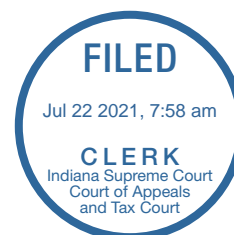


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Jason Wyatt,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

July 22, 2021

Court of Appeals Case No.
21A-CR-280

Appeal from the St. Joseph
Superior Court

The Honorable Jeffrey L. Sanford,
Judge

Trial Court Cause No.
71D03-1902-F4-12

Tavitas, Judge.

Case Summary

- [1] Jason Wyatt appeals his conviction for manufacturing methamphetamine, a Level 4 felony, following a bench trial. Wyatt argues that insufficient evidence was introduced to sustain his conviction for manufacturing methamphetamine. Because methamphetamine and every ingredient required for the manufacture of methamphetamine were found in Wyatt's residence, the evidence is sufficient to sustain Wyatt's conviction for manufacturing methamphetamine, a Level 4 felony. We affirm.

Issue

- [2] Wyatt raises one issue, which we restate as whether the evidence is sufficient to sustain Wyatt's conviction for manufacturing methamphetamine, a Level 4 felony.

Facts

- [3] On March 19, 2018, the Indiana State Police intended to execute arrest warrants for Wyatt, his brother, Joshua Wyatt ("Joshua"), and Chelsea Anderson at Joshua's South Bend home, where Wyatt was residing. Wyatt, Joshua, and Anderson were all believed to be in the home when the troopers arrived. The troopers surrounded the residence to ensure that no one could exit.
- [4] After the troopers knocked on the front door for several minutes, Joshua and Anderson walked out of the side door. A trooper asked if Wyatt was in the home, and Joshua stated that Wyatt was in the basement. The troopers

continued to knock on the front door for several more minutes with no response, and eventually the troopers entered the home. When they neared the basement door, they heard movement. The troopers announced themselves and repeatedly instructed anyone in the basement to emerge. Wyatt and a woman announced that they were coming upstairs and then walked up the steps.

[5] The troopers then obtained a search warrant after finding drug-related items during their protective sweep of the house. After receipt of the search warrant, the troopers conducted a search of the house. The house “was a mess and [had] just drug paraphernalia, [and] drug use throughout the residence.” Tr. Vol. II p. 29. The troopers found a glass jar containing methamphetamine in the kitchen area. The troopers also found every ingredient needed to make methamphetamine in the basement.

[6] The basement consisted of two bedrooms, one of which belonged to Wyatt, and a laundry room. The troopers found methamphetamine-related items in Wyatt’s room and the laundry room. Specifically, in Wyatt’s bedroom, troopers found items that are used to manufacture or ingest methamphetamine. These items included: (1) a one-gallon jug; (2) an electronic digital scale, (3) glass smoking devices; (4) syringes; (5) caps for syringes; (6) a bottle cap; (7) batteries; (8) small resealable plastic bags; (9) coffee filters; (10) a mortar and pestle; (11) spoons; and (12) pseudoephedrine (“Sudafed”) blister packs.

- [7] The troopers also found a backpack belonging to Wyatt on the back of Wyatt's bedroom door, and the backpack contained a "one-pot" methamphetamine lab ("one-pot") with camp fuel solvent, coffee filters, and ammonium sulfate.¹ Tr. Vol. II pp. 45-46, 49. The one-pot contained several of the necessary ingredients for the manufacture of methamphetamine. The reaction process necessary to create methamphetamine had not yet started, but the ingredients were already combined in the one-pot. Additionally, the coffee filters in the backpack tested positive for methamphetamine.
- [8] In the laundry room, the troopers found Sunnyside muriatic acid, tubing, and one-gallon plastic bags, all of which are used to make methamphetamine. Some of the one-gallon plastic bags field-tested positive for methamphetamine. The troopers also discovered an old one-pot bottle in the laundry room.
- [9] When Wyatt was interviewed by a trooper and a detective, Wyatt admitted to previously using drugs and to manufacturing methamphetamine. Wyatt added that he preferred the "shaker method," which is also known as the one-pot method for manufacturing methamphetamine.
- [10] On February 7, 2019, the State charged Wyatt with manufacturing methamphetamine, a Level 4 felony, and possession of methamphetamine, a Level 6 felony. The trial court held a bench trial on November 9, 2020, and, at

¹ A one-pot methamphetamine lab facilitates the entire process of manufacturing methamphetamine in a single container, rather than multiple containers.

trial, Wyatt testified and admitted to using and possessing methamphetamine. He also admitted that he knows how to manufacture methamphetamine and has done so before. Wyatt admitted that the backpack in the basement belonged to him and that the backpack contained precursors for making methamphetamine. Wyatt also admitted that he regularly purchased Sudafed and testified that he did so almost “every month,” most recently in December of 2017 and on January 23, 2018. Tr. Vol. II p. 80.

