

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

Darrius Ingram,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*



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April 2, 2024

Court of Appeals Case No.  
23A-CR-1550

Appeal from the  
Hendricks Superior Court

The Honorable  
Mark A. Smith, Judge

Trial Court Cause No.  
32D04-2212-F5-158

**Memorandum Decision by Senior Judge Shepard**  
Judges Bradford and Pyle concur.

**Shepard, Senior Judge.**

- [1] Darrius Ingram gave police several false names while being arrested. In addition, during the arrest he produced a glass pipe from his pocket and threw it on the floor. An analyst later determined the pipe had contained methamphetamine.
- [2] Ingram appeals from his convictions of Level 6 felony possession of methamphetamine and Level 6 felony identity deception, claiming the State failed to prove beyond a reasonable doubt that he had committed either offense. Concluding the evidence is sufficient, we affirm.

## Facts and Procedural History

- [3] On December 18, 2022, several officers with the Plainfield Police Department were dispatched to a residence to investigate a report that a person named Darrius Ingram had a knife and would not leave. Officer Niko Romero encountered a person who “did not want to identify who he was, he did not want to say his name and birthday . . . .” Tr. Vol. 2, p. 70. Officer Robert Sumner also asked the person for his name, but he “said he didn’t have to identify himself,” citing the Fourth Amendment. *Id.* at 125. Officer Morgan Nelson recognized the person from a previous encounter but did not recall his name. Officer Sumner looked up the name “Darrius Ingram” in the Indiana

Bureau of Motor Vehicles database, but he could not find a photograph.

Officer Romero resolved the situation by escorting the person to a nearby gas station, where he could attempt to get a ride somewhere else.

[4] Later, Officer Sumner accessed different law enforcement databases. He confirmed the person was Ingram and learned that there was a warrant for his arrest. Next, the officers gathered at the gas station to take Ingram into custody. Ingram was locked in the men's restroom. Several officers stood outside the door while one of them pretended to be the station's manager and persuaded Ingram to unlock the door. When Ingram opened the door, the officers entered the restroom and confronted him. Officer Romero asked Ingram to state his name and birthday. Ingram repeatedly told the officers, including Officer Sumner, that his name was "William Lamont Anderson." *Id.* at 64, 127. He also provided a birthdate and a social security number. The officers looked up that information and determined it was false.

[5] In the meantime, the officers handcuffed Ingram, and Officer Romero prepared to search him. At that point, Ingram, despite being in handcuffs, pulled a glass pipe from a pocket and threw it to the ground, where it shattered. Officer Sumner searched Ingram and discovered two more glass pipes. Officer Romero and Officer Sumner concluded, based on their training and experience, that the pipes were commonly used to smoke controlled substances rather than tobacco.

- [6] Next, Officer Sumner gathered the pieces of the shattered pipe from the ground, along with “the product that came out of the broken glass bowl at the end of the pipe.” *Id.* Subsequent testing of that material revealed it was meth.
- [7] The officers escorted Ingram to Officer Nelson’s vehicle. Officer Nelson asked Ingram to identify himself, and Ingram provided “a couple [of] different names,” including “William Anderson” and “Durrell Dotts.” *Id.* at 93, 95-96. When Officer Morgan addressed him as “Darrius,” Ingram said that was not his name. *Id.* at 93.
- [8] The State charged Ingram with Level 6 felony obstruction of justice, Level 6 felony possession of methamphetamine, Level 6 felony identity deception, and Class C misdemeanor possession of paraphernalia. The State also filed an habitual offender sentencing enhancement. In the first phase of the trial, the jury determined Ingram was guilty of the three felonies and the misdemeanor. Next, Ingram admitted he was an habitual offender. The trial court imposed a sentence, and this appeal followed.

