

NOT DESIGNATED FOR PUBLICATION
DIVISION IV

CACR07-433

DECEMBER 5, 2007

MICKEY JOSEPH DECLERCQ
APPELLANT

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT, FOURTH
DIVISION,
[NO. CR2006-2691]

V.

STATE OF ARKANSAS
APPELLEE

HON. JOHN W. LANGSTON,
JUDGE

AFFIRMED

Mickey DeClercq was convicted in a bench trial for manufacture of methamphetamine and possession of paraphernalia with intent to manufacture methamphetamine. He was sentenced to ten years' imprisonment with three years suspended for each conviction, the sentences to be served concurrently. On appeal he challenges the sufficiency of the evidence to support the convictions, arguing that the State failed to prove his presence at the site of the methamphetamine lab. We hold that the evidence was sufficient, and we affirm DeClercq's convictions.

The test for determining the sufficiency of the evidence is whether the verdict is supported by substantial evidence, direct or circumstantial. *Price v. State*, 365 Ark. 25, 223 S.W.3d 817 (2006). Evidence is substantial if it is of sufficient force and character to compel reasonable minds to reach a conclusion and pass beyond suspicion and conjecture.

Id. On appeal, we view the evidence in the light most favorable to the State, considering only that evidence that supports the verdict. *Id.* Credibility determinations are made by the trier of fact, which is free to believe the prosecution's version of events rather than the defendant's. *See, e.g., Alexander v. State*, 78 Ark. App. 56, 77 S.W.3d 544 (2002).

Here, the State's evidence included testimony by Sharla Jahns, who was DeClercq's girlfriend at the time of these crimes, and by Arkansas State Crime Laboratory employees. Jahns testified that the following events occurred on March 15, 2005. Jahns rented a Jacksonville motel room, telling the clerk that only one person would be staying in it. Jahns, DeClercq, and Mitch Harper actually had decided to rent the room the previous day and had packed the ingredients of a methamphetamine lab into a suitcase. At the motel they unloaded personal items and the meth lab from DeClercq's truck, with DeClercq helping to unload the lab items. DeClercq directed Jahns and Harper to purchase more camp fuel, an ingredient used in manufacturing methamphetamine, and they did so. After Jahns and Harper returned from the grocery store with the fuel, she observed DeClercq handling items that were part of the lab. The group left the room without checking out, leaving items behind. When they thought that the police had been called, DeClercq said to leave.

At trial Jahns identified more than a dozen State's exhibits as photographs of items used in the manufacturing of methamphetamine. She identified pictures of the fuel that she had given DeClercq in the motel room and pictures of jars and an electric skillet that had been brought into the room. She testified, "The electric skillet is . . . used in manufacturing meth, to cook it. . . . On [March 15] I saw Mickey in possession of that skillet." She said

that she used methamphetamine that she got from a coffee filter in the room. When asked, “Where did you get that?” She answered, “From Mickey.” She said that another of the State’s photographs showed “one of [those] coffee filters.”

Bobby Humphries, a latent fingerprint examiner with the State Crime Laboratory, testified that fingerprints lifted from jars in the room matched DeClercq’s fingerprints. Jennifer Perry, a forensic chemist at the laboratory, testified that methamphetamine was found in several items from the room. At least one of the jars had been identified by Jahns as being purchased for the manufacturing of methamphetamine and having been brought into the motel room.

DeClercq’s argument on appeal goes to the credibility of Jahns’s testimony, which was a matter for the trial court to determine. We hold that her testimony and the fingerprints lifted from items in the room constitute substantial evidence to place DeClercq at the scene of the methamphetamine lab there. Thus, his convictions for the manufacture of methamphetamine and possession of paraphernalia with intent to manufacture methamphetamine are affirmed.

Affirmed.

PITTMAN, C.J., and ROBBINS, J., agree.