

Joseph Rhone appeals his conviction after a jury trial of unlawful possession of a firearm by a serious violent felon, a Class B felony.¹ Because he had committed a serious violent felony and was in constructive possession of a firearm, we affirm his conviction.

FACTS

On November 21, 2003, Fort Wayne police officers responded to a call at the residence Rhone shared with his wife, Linda. The officers found a pistol on the top of the entertainment center and a shotgun behind a recliner in the living room. They testified the guns were in plain view.

Rhone, who had previously been convicted of reckless homicide,² was charged with and convicted of unlawful possession of a firearm by a serious violent felon.

DISCUSSION AND DECISION

Rhone argues the pistol was Linda's and the shotgun, which a neighbor gave them, was normally kept in the bedroom behind the dresser. Therefore, he contends, he never had possession of either firearm and the evidence is insufficient to support his conviction.

Where, as here, more than one person lives in the house where the firearm is found, we must examine the evidence most favorable to the conviction to determine whether additional circumstances permit the conclusion Rhone constructively possessed the firearms. *See Conrad v. State*, 747 N.E.2d 575, 583 (Ind. Ct. App. 2001), *trans. denied* 761 N.E.2d 411 (Ind. 2001). We find additional circumstances that demonstrate constructive possession.

¹ Ind. Code § 35-47-4-5.

² “[R]eckless homicide not committed by means of a vehicle” is a serious violent felony under Ind. Code § 35-47-4-5.

Rhone testified he knew his wife had the pistol and he knew she kept it in the house. She kept it “here and there, where ever [sic] she laid it.” (Tr. at 184.) The police found the pistol in plain sight on the top of an entertainment center. Rhone also knew the shotgun was in the house, and the police found it in plain view behind a recliner in the living room. Rhone’s daughter Tempest testified she had seen him handle both guns.

Rhone was a resident of the household, the firearms were in plain sight, and Rhone was in close proximity and had easy access to the firearms. We accordingly conclude the evidence was sufficient. *See Ladd v. State*, 710 N.E.2d 188, 191 (Ind. Ct. App. 1999) (constructive possession when drugs were found in plain view and in close proximity to items Ladd owned, and Ladd resided in the house). “The public safety purpose of a statute prohibiting serious violent felons from possessing firearms would be greatly undermined if such a felon could live in a room containing, [sic] a veritable arsenal of firearms and ammunition, yet subsequently claim they were not really his or not readily available for his use.” *Conrad*, 747 N.E.2d at 583.

Affirmed.

SULLIVAN, J., and BAKER, J., concur.