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IN THE
COURT OF APPEALS OF INDIANA

JONATHAN L. REINER,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 20A05-0907-CR-375
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable George W. Biddlecome, Judge
Cause No. 20D03-0802-FA-9

December 17, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Jonathan L. Reiner challenges the sufficiency of evidence to sustain his conviction for class A felony dealing in methamphetamine ("meth"). We affirm.

The facts most favorable to the verdict indicate that at 10:45 p.m. on February 7, 2008, Elkhart County Deputy Sheriffs Adam Leeper and Evan Witt, along with Sergeant Michael Lee McHenry, responded to a dispatch reporting the possible existence of a meth lab at 27415 County Line Road 24. When the officers arrived at the residence, they observed three vehicles, including a white Ford Thunderbird later confirmed to belong to Reiner. They noticed a strong odor of ether coming from the open windows of the house. Shortly thereafter, a woman emerged from the house, and Sergeant McHenry and Officer Leeper immediately apprehended her. She identified herself as the homeowner and gave consent to a search of the premises.

When the officers entered the residence, they observed a thick haze and smelled a very strong odor of chemicals associated with the manufacturing of meth. They also observed lithium batteries, ammonium sulfate, lye, a glass pipe, aluminum foil, coffee filters, salts, plastic containers and baggies, Coleman fuel, and other articles associated with the manufacturing of meth. An Indiana State Police Lab Team searched the premises and found additional items including pseudoephedrine, sulfuric acid, soiled coffee filters, homemade cardboard funnels, a propane burner, soda bottles containing white sludge, and cups and bowls containing white and red crushed powder. Lab tests confirmed the presence of meth. The officers found three men in the house: Joseph Moore, Justin Feathers, and Reiner. When they found Reiner, he was standing in the laundry room with his hand on a plastic

bottle that contained a chemical and had a tube attached to the top. An expert confirmed that the bottle was an HCL generator, a device used in the production of meth.

The officers arrested Reiner at the scene, and on February 11, 2008, the State charged him with class A felony dealing in methamphetamine. On March 23, 2009, a jury trial ensued. On March 25, 2009, the jury found Reiner guilty as charged.

On appeal, Reiner contends that the evidence is insufficient to sustain his conviction for dealing in meth. When reviewing a sufficiency challenge, we neither reweigh evidence nor judge witness credibility; rather, we consider only the evidence and reasonable inferences most favorable to the conviction. *Fowler v. State*, 900 N.E.2d 770, 775 (Ind. Ct. App. 2009). We will affirm the conviction if there is substantial evidence of probative value from which a reasonable fact-finder could have concluded that the defendant was guilty beyond a reasonable doubt. *Id*.

Here, Reiner does not dispute the fact that meth was being manufactured at the scene. Instead, he contends that he was merely present and did not participate in the operation of the meth lab. Notably, the State proceeded on an accomplice theory. An accomplice is criminally culpable for all acts committed by a confederate which are a probable and natural consequence of their concerted action. *Alvies v. State*, 905 N.E.2d 57, 61 (Ind. Ct. App. 2009). To be convicted as an accomplice, the defendant need not participate in each and every element of the crime. *Id*. Mere presence at the scene of a crime is insufficient to establish accomplice liability; however, one's presence at the scene may be considered in

conjunction with his relation to one engaged in the crime as well as his own actions before, during, and after the commission of the crime. *Id*.

Reiner's actions during the commission of the crime support his conviction for dealing in meth. When the officers found him, he was in possession of meth paraphernalia and was venting the HCL generator. Moreover, to the extent he argues that he had arrived just moments before police and that he came to the house merely to give Feathers a ride, we note eyewitness Kerns's testimony that he observed Reiner's "T-bird" parked out front at 9:00 p.m., nearly two hours before police arrived. Tr. at 427-29. Reiner merely asks us to reweigh evidence and judge witness credibility, which we may not do. The evidence and inferences most favorable to the verdict support his conviction. Accordingly, we affirm.

Affirmed.

RILEY, J., and VAIDIK, J., concur.