

Nathaniel Williams (“Williams”) was convicted in Marion Superior Court of Class B felony dealing in a narcotic drug and Class A felony dealing in a narcotic drug. Williams appeals and argues that the State presented insufficient evidence to support his Class A felony conviction. We affirm.

Facts and Procedural History

On February 6, 2008, undercover narcotics officer Christopher Jones (“Officer Jones”) contacted Williams and arranged to purchase \$100 worth of heroin. Officer Jones and Williams agreed to meet at a store on the 2900 block of Sherman Drive in Indianapolis. Officer Jones then proceeded to the store and parked in the lot, and Williams arrived shortly thereafter. After Officer Jones gave Williams the money, Williams took the heroin out of a small vial and gave it to Officer Jones. During the transaction, Indianapolis Metropolitan Police Department Detective Shawn Wininger (“Detective Wininger”) conducted surveillance from his vehicle.

On February 13, 2008, Officer Jones again contacted Williams to set up another drug transaction. This time, Officer Jones and Williams met in the parking lot of a Family Dollar store located near the intersection of 38th Street and Sherman Drive in Indianapolis. Officer Jones again arrived first and parked in the middle of the store’s parking lot, near a lamp post and some parking blocks. Williams arrived shortly thereafter and sold \$100 worth of heroin to Officer Jones. Detective Wininger again conducted surveillance from his vehicle during the transaction.

On July 7, 2008, the State charged Williams with four counts. For the February 6, 2008 transaction, Williams was charged with Count I, Class A felony dealing in a narcotic drug and Count II, Class B felony possession of a narcotic drug. For the February 13, 2008 transaction, Williams was charged with with Count III, Class A felony dealing in a narcotic drug and Count IV, Class B felony possession of a narcotic drug. Williams waived his right to a jury trial and, following a bench trial on March 15, 2010, he was convicted of Class B felony dealing in a narcotic drug as a lesser included offense of Count I and Class A felony dealing in a narcotic drug as charged in Count III. Williams now appeals.

Discussion and Decision

Williams argues that the State presented insufficient evidence to support his conviction for Class A felony dealing in a narcotic drug. In reviewing a challenge to the sufficiency of the evidence, we neither reweigh the evidence nor judge the credibility of witnesses. Atteberry v. State, 911 N.E.2d 601, 609 (Ind. Ct. App. 2009). Instead, we consider only the evidence supporting the conviction and the reasonable inferences to be drawn therefrom. Id. If there is substantial evidence of probative value from which a reasonable trier of fact could have drawn the conclusion that the defendant was guilty of the crime charged beyond a reasonable doubt, then the judgment will not be disturbed. Baumgartner v. State, 891 N.E.2d 1131, 1137 (Ind. Ct. App. 2008).

To establish that Williams committed Class A felony dealing in a narcotic drug, the State was required to prove that Williams knowingly or intentionally delivered a

narcotic drug in within one thousand feet of school property. Ind. Code § 35-48-4-1 (2004). On appeal, Williams contends that the evidence was insufficient to establish that the drug deal took place within one thousand feet of a school. Specifically, Williams argues that Officer Jones's and Detective Winger's testimony regarding the location of the drug deal is unreliable given the passage of time since the incident and the fact that Detective Winger observed the transaction from a moving vehicle. Further, Williams claims that Officer Jones's and Detective Winger's testimony that the drug deal took place in the "middle" of the parking lot was too imprecise to support his conviction because the parking lot at issue "is not entirely within one thousand feet of school property." Appellant's Br. at 6.

Williams's argument is simply an invitation to reweigh the evidence and judge the credibility of witnesses, which we will not do. Detective Winger testified that he observed the drug transaction take place at a specific spot in the middle of the parking lot, next to a lamp post and parking blocks. Tr. p. 41. Detective Winger testified further that he later measured the distance from this location to the property line of a nearby school, and found the distance to be 944 feet. *Id.* at 43. The State presented sufficient evidence to support Williams's conviction for Class A felony dealing in a narcotic drug.

Affirmed.

FRIEDLANDER, J., and MAY, J., concur.