

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISION I

CACR07-1236

June 18, 2008

TRAMPUS GENE BAGGS

APPELLANT

APPEAL FROM PULASKI COUNTY  
CIRCUIT COURT, FOURTH  
DIVISION [NO. CR-07-67]

V.

HON. JOHN LANGSTON,  
JUDGE

STATE OF ARKANSAS

APPELLEE

AFFIRMED

Following a bench trial, appellant was convicted of manufacture of methamphetamine, possession of drug paraphernalia, and maintaining a drug premises. On appeal, he argues that there is no substantial evidence to support his convictions. Appellant does not dispute that methamphetamine was being manufactured in his residence or that drug paraphernalia was present. He argues only that the State failed to show that he knew of and was in possession of these items. This argument lacks merit, and we affirm.

The State can prove constructive possession by establishing that the defendant exercised care, control, and management over the contraband; this control can be inferred from the circumstances, such as the proximity of the contraband to the accused, the fact that it is in plain view, and the ownership of the property where the contraband is found. *George v. State*, 356 Ark. 345, 151 S.W.3d 770 (2004). The fact finder is not required to believe the testimony of the accused, as he is the person most interested in the outcome of the trial.

*Champlin v. State*, 98 Ark. App. 305, 211 S.W.3d 557 (2007). Moreover, the fact finder may consider and give weight to any false, improbable, or contradictory statements made by the defendant to explain suspicious circumstances, *Ewings v. State*, 85 Ark. App. 411, 155 S.W.3d 715 (2004), and attempts to evade arrest are evidence of felonious intent. *Atkins v. State*, 63 Ark. App. 203, 979 S.W.2d 903 (1998). In reviewing whether there is sufficient evidence to support a criminal conviction, we view the evidence in the light most favorable to the appellee and affirm if there is substantial evidence to support the finding of guilt. Substantial evidence is evidence of sufficient force to compel a conclusion one way or another. It must be more than mere speculation or conjecture. *Gilmore v. State*, 79 Ark. App. 303, 87 S.W.3d 805 (2002).

Here, appellant hid under the bed in his small trailer when police officers knocked on the door. He explained this suspicious circumstance by offering the unlikely explanation that he feared some stranger was at the door and going to attack him—but that the imagined stranger would not harm his wife or his fiancée, both of whom were also present in the home. Appellant also stated that he was unaware that methamphetamine was being made in the trailer, even though appellant lived there, he had been convicted several times for crimes related to the manufacture of methamphetamine, the apparatus was functioning, the apparatus and various items of paraphernalia were in plain view, and the odor of methamphetamine production was described by a police officer as “overwhelming.” We hold that this is substantial evidence that appellant knew about the manufacturing activity and was in constructive possession of the contraband.

Affirmed.

GLADWIN and BAKER, JJ., agree.