## Discussion and Decision

### I. Standard of Review

- [9] Ingram argues the State failed to prove beyond a reasonable doubt that he committed possession of methamphetamine and identity deception. “Sufficiency-of-the-evidence arguments invoke a deferential standard of review, in which we neither reweigh the evidence nor judge witness credibility, instead reserving those matters to the province of the jury.” *Brantley v. State*, 91 N.E.3d

566, 570 (Ind. 2018). “We consider all the evidence and reasonable inferences supporting the verdict and will affirm the conviction if probative evidence supports each element of the crime beyond a reasonable doubt.” *Id.*

## II. Possession of Methamphetamine

- [10] To convict Ingram of Level 6 felony possession of methamphetamine as charged, the State was required to prove beyond a reasonable doubt that (1) Ingram (2) knowingly or intentionally (3) possessed (4) methamphetamine, pure or adulterated (5) without a valid prescription. Ind. Code § 35-48-4-6.1 (2014); Appellant’s App. Vol. 2, p. 71.
- [11] Ingram argues the State failed to prove beyond a reasonable doubt that the police and lab personnel maintained an accurate chain of custody for the methamphetamine. The State must demonstrate an adequate foundation “showing the continuous whereabouts of the exhibit beginning with the time it came into the possession of the police.” *McAnalley v. State*, 514 N.E.2d 831, 835 (Ind. 1987). “The purpose of the rule is to avoid any claim of substitution, tampering or mistake.” *Id.* The State need not demonstrate a perfect chain of custody because “any gaps go to the weight of the evidence and not to admissibility.” *Culver v. State*, 727 N.E.2d 1062, 1067 (Ind. 2000).
- [12] Here, Officer Sumner collected a shattered glass pipe, along with “product” found near the pipe. Tr. Vol. 2, p. 128. He put the product, the glass, and the other two pipes into an evidence bag and took them to the police station. At the station, Officer Sumner separated the suspected controlled substance from

the broken glass and other pipes and sealed the substance in a different bag. Next, he logged the bag at the police station's secure evidence room and asked the crime scene investigator to take it to the state police laboratory. The crime scene investigator later delivered the bag to the state police laboratory. An analyst examined the bag and confirmed it had been properly sealed before opening it and testing the contents. This evidence is sufficient for a reasonable jury to determine beyond a reasonable doubt that the methamphetamine was not tampered with or mishandled at any time between collection by the police and testing at the laboratory. Ingram's arguments to the contrary amount to requests to reweigh the evidence, which our standard of review forbids.

### **III. Identity Deception**

[13] To convict Ingram of Level 6 felony identity deception as charged, the State was required to prove beyond a reasonable doubt that (1) Ingram (2) with intent to harm or defraud (3) Officer Sumner (4) knowingly or intentionally (5) obtained, possessed, transferred or used identifying information (6) to profess to be another person. Ind. Code § 35-43-5-3.5 (2021); Appellant's App. Vol. 2, p. 76. And the General Assembly has defined "identifying information," for purposes of the offense of identity deception, as "information, genuine or fabricated, that identifies or purports to identify a person, including . . . a name . . . ." Ind. Code § 35-43-5-1(i) (2021).

[14] Ingram argues the statute requires the State to prove he "used the identifying information of a real person." Appellant's Br. p. 13. We disagree. The plain language of Sections 35-43-5-3.5 and 35-43-5-1 does not contain such a

requirement. To the contrary, identifying information may be “fabricated” and may merely purport “to identify a person.” I.C. § 35-43-5-1(i). The State need not prove Ingram attempted to assume the identity of a real person. *See Kendall v. State*, 225 N.E.3d 794, 803 (Ind. Ct. App. 2023) (concluding offense of identity deception does not require proof defendant used identity of another person).

[15] Ingram cites *Duncan v. State*, 23 N.E.3d 805 (Ind. Ct. App. 2014), *trans. denied*, to support his claim, but that case is not pertinent because it addressed a prior version of the identity deception statute. *See Kendall*, 225 N.E.3d at 802-803 (discussing *Duncan* and subsequent amendments to Indiana Code section 35-43-5-3.5). Here, Ingram does not dispute he gave a false name to Officer Sumner. As a result, there is sufficient evidence to sustain the judgment.

## Conclusion

[16] For the reasons stated above, we affirm the judgment of the trial court.

[17] Affirmed.

Bradford, J., and Pyle, J., concur.

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