

Michael Gabbard appeals his conviction in a bench trial of driving while suspended as a class A misdemeanor. We affirm.

The sole restated issue is whether there is sufficient evidence to support Gabbard's conviction.

The facts most favorable to the verdict reveal that in September 2007 Gabbard was charged with driving while intoxicated in Wayne County after he failed a chemical test. At the September 24 initial hearing, the trial court told him that his license was suspended because he failed the chemical test. The court further explained that Gabbard would be receiving a notice of the suspension from the BMV and that he was not to drive.

On October 13, 2007, Fishers Police Officer Wayne Druelinger stopped the truck that Gabbard was driving when he noticed an expired license plate. When the officer performed a computer check of Gabbard's driver's license, the officer learned that Gabbard's license was suspended on September 24, 2007, because he failed a chemical test. Gabbard admitted to the officer that his license was suspended. Gabbard also testified at trial that he knew his license was suspended. The trial court convicted him of driving while suspended as a class A misdemeanor. Gabbard appeals.

Gabbard's sole contention is that there is insufficient evidence to support his conviction. Our standard of review for sufficiency of the evidence is well settled. We neither reweigh the evidence nor judge the credibility of witnesses. *Hand v. State*, 863 N.E.2d 386, 391 (Ind. Ct. App. 2007). Rather, we consider the evidence most favorable to the verdict and draw all reasonable inferences that support the ruling below. *Id.* We

affirm the conviction if there is probative evidence from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. *Id.*

To convict Gabbard of driving while suspended as a class A misdemeanor, the State was required to prove beyond a reasonable doubt that Gabbard operated a motor vehicle while his driving privileges were suspended and that he knew his driving privileges were suspended. Ind. Code § 9-24-19-2. *See also Etter v. State*, 710 N.E.2d 939, 940 (Ind. Ct. App. 1999), *trans. denied*. Gabbard contends that there is insufficient evidence that his driving privileges were suspended when he drove on October 13, 2007. In support of his contention, Gabbard directs us to Indiana Code Section 9-30-6-8, which provides in relevant part as follows:

(c) [I]f it is determined under subsection (a) that there was probable cause to believe that a person has [operated a vehicle while intoxicated]

- (1) the court shall recommend immediate suspension of the person's driving privileges to take effect on the date the order is entered;
- (2) the court shall order the person to surrender all driver's licenses, permits and receipts; and
- (3) the clerk shall forward to the bureau:
 - (A) The person's license or permit
 - (B) A copy of the order recommending immediate suspension of driving privileges.

According to Gabbard, a simple reading of this statute demonstrates that the “administrative suspension imposed by the BMV as a result of the recommendation by the judge at his Initial Hearing on the Wayne County charges was not an immediate suspension but, rather, was merely a ‘recommendation’ that the BMV impose an

administrative suspension which did not take effect until notice was properly provided to [him].” Appellant’s Br. at 2.

However, the statute also provides that the suspension is to take effect on the date the order is entered. Here, the order suspending Gabbard’s license was entered on September 24, 2007. Gabbard’s license was therefore suspended when he drove on October 13, 2007.

Further, when interpreting the words of a single section of a statute, we must construe them with due regard for all other sections of the act. *N.D.F. v. State*, 775 N.E.2d 1085, 1088 (Ind. 2002). Indiana Code Section 9-30-6-9 further explains that:

(d) Whenever the bureau is required to suspend a person’s driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person’s last known address that must state that the person’s driving privileges will be suspended for a specified period commencing:

- (A) Five (5) days after the date of the notice; or
- (B) on the date the court enters an order recommending suspension of the person’s driving privileges under section 8(c) of this chapter;

whichever occurs first.

Here, the court entered the order recommending the suspension of Gabbard’s driving privileges on September 24, 2007, and the court mailed the notice to Gabbard on October 8, 2007. Accordingly, Gabbard’s suspension commenced on September 24, and his argument fails.

Lastly, we note that Gabbard's BMV certified driver record that was admitted into evidence at trial reveals that the effective date of Gabbard's suspension was September 24, 2007. In addition, Gabbard admitted to Officer Druelinger during the traffic stop and again at trial that he knew that his license was suspended. There is sufficient evidence that Gabbard's license was suspended. We therefore find sufficient evidence to support his conviction.

Affirmed.

ROBB, J., and BRADFORD, J., concur.