

Case Summary

Jeruan Brown appeals his conviction for Class B felony dealing in cocaine. He contends that the State failed to establish a proper chain of custody and that the evidence is insufficient to sustain his conviction. Concluding that the State established a proper chain of custody and that the evidence is sufficient to sustain Brown's conviction, we affirm.

Facts and Procedural History

In September 2009, Leilana Pressler was arrested for prostitution. “[I]n lieu of being charged with the prostitution,” Pressler agreed to become a confidential informant for the Fort Wayne Police Department Vice and Narcotics Unit. Tr. p. 11, 33. Pressler had previously purchased cocaine from Brown, whom Pressler knew as “John John.” *Id.* at 11, 34.

On November 6, 2009, Pressler met with Detective Darrick Engelman and other members of the Vice and Narcotics Unit for the purpose of arranging a controlled buy of cocaine from Brown. Detective Jamie Masters strip-searched Pressler, found no contraband on her person, and fitted her with a wire recording device. Detective Engelman then searched Pressler's car and found no contraband inside. Pressler called Brown from the police station and arranged to meet him in the alley behind the BP near the intersection of Anthony and McKinney Streets in Fort Wayne so that she could buy some cocaine from him. Pressler, followed by Detective Masters, then drove to the location and parked her car. Pressler called Brown and said that she was there. Detective Engelman, who was conducting surveillance from a nearby driveway, observed Brown

exit the front of a house and walk around to the alley in the back and enter Pressler's car. Pressler handed Brown the buy money, and Brown handed her the cocaine. Brown also gave Pressler a new phone number to call because he was "on the run." *Id.* at 14. Detective Engelman watched as Brown exited Pressler's car and went back inside the house.

Pressler, followed by Detective Masters, drove back to the police station. Detective Masters took the cocaine from Pressler as soon as Pressler exited her car and "held onto it" until she and Detective Engelman later packaged it. *Id.* at 29. Detective Masters again strip-searched Pressler, found no contraband, and removed the wire recording device. Detective Engelman searched Pressler's car again, and no contraband was found. After the detectives debriefed Pressler, she was allowed to leave.

Detective Masters gave the cocaine to Detective Engelman, who field-tested it, packaged it in a heat-sealed evidence bag, put his initials and other identifying information on the seal, and then put the bag into the evidence safe at the Vice and Narcotics Unit office, which was a locked office. The evidence was submitted to the Indiana State Police Laboratory for chemical analysis. The analysis revealed that the substance was cocaine base weighing 0.32 grams.

The State subsequently charged Brown with Class B felony dealing in cocaine. Ind. Code § 35-48-4-1(a). A bench trial was held. At trial, defense counsel objected to the admission of the cocaine, State's Exhibit 2, into evidence on grounds that the State failed to establish a proper chain of custody. *Id.* at 42-45. The trial court overruled the objection and admitted the cocaine into evidence. The court found Brown guilty as

charged and sentenced him to twelve years in the Department of Correction. Brown now appeals his conviction.

Discussion and Decision

Brown raises two issues on appeal. First, he contends that the trial court erred in admitting the crack cocaine into evidence because the State failed to establish a proper chain of custody. Second, he contends that the evidence is insufficient to support his conviction.

I. Chain of Custody

Brown contends that the trial court erred in admitting the cocaine, State's Exhibit 2, into evidence because the State failed to establish a proper chain of custody. We review a trial court's ruling on the admission of evidence for an abuse of discretion. *Espinoza v. State*, 859 N.E.2d 375, 381 (Ind. Ct. App. 2006). We reverse only where the decision is clearly against the logic and effect of the facts and circumstances. *Id.* at 381-82.

To establish a proper chain of custody, the State must give reasonable assurances that the evidence remained in an undisturbed condition. *Troxell v. State*, 778 N.E.2d 811, 814 (Ind. 2002). However, the State need not establish a perfect chain of custody, and once the State "strongly suggests" the exact whereabouts of the evidence, any gaps go to the weight of the evidence and not to admissibility. *Id.* Moreover, there is a presumption of regularity in the handling of evidence by officers and that officers exercise due care in handling their duties. *Id.* To mount a successful challenge to the chain of custody, the

defendant must present evidence that does more than raise a mere possibility that the evidence may have been tampered with. *Id.*

