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**IN THE
COURT OF APPEALS OF INDIANA**

MICHAEL W. KRAUSKOPF, SR.,)

Appellant-Defendant,)

vs.)

STATE OF INDIANA,)

Appellee-Plaintiff.)

No. 02A04-1107-CR-414

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Wendy W. Davis, Judge
Cause No. 02D04-1012-FD-1295

December 29, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Defendant Michael W. Krauskopf, Sr., appeals from his conviction for Class D felony Possession of a Controlled Substance,¹ contending that the State produced insufficient evidence to sustain his conviction. We affirm.

FACTS AND PROCEDURAL HISTORY

On December 18, 2010, Krauskopf was staying at the Shepherd's House, a drug rehabilitation center in Allen County. At approximately 6:00 p.m., Krauskopf's uncle brought him some of his belongings and medication. When asked, Krauskopf claimed to have given all medications to the office, where they were kept in a locker pursuant to facility rules. A short time later, Shepherd's House Executive Director Lonnie Cox found a bottle of medicine under Krauskopf's mattress, in a place where it could not have accidentally been placed.

Chris Clabaugh from Allen County Community Corrections soon arrived and read Krauskopf his *Miranda* warnings. While Krauskopf admitted that the bottle and its contents were his, he claimed that he had dropped the bottle when unpacking and had forgotten that it was in the location where it was found. Clabaugh examined the bottle and found that it contained twenty to twenty-five blue pills for which Krauskopf apparently had a prescription and one green pill which later was determined to be Alprazolam, a Schedule IV substance for which Krauskopf admitted he had no prescription.

On December 27, 2010, the State charged Krauskopf with Class D felony possession of a controlled substance. On May 17, 2010, a jury found Krauskopf guilty as charged, and

¹ Ind. Code § 35-48-4-7 (2010).

the trial court later sentenced him to two years of incarceration, with one year suspended and 182 days suspended to probation.

DISCUSSION AND DECISION

Whether the State Produced Sufficient Evidence to Sustain Krauskopf's Conviction

When reviewing the sufficiency of the evidence to support a conviction, we consider only the probative evidence and reasonable inferences supporting the verdict. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). It is the factfinder's role to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction. *Id.* We consider conflicting evidence in the light most favorable to the trial court's ruling. *Id.* We affirm the conviction unless no reasonable fact-finder could find that the elements of the crime were proven beyond a reasonable doubt. *Id.*

Indiana Code section 35-48-4-7 provides, in relevant part, that "A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses a controlled substance (pure or adulterated) classified in schedule I, II, III, or IV ... commits possession of a controlled substance, a Class D felony." Although Krauskopf frames this claim in terms of constructive possession, there is no dispute that he actually possessed the contraband at one point, as he admitted to Clabaugh that the bottle was his and that it must have fallen down accidentally when he was unpacking. Krauskopf argues only that the State produced insufficient evidence to sustain a finding that he knowingly possessed the Alprazolam that was mingled with the other pills in the bottle that he admitted to possessing.

The State produced sufficient evidence to sustain a finding that Krauskopf was aware of the contraband in the bottle. As previously mentioned, the bottle was found under Krauskopf's mattress in a place that it could not have reached accidentally, leading to the reasonable inference that he hid it there. Moreover, when confronted, Krauskopf claimed that the bottle had arrived underneath his mattress accidentally when he was unpacking, a claim that was at best implausible. Quite simply, the facts that Krauskopf concealed, and lied about concealing, drugs he had every right to possess, leads to the reasonable inference that he was also aware of the contraband Alprazolam in the bottle. Krauskopf points to his uncle's testimony that his wife put the Alprazolam pill into the bottle without Krauskopf's knowledge. This is nothing more than an invitation to reweigh the evidence, one that we decline.

The judgment of the trial court is affirmed.

KIRSCH, J., and BARNES, J., concur.