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IN THE
COURT OF APPEALS OF INDIANA

JOEL T. MARTINEZ,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A02-1012-CR-1325
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Linda E. Brown, Judge
Cause No. 49F10-1006-CM-48886

August 4, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Joel Martinez appeals his conviction of operating a vehicle while intoxicated in a manner that endangered a person, a Class A misdemeanor.[1] As there was sufficient evidence to support the conviction, we affirm.

FACTS AND PROCEDURAL HISTORY

On June 19, 2010, Martinez hit a truck that was stopped at a stop sign. The impact pushed the truck to the other side of the street. Martinez asked the driver of the truck what had happened. Three passengers in Martinez's vehicle left the scene, but Martinez remained until police arrived. When police arrived, Martinez indicated he had been drinking. The police noted Martinez smelled of alcohol, had poor manual dexterity, his balance was unsteady, and his eyes were red and glassy. Martinez failed three field sobriety tests. He was taken to a police station and given a breath test, which registered at .06 percent.

DISCUSSION AND DECISION

In reviewing sufficiency of evidence, we do not reweigh the evidence or judge the credibility of witnesses. *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005). We consider only the probative evidence and reasonable inferences supporting the conviction. *Id.* We will affirm unless "no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt." *Jenkins v. State*, 726 N.E.2d 268, 270 (Ind. 2000).

[1] Ind. Code § 9-30-5-2.

There was ample evidence Martinez was intoxicated.[2] "Intoxication" includes being under the influence of 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 can be established by evidence of (1) the consumption of significant amounts of alcohol; (2) impaired attention and reflexes; (3) watery or bloodshot eyes; (4) the odor of alcohol on the breath; (5) unsteady balance; (6) failure of field sobriety tests; and/or (7) slurred speech. *Fields v. State*, 888 N.E.2d 304, 307 (Ind. Ct. App. 2008). There was evidence Martinez exhibited almost all the *Fields* factors. We acknowledge Martinez's alternative explanations for why his eyes were bloodshot and he failed the field sobriety tests, but we may not accept his invitation to reweigh the evidence. We accordingly affirm the conviction.

Affirmed.

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

[2] The element of endangerment is proved by evidence the defendant's condition or manner of operating the vehicle could have endangered any person, including the public, the police, or the defendant. *Weaver v. State*, 702 N.E.2d 750, 753 (Ind. Ct. App. 1998). Thus, proof the defendant's condition rendered operation of the vehicle unsafe is enough to establish endangerment. *Id.* Martinez does not argue his driving did not endanger another person.