

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Ryan M. Gardner
Fort Wayne, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Alexandria Sons
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Contrell J. Scruggs,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

February 17, 2022

Court of Appeals Case No.
21A-CR-1426

Appeal from the Allen Superior
Court

The Honorable Steven O. Godfrey,
Judge

Trial Court Cause No.
02D04-2102-F5-80

Mathias, Judge.

[1] Contrell Scruggs was convicted of Level 5 felony possession of methamphetamine. Scruggs appeals, arguing that the evidence is insufficient to support his conviction.

[2] We affirm.

Facts and Procedural History

[3] On February 18, 2021, Scruggs consumed six pills to get high. Tr. p. 112. He thought he was taking ecstasy, but the pills contained methamphetamine. *Id.* at 93, 109. Unlike the euphoric high he typically experienced after consuming ecstasy, Scruggs felt “wired.” *Id.* at 108. Therefore, he called the police for assistance. *Id.* at 113. A police officer responded to Scruggs’s location at a Get-2-Go gas station in Fort Wayne. Scruggs was confused and spoke to the officer frantically, starting and stopping sentences midway. *Id.* at 70.

[4] A second police officer on the scene discovered that Scruggs had an active warrant for his arrest. The officers arrested Scruggs and transported him to the Allen County Jail where Scruggs was fully searched. During the search, officers discovered a small plastic bag containing 29 pills in Scruggs’s shoe. *Id.* at 74. Forensic testing revealed that 17 of these pills were methamphetamine adulterated with caffeine, weighing 5.14 grams. *Id.* at 92–93. The remaining 12 pills were not examined and had a weight of 3.76 grams. *Id.*

[5] The State charged Scruggs with Level 5 felony possession of methamphetamine. Scruggs’s jury trial commenced on May 18, 2021. At trial, Scruggs did not deny that he possessed the pills at issue, but he argued he could

not be convicted of possessing methamphetamine because he thought the pills were ecstasy. A jury found Scruggs guilty as charged. At sentencing, the trial court ordered Scruggs to serve four years in the Department of Correction. Scruggs now appeals, arguing that the evidence is insufficient to support his conviction.

Standard of Review

- [6] In reviewing claims of insufficient evidence, we neither reweigh the evidence nor judge the credibility of witnesses. *McHenry v. State*, 820 N.E.2d 124, 126 (Ind. 2005). We respect the fact-finder’s exclusive province to weigh conflicting evidence. *Id.* We therefore look to the favorable evidence supporting the judgment and draw all reasonable inferences from that evidence. *Id.* If we conclude that from this evidence a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt, we will affirm. *Id.*

Discussion and Decision

- [7] To convict Scruggs of Level 5 felony possession of methamphetamine, the State was required to prove that Scruggs knowingly or intentionally possessed at least five but less than ten grams of methamphetamine in pure or adulterated form without a valid prescription or license. See Ind. Code § 35-48-4-6.1. “A person engages in conduct ‘intentionally’ if, when he engages in the conduct, it is his conscious objective to do so. A person engages in conduct ‘knowingly’ if, when he engages in the conduct, he is aware of a high probability that he is doing so.”

[Ind. Code § 35-41-2-2\(a\), \(b\)](#). Scruggs argues that the State failed to present evidence sufficient for the jury to find that Scruggs knowingly possessed methamphetamine rather than ecstasy. We disagree.

- [8] Scruggs maintains that his possession of methamphetamine was a mistake of fact, and that this mistake of fact compels a reversal of the jury's verdict. Appellant's Br. at 9, 11. When a defendant invokes the mistake of fact defense, he must show: (1) that the mistake was honest and reasonable; (2) that the mistake was about a matter of fact; and (3) that the mistake negates the culpability required to commit the crime. [Chavers v. State](#), 991 N.E.2d 148, 151 (Ind. Ct. App. 2013), *trans. denied*; *see also* [Ind. Code § 35-41-3-7](#).

The State, however, retains the ultimate burden of proving beyond a reasonable doubt every element of the charged crime, including culpability or intent, which would in turn entail proof that there was no reasonably held mistaken belief of fact. In other words, the State retains the ultimate burden of disproving the defense beyond a reasonable doubt. The State may meet its burden by directly rebutting evidence, by affirmatively showing that the defendant made no such mistake, or by simply relying upon evidence from its case-in-chief.

[Chavers](#), 991 N.E.2d at 151–52 (internal citations and quotations omitted).

- [9] First, Scruggs argues that his mistake of fact was reasonable. We disagree. Even if the jury believed Scruggs' claim that he thought he had purchased ecstasy, he admitted that he felt distinctly different than he felt after consuming ecstasy on prior occasions. Therefore, Scruggs knew or should have known that the remaining pills in his possession were not ecstasy. And given this was not his

first time feeling methamphetamine's effects, he had reason to know that the pills in his possession were methamphetamine. The jury concluded that Scruggs knowingly or intentionally possessed methamphetamine, and we will not disturb their finding.

[10] Second, Scruggs argues that his mistake negates the culpability required to commit the crime. But his own testimony undercuts this argument. Scruggs admitted intentional possession of an illegal substance. That the pills were methamphetamine, and not ecstasy, does not negate the culpability required to commit the crime.

[11] For all of these reasons, we conclude that Scruggs failed to establish that he made an honest and reasonable mistake of fact that would have negated his culpability for this offense.

Conclusion

[12] The State presented sufficient evidence to support Scruggs's possession of methamphetamine conviction.

[13] Affirmed.

Bailey, J., and Altice, J., concur.