

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Gavin Christopher Combs,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

December 15, 2023

Court of Appeals Case No.
23A-CR-1756

Appeal from the Hendricks
Superior Court

The Honorable Stephenie LeMay-
Luken, Judge

Trial Court Cause No.
32D05-2008-F2-24

Memorandum Decision by Judge Crone
Judges Riley and Mathias concur.

Crone, Judge.

[1] In August 2021, Gavin Christopher Combs was charged with level 2 felony dealing in a narcotic drug and level 3 felony possession of a narcotic drug after police found over 59 grams of a substance containing heroin in his car. During the State’s case-in-chief at his March 2023 jury trial, Combs objected to evidence regarding the heroin on the basis that the search of his car was unconstitutional. The trial court overruled his objections. Combs then testified that he purchased the heroin for personal use and not for dealing to others. The jury acquitted him of the dealing charge and found him guilty of the possession charge. The trial court sentenced him to nine years.

[2] Combs now appeals his possession conviction and argues that the trial court erred in admitting the evidence that he objected to at trial. “The improper admission of evidence is harmless error when the erroneously admitted evidence is merely cumulative of other evidence before the trier of fact.” *Hunter v. State*, 72 N.E.3d 928, 932 (Ind. Ct. App. 2017), *trans. denied*. The evidence in the State’s case-in-chief that Combs possessed heroin is merely cumulative of Combs’s testimony that he possessed heroin, so any error in the admission of the State’s evidence is harmless. Therefore, we affirm Combs’s conviction.

[3] Affirmed.

Riley, J., and Mathias, J., concur.