phone the big dude is going to shoot you." Transcript at 15. It is well established in Indiana that "there is no distinction between the responsibility of a principal and an accomplice." Stokes v. State, 908 N.E.2d 295, 303 (Ind. Ct. App. 2009), trans. denied. "A person who knowingly or

intentionally aids, induces, or causes another person to commit an offense commits that offense” Ind. Code § 35-41-2-4. Thus, it is irrelevant whether Kirkland or his accomplice actually held the firearm in the commission of the offense.

The State presented sufficient evidence to support Kirkland’s conviction. Kirkland’s arguments to the contrary on appeal are merely a request for this court to reweigh the evidence, which we will not do so. See Jones, 783 N.E.2d at 1139. We affirm Kirkland’s conviction for robbery, as a Class B felony.

Affirmed.

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