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FILED
Feb 23 2011, 10:06 am
CLERK
of the supreme court, court of appeals and tax court

IN THE
COURT OF APPEALS OF INDIANA

RONALD A. STEENBEKE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 20A03-1006-CR-344
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable Olga H. Stickel, Judge
The Honorable Thomas A. Murto, Magistrate
Cause No. 20D04-0904-CM-205

February 23, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Case Summary

Ronald A. Steenbeke was intoxicated and impaired when he lost control of his vehicle and crashed into a fence on private property. Steenbeke fled from the vehicle but was apprehended by witnesses. Following a bench trial, Steenbeke was convicted of class A misdemeanor operating a vehicle while intoxicated and class B misdemeanor failure to stop after damage to property other than a vehicle. On appeal, Steenbeke challenges the sufficiency of the evidence that he was intoxicated at the time of the accident. Finding the evidence sufficient, we affirm Steenbeke's convictions.

Facts and Procedural History

The facts most favorable to the convictions indicate that on April 19, 2007, Steenbeke was drinking alcohol. At some point that evening, Steenbeke drove his BMW at a high rate of speed on Old U.S. 33 in Elkhart. Blake Zeiger was a passenger in Steenbeke's car. As the vehicle approached a "slight curve" in the road, Steenbeke lost control of the vehicle. Tr. at 19. The vehicle spun into the path of oncoming traffic before sliding into a yard and crashing into a fence on Kevin Koons's property, causing significant damage. Steenbeke jumped out of the driver's seat and tried to flee the scene. Witnesses chased Steenbeke, apprehended him, and detained him until a police officer arrived. Elkhart County Sheriff's Department Officer Andrew Ahlersmeyer arrived at the scene and located Steenbeke with the witnesses. Officer Ahlersmeyer immediately detected a strong odor of alcohol on Steenbeke's breath. He also observed that Steenbeke was slurring his speech. Steenbeke lied to Officer Ahlersmeyer and stated that Zeiger had been driving the vehicle at the time of the accident.

Because Steenbeke requested medical attention, Officer Ahlersmeyer did not conduct field sobriety tests. Instead, Officer Ahlersmeyer requested that a blood alcohol test be performed at the hospital. However, for unknown reasons, a blood alcohol test was never performed.

The State charged Steenbeke with class A misdemeanor operating a vehicle while intoxicated and class B misdemeanor failure to stop after damage to property other than a vehicle. Following a bench trial on April 1, 2010, the trial court found Steenbeke guilty of class B misdemeanor failure to stop but took the operating while intoxicated charge under advisement. Thereafter, on April 9, 2010, the trial court found Steenbeke guilty of class A misdemeanor operating a vehicle while intoxicated. This appeal ensued.

Discussion and Decision

Steenbeke's sole contention on appeal is that the State presented insufficient evidence to support his conviction for class A misdemeanor operating a vehicle while intoxicated.[1] When reviewing a sufficiency of the evidence claim, we do not reweigh the evidence or assess the credibility of the witnesses. *Treadway v. State*, 924 N.E.2d 621, 639 (Ind. 2010). Instead, we look to the evidence and reasonable inferences drawn therefrom that support the convictions, and we will affirm if there is probative evidence from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Id*.

[1] In the "Summary of the Argument" section of his appellant's brief, Steenbeke contends that his trial counsel provided ineffective assistance. However, Steenbeke does not revisit this contention elsewhere in his brief and fails to provide cogent argument supported by citation to authorities and the record. Failure to provide cogent argument required by our appellate rules has resulted in waiver of any error for appellate review. *See* Ind. Appellate Rule 46(A)(8)(a); *Smith v. State*, 822 N.E.2d 193, 202-03 (Ind. Ct. App. 2005), *trans. denied.*

To convict Steenbeke of class A misdemeanor operating a vehicle while intoxicated, the State was required to prove that Steenbeke operated a vehicle while intoxicated in a manner that endangered a person. Ind. Code § 9-30-5-2. Steenbeke does not challenge the sufficiency of the State's evidence that he operated his vehicle in a manner that endangered a person. Instead, Steenbeke claims that there was insufficient that he was intoxicated. We disagree.

"Intoxicated" means "under the influence of (1) alcohol . . . so that there is an impaired condition of thought and action and the loss of normal control of a person's faculties." Ind. Code § 9-13-2-86. Impairment may be established by evidence of the following: (1) the consumption of a significant amount of alcohol; (2) impaired attention and reflexes; (3) watery or bloodshot eyes; (4) the odor of alcohol on the breath; (5) unsteady balance; and (6) slurred speech. *Outlaw v. State*, 918 N.E.2d 379, 381 (Ind. Ct. App. 2009), *aff'd and adopted by* 929 N.E.2d 196 (Ind. 2010).

Here, the record indicates that Steenbeke was traveling at a high rate of speed when he lost control of his vehicle and crashed into a fence. Witnesses stated that, after the crash, Steenbeke staggered out of his car and tried to flee the scene. Witnesses were forced to chase Steenbeke and detain him until authorities could arrive. Officer Ahlersmeyer testified that when he arrived at the scene, he immediately noticed a strong odor of alcohol on Steenbeke's breath. Officer Ahlersmeyer also observed that Steenbeke slurred his speech. Steenbeke initially lied to Officer Ahlersmeyer and stated that his passenger, Zeiger, had been driving

the vehicle at the time of the crash. Steenbeke admitted at trial that he had consumed alcohol that evening.

The State presented sufficient evidence for the trial court to reasonably conclude that Steenbeke was intoxicated at the time of the accident. Steenbeke's assertions to the contrary on appeal are merely requests for this Court to reweigh the evidence and reassess witness credibility, which we may not do.

Affirmed.

KIRSCH, J., and BRADFORD, J., concur.