

## MEMORANDUM DECISION

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

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Daunte Lukan Garner,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

November 17, 2021

Court of Appeals Case No.  
21A-CR-1194

Appeal from the Vanderburgh  
Circuit Court

The Honorable David D. Kiely,  
Judge

Trial Court Cause No.  
82C01-2101-F6-119

**Weissmann, Judge.**

[1] Daunte Garner appeals his conviction for possession of methamphetamine, arguing that he did not do so knowingly or intentionally. Finding the evidence sufficient to support his conviction, we affirm.

## Facts

[2] Two police officers went to Garner’s home to investigate an automobile theft. Upon their arrival, the officers awakened a sleeping Garner, who remained “groggy” throughout the encounter. Tr. Vol. II, p. 59. After questioning Garner briefly, the officers decided to arrest him. Garner stated he had taken something and complained of being lightheaded and dizzy, so the officers took Garner to the hospital to ensure he was healthy enough to go to jail. *Id.* at 51. Garner’s health was cleared and the officers transported him to jail for booking.

[3] During the jail intake process, police asked Garner—who was wearing sweatpants over long underwear over boxers—to disrobe down to just one layer, in accordance with jail protocol. Garner acted oddly as he undressed. He adjusted his crotch and attempted to remove his clothing carefully, but he was not careful enough. When Garner stood up to take off the sweatpants, a bag containing a white crystalline substance, later identified as methamphetamine, fell from his waist. Police then handcuffed Garner to search him for any other contraband. They found 4 more baggies of methamphetamine near Garner’s groin.

[4] The State charged Garner with Level 6 felony possession of methamphetamine. Garner was convicted at jury trial. He then pleaded guilty to an habitual

offender enhancement. The trial court sentenced Garner to 2 ½ years for possession enhanced by 2 ½ years for the habitual offender finding, for a total of 5 years in the Department of Correction. Garner now appeals, arguing that the evidence is insufficient to support his conviction.

## Discussion and Decision

- [5] When reviewing the sufficiency of the evidence, we will not reweigh evidence or judge witness credibility. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We consider only the probative evidence and reasonable inferences in support of the verdict, and we will only reverse where “no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Id.* (quoting *Jenkins v. State*, 726 N.E.2d 268, 270 (Ind. 2000)). Evidence need not overcome every reasonable hypothesis of innocence; rather, evidence is sufficient if an inference may reasonably be drawn from it to support the verdict. *Drane*, 867 N.E.2d at 147.
- [6] To convict Garner of possession of methamphetamine, the State was required to prove that Garner “knowingly or intentionally” possessed methamphetamine without a valid prescription. Ind. Code § 35-48-4-6.1(a). A person acts “intentionally” if it is his conscious objective to act. Ind. Code § 35-41-2-2(a). A person acts “knowingly” if he is aware of a high probability that he is acting. Ind. Code § 35-41-2-2(b). Garner claims he was too “groggy” to meet either standard.

[7] Groggy or not, 5 bags of methamphetamine were hidden in Garner’s pants. The evidence supports the reasonable inference that he was aware of the bags and was trying to keep them hidden. One police officer testified that Garner “pushed something like up toward his crotch area when he sat down to take his jogging pants off. . . . [H]e was taking his clothes off like they were fragile . . . like being very careful.” Tr. Vol. II, p. 32. The officer also testified that, when the first bag fell, “[Garner] saw the bag fall and he tried to step on it with his foot to try to either conceal it or hide it from me.” *Id.* at 25. That officer further testified that Garner resisted attempts to search him. *Id.* Other officers corroborated this version of events. *Id.* at 38, 48-50, 64-65. A reasonable jury could have concluded from this evidence that Garner knowingly and intentionally possessed methamphetamine. Other narratives might exist, but the evidence need not overcome them. *Drane*, 867 N.E.2d at 146.

[8] The trial court is affirmed.

Najam, J., and Vaidik, J., concur.