[11] At the conclusion of the bench trial, the trial court took the case under advisement. On November 18, 2020, the trial court found Wyatt guilty as charged, but declined to enter judgment of conviction for possession of methamphetamine due to double jeopardy concerns. On January 25, 2021, the trial court sentenced Wyatt to ten years in the Indiana Department of Correction, which were suspended, and he was placed on three years of probation. This appeal ensued.

Analysis

[12] Wyatt claims that the State did not present sufficient evidence to sustain his conviction for manufacturing methamphetamine, a Level 4 felony, where: (1) Wyatt had not yet begun the process of manufacturing methamphetamine; (2) the one-pot did not contain all of the necessary ingredients for the manufacture of methamphetamine; and (3) the State police did not find all of the ingredients required to manufacture methamphetamine in the house. Sufficiency of the evidence claims “warrant a deferential standard, in which we neither reweigh the evidence nor judge witness credibility.” *Powell v. State*, 151 N.E.3d 256, 262

(Ind. 2020). We consider only the evidence supporting the judgment and any reasonable inferences drawn from that evidence. *Id.* We will affirm a conviction if there is substantial evidence of probative value that would lead a reasonable trier of fact to conclude that the defendant was guilty beyond a reasonable doubt. *Id.*

[13] The offense of manufacturing methamphetamine, a Level 4 felony, is governed by Indiana Code Section 35-48-4-1.2(a), which provides, in pertinent part that “[a] person who knowingly or intentionally manufactures or finances the manufacture of methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a Level 4 felony[.]” “Manufacture” is defined in pertinent part as:

the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

Ind. Code § 35-48-1-18(1)(A).

[14] Wyatt argues that the evidence presented by the State cannot sustain his conviction for manufacturing methamphetamine, a Level 4 felony, because the reaction process of manufacturing methamphetamine had not begun; Wyatt claims that only the preliminary stages of the manufacturing process were completed. We disagree. There is “[n]o statutory requirement [that] the manufacturing process must be completed or that a final product must be

present before [] [Indiana Code Section 35-48-1-18] applies.” *Harrison v. State*, 32 N.E.3d 240, 248 (Ind. Ct. App. 2015) (citing *Vanzyll v. State*, 978 N.E.2d 511, 518 (Ind. Ct. App. 2012)), *trans. denied*.

[15] Wyatt further argues that the State did not present sufficient evidence to sustain his conviction for manufacturing methamphetamine because not all of the ingredients needed to manufacture methamphetamine were present in the house. Multiple witnesses, however, testified that “everything needed” to manufacture methamphetamine was found in the basement. Tr. Vol. II pp. 20-21, 47, 52. But even assuming *arguendo* that not all the ingredients needed were found in the house, Wyatt cannot prevail. The State is not required to show that *all* the necessary ingredients were present. See *Harrison*, 32 N.E.3d at 247-248 (holding that the evidence was sufficient to support the defendant’s conviction for manufacturing methamphetamine even though lithium, a necessary ingredient in manufacturing methamphetamine, was not present).

[16] The evidence presented by the State is sufficient to sustain Wyatt’s conviction for manufacturing methamphetamine. The State presented evidence that all of the ingredients needed to manufacture methamphetamine were found in either Wyatt’s room or the laundry room in the house. Two one-pot containers were found in the basement, one of which had already been used to manufacture methamphetamine, and the other still was in the beginning stage, but before the reaction process had begun. Wyatt admitted that he knew how to make methamphetamine, that he had done so in the past, and that he preferred the one-pot method. He also admitted that he regularly purchased Sudafed, which

contains a key ingredient in manufacturing methamphetamine. Lastly, at trial, Wyatt testified and admitted to using and possessing methamphetamine. These facts taken together are sufficient to sustain Wyatt's conviction for manufacturing methamphetamine. *See Harrison*, 32 N.E.3d at 247-248 (holding that the evidence was sufficient to support the defendant's manufacturing methamphetamine conviction when all of the ingredients used for manufacturing methamphetamine were found, except lithium, and no final product was present).

[17] Wyatt's arguments amount to an invitation to reweigh the evidence, which we cannot do when assessing sufficiency of the evidence claims. *See Powell*, 151 N.E.3d at 262. Accordingly, we find that the evidence is sufficient to sustain Wyatt's conviction for manufacturing methamphetamine.

Conclusion

[18] The State presented sufficient evidence to sustain Wyatt's conviction for manufacturing methamphetamine, a Level 4 felony. Accordingly, we affirm.

[19] Affirmed.

Najam, J., and Pyle, J., concur.