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ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR09-1143

TIMOTHY HARRIS APPELLANT	**Opinion Delivered** May 26, 2010 APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT [NO. CR 2007-4972]
V.	HONORABLE MARION A. HUMPHREY, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

JOSEPHINE LINKER HART, Judge

A jury found appellant, Timothy Harris, guilty of two counts of aggravated robbery and two counts of Class B felony theft of property, and further found that he employed a firearm while committing the crimes. On appeal, he challenges the sufficiency of the evidence to support the theft-of-property convictions. A person commits theft of property if he knowingly takes or exercises unauthorized control over the property of another person, with the purpose of depriving the owner of the property. Ark. Code Ann. § 5-36-103(a)(1) (Supp. 2009). Theft of property is a Class B felony if the value of the property is $2500 or more. Ark. Code Ann. § 5-36-103(b)(1)(A). In particular, appellant argues that the evidence was insufficient to prove that he stole at least $2500 in cash from a store on May 29, 2006, and again on September 9, 2006. We hold that substantial evidence supports the convictions and affirm.

At trial, the store manager where both aggravated robberies occurred testified that on May 29, 2006, and again on September 9, 2006, he was closing when appellant robbed the store at gunpoint. The store manager testified that on May 29, he had put the store's tills in the safe and that "[w]hen all three tills are in the safe and all the petty cash is in there, it's $200 to $300 per till and the safe cash is $3000. It stays at that level at all times." He further testified that during the May 29 aggravated robbery, appellant "[a]t bare minimum," stole $3600, which included $200 from each till for a total of $600 and $3000 from the safe. The store manager further testified that on September 9, 2006, appellant stole "at least" $3400 from the safe and "at least" $200 from a till that had not been pulled from a cash register. However, another witness, the store's district manager—who was not present during the aggravated robberies—testified that the store's policy was to keep $2400 in petty cash plus $200 per till for a total of $3000 in petty cash.

In challenging the sufficiency of the evidence to support the theft-of-property convictions, appellant asserts that the testimony presented about the amount taken during each robbery was based on the store's policy on the amount of cash kept on hand during business hours. He argues that the testimony established only how much cash should have been present if the store's policy had been followed, and at most, the State only proved that appellant took an undetermined amount of cash on each occasion. Appellant concludes that the testimony left the jury to speculate about the amount of cash that appellant took on each occasion, and therefore, the evidence was insufficient to support the convictions.

In reviewing a challenge to the sufficiency of the evidence, this court will not second-guess credibility determinations made by the fact-finder. *Brown v. State*, 2009 Ark. App. 873. Rather, a witness's credibility is an issue for the jury. *Id.* This court instead views the evidence in the light most favorable to the State and considers only evidence that supports the verdict. *Id.* We affirm the conviction if there is substantial evidence to support it. *Id.* Substantial evidence is evidence of sufficient force and character to compel a conclusion one way or the other with reasonable certainty, without resorting to speculation or conjecture. *Id.*

Accordingly, we credit the store manager's testimony and hold that his testimony that on May 29, 2006, "at a bare minimum," $3600 was taken, and that on September 9, 2006, "at least" $3600 was taken, constituted substantial evidence to support convictions for Class B felony theft of property. Moreover, we note that while appellant alleges that the store manager's testimony was merely speculative, there was no testimony presented to suggest that the amounts taken were less than $2500. Accordingly, we affirm.

Affirmed.

VAUGHT, C.J., and GRUBER, J., agree.