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IN THE
COURT OF APPEALS OF INDIANA

LLOYD CONN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 24A05-1009-CR-608
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE FRANKLIN CIRCUIT COURT
The Honorable J. Steven Cox, Judge
Cause No. 24C01-0904-FB-25

May 31, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Lloyd Conn appeals his convictions of Class B felony dealing methamphetamine,[1] Class C felony possessing methamphetamine,[2] and Class D felony dumping controlled substance waste.[3] Conn contends there was not sufficient evidence to convict him of Class B felony dealing in methamphetamine and Class D felony dumping controlled substance waste. We affirm.

FACTS AND PROCEDURAL HISTORY

After she created a disturbance at a pharmacy, law enforcement officials decided to conduct a probation check on Tiffany Hollands. Probation records indicated Hollands lived in a mobile home with Conn. When officers arrived at the residence, Conn met them as he was walking away from a shed on the property. Conn told officers that neither he nor Hollands lived at the mobile home. Conn explained that he lived in a camper and told officers that Hollands was not around and lived with her mother.

When officers knocked on the mobile home door, Hollands appeared with several of her children. She said she and Conn lived there, and officers found Conn's wallet and ID on the dresser in the bedroom. The police found no evidence anyone lived in the camper where Conn claimed he resided.

Officers found suspicious items in and around Conn's residence, including electronic scales containing white residue, a CVS card with residue, lithium battery parts, burnt

[1] Ind. Code § 35-48-4-1.1(a)(2).
[2] Ind. Code § 35-48-4-6.1(a)(b)(1)(B).
[3] Ind. Code § 35-48-4-4.1(a)(1)(2).

aluminum foil boats,[4] and a part of a glass pipe with residue inside. There was also a propane tank with a missing valve and a burn cage[5] containing blister packaging and the insides of lithium batteries.

Officers told Conn they were going to obtain a search warrant. When questioned about the missing valve on the propane tank, Conn became enraged and locked himself in the shed. While he was inside the shed, officers heard crashing noises and ordered Conn to exit the shed. Conn did not leave the shed for several minutes. When he emerged, Conn was breathless, there was a cut on his nose, and his clothes were soiled.

After officers obtained a search warrant, they found evidence of a "Birch Reduction" methamphetamine lab[6] on the site, including anhydrous ammonia, lithium, camp fuel, plastic tubing, a hair dryer, starting fluid, a bucket with pseudoephedrine residue, two baggies containing methamphetamine, and coffee filters containing an off-white residue. Police removed two mostly-empty fifty-pound bags of rock salt from the shed. They also found pop bottle caps and an air pump, both of which are frequently used to make an HCl generator.[7]

The State charged Conn with dealing in methamphetamine, possession of methamphetamine, and dumping controlled substance waste. At trial, Hollands testified that she bought coffee filters and lithium batteries to help Conn manufacture methamphetamine and that she had seen Conn "dry" methamphetamine with a hair dryer. Anthony King, a

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[4] An officer testified that aluminum foil boats are commonly used to smoke methamphetamine.
[5] A "burn cage" is a wire container used to burn trash.
[6] A "Birch Reduction" lab produces methamphetamine using anhydrous ammonia and lithium. Tr. 93
[7] HCl generators are used to make hydrogen chloride gas for methamphetamine production.

friend of Conn, testified that he had watched Conn manufacture methamphetamine the day before the probation search. The jury found Conn guilty of all three counts.

DISCUSSION AND DECISION

Conn alleges the testimony of Hollands and King was "incredibly dubious" because each had incentive to shift blame. Based thereon, Conn asserts the State produced insufficient evidence to prove *he* was involved with the manufacture and dumping of methamphetamine. We decline Conn's invitation to reweigh the evidence.

When reviewing the sufficiency of the evidence, we consider the evidence and reasonable inferences in the light most favorable to the verdict. *White v. State*, 706 N.E.2d 1078, 1079 (Ind. 1999). We do not reassess the credibility of witnesses, but rather affirm the conviction if there is substantial evidence of probative value to support the conviction. *Gregory v. State*, 885 N.E.2d 697, 704 (Ind. Ct. App. 2008), *trans. denied*. Whether a witness had incentive to testify falsely, and thus was not credible, is a matter left to the jury, which weighs the evidence and determines the facts. *Id.* at 706.

The "incredible dubiosity" rule permits us to invade the jury's right to assess witness credibility "where a sole witness presents inherently contradictory testimony which is equivocal or the result of coercion and there is a complete lack of circumstantial evidence of the appellant's guilt." *Tillman v. State*, 642 N.E.2d 221, 223 (Ind. 1994). Two witnesses testified they saw Conn manufacture methamphetamine on separate occasions. Neither witness gave testimony that was "inherently contradictory" or "equivocal." Nor has Conn pointed to evidence their testimony was coerced.

The evidence herein included methamphetamine precursors and paraphernalia in the burn cage, other methamphetamine production materials on the premises, Conn's evasive and destructive behaviors, and testimony of two witnesses who saw Conn complete the manufacturing process. The evidence was sufficiently probative to permit a reasonable jury to find beyond a reasonable doubt that Conn was involved in the crimes that occurred. *See Dew v. State*, 439 N.E.2d 624, 625 (Ind. 1982) (where the testimony of one witness was sufficient to sustain a conviction).

For the foregoing reasons, we affirm the trial court's judgment.

Affirmed.

BAKER, J., and BRADFORD, J., concur.