On appeal, Brown argues that “the chain of custody problems began with the acquisition of the crack cocaine in question.” Appellant’s Br. p. 10. Specifically, Brown points out that although Detective Masters obtained the cocaine from Pressler, she could not remember whether it was loose or packaged, there was no testimony as to where Detective Masters actually “held” on to the cocaine before giving it to Detective Engelman for packaging, both Detective Masters and Detective Engelman testified that they packaged and sealed the cocaine when only Detective Engelman’s initials are on the bag, and the State had only Detective Engelman (and not both detectives) identify State’s Exhibit 2 at trial. *Id.* As such, Brown asserts that the State failed to establish a “continuous” chain of custody. *Id.*

We do not find that these facts are sufficient to raise a viable challenge to the chain of custody of State’s Exhibit 2. Detective Masters took the cocaine from Pressler as soon as she exited her car at the police station after the controlled buy. Detective Engelman went straight to the police station after the controlled buy, at which point Detective Masters gave him the cocaine. Detective Engelman, with Detective Master’s assistance, field-tested the cocaine, packaged it in a heat-sealed evidence bag, put his initials and other identifying information on the seal, and then put the bag in the evidence safe at the Vice and Narcotics Unit office, which was a locked office. Detective Stein had access to the safe and transported the cocaine from the Vice and Narcotics Unit office to the main police station. Detective Stein then took the cocaine to the Indiana

State Police Laboratory. At trial, Detective Engelman examined State's Exhibit 2 and testified that it was in the same or substantially the same condition as when he placed it in the evidence bag. Tr. p. 42. This evidence establishes a sufficient chain of custody from Pressler, who testified that it was the cocaine she received from Brown, through Detective Masters, who briefly held on to the cocaine until Detective Engelman arrived at the police station, to Detective Engelman, who put the cocaine into a sealed bag and then put the bag into the safe at the Vice and Narcotics Unit office, to the Indiana State Police Laboratory, where it was analyzed. *See Espinoza*, 859 N.E.2d at 382 (“An adequate foundation establishing a continuous chain of custody is established if the State accounts for the evidence at each stage from its acquisition, to its testing, and to its introduction at trial.”). Brown's arguments do not even raise the mere possibility that the cocaine had been tampered with. His arguments go to the weight, and not the admissibility, of the cocaine. The trial court did not abuse its discretion in admitting State's Exhibit 2 at trial.

II. Sufficiency of the Evidence

Brown contends that the evidence is insufficient to support his conviction for Class B felony dealing in cocaine. When reviewing the sufficiency of the evidence, appellate courts must only consider the probative evidence and reasonable inferences supporting the judgment. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). It is the fact-finder's role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient. *Id.* To preserve this structure, when appellate courts are confronted with conflicting evidence, they must consider it “most favorably to the trial court's ruling.” *Id.* Appellate courts affirm the conviction unless

“no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” *Id.* at 146-47 (quotation omitted). It is therefore not necessary that the evidence “overcome every reasonable hypothesis of innocence.” *Id.* at 147 (quotation omitted). “[T]he evidence is sufficient if an inference may reasonably be drawn from it to support the [judgment].” *Id.* (quotation omitted).

In order to convict Brown of dealing in cocaine as charged here, the State had to prove that he knowingly or intentionally delivered cocaine to Pressler. I.C. § 35-48-4-1(a); Appellant’s App. p. 6. The evidence presented at trial establishes that Brown sold 0.32 grams of cocaine to Pressler, a confidential informant who was searched both before and after the controlled buy and had purchased cocaine from Brown on previous occasions. Brown entered Pressler’s car. Pressler handed Brown the buy money, and Brown gave her cocaine. Detective Engelman, who was conducting surveillance from a nearby driveway, observed Brown exit a house, enter Pressler’s car, and then return to the house after a couple of minutes. Detective Masters followed Pressler both to and from the controlled buy. Pressler identified Brown from a photo array and again at trial as the person who sold her the cocaine on the date in question. The evidence is sufficient to sustain Brown’s conviction.

Brown’s other arguments, such as that Detective Masters could have overlooked the cocaine during Pressler’s strip search, Pressler was not in the constant view of the detectives since she drove alone, and Pressler engaged in illegal drug use around the time of the controlled buy (but not on the date in question) in violation of the confidential

informant program rules, are merely requests for us to reweigh the evidence, which we will not do. We therefore affirm Brown's dealing in cocaine conviction.

Affirmed.

BAKER, J., and BARNES, J., concur.