

SULLIVAN, Senior Judge

Defendant-Appellant Justin Floyd appeals his conviction of carrying a handgun without a license, a Class A misdemeanor, Indiana Code section 35-47-2-1 (2007). Floyd's only challenge is to the sufficiency of the evidence. We affirm.

On April 11, 2010, Indianapolis Police Officer Lawrence Wheeler was dispatched to investigate a report that a person was carrying a rifle through the parking lot of an apartment complex. Officer Wheeler was informed that the person was wearing black jeans and carrying the rifle beside his right leg.

When Officer Wheeler and other officers arrived at the apartment complex, Officer Wheeler saw that Floyd was wearing black jeans. Floyd's right hand was near his body, and Officer Wheeler could not see whether Floyd was carrying anything. Floyd saw Officer Wheeler and another officer and ducked down before popping back up. While watching the officers, Floyd walked to a car and opened the car door. The door hit Floyd in the face, knocking him back as the door closed.

Officer Wheeler approached Floyd, identified himself as a police officer, and asked Floyd to put his hands on the car. When Floyd did not comply, Officer Wheeler grabbed Floyd's hands to place them on the car; and in doing so, Officer Wheeler observed that Floyd had a holstered gun on his right side. Officer Wheeler asked Floyd whether he had a handgun license, and Floyd said that he did not. Officer Wheeler verified that Floyd did not have a license and arrested Floyd for carrying a handgun without a permit. Floyd was subsequently convicted, and he now appeals.

Floyd's sole issue on appeal is whether there was sufficient evidence to support his conviction. Our standard of review for sufficiency claims is well settled. In reviewing sufficiency of the evidence claims, this court does not reweigh the evidence or assess the credibility of witnesses. *Drane v. State*, 867 N.E.2d 144, 146 (Ind. 2007). We consider only the evidence most favorable to the judgment, together with all reasonable and logical inferences drawn therefrom. *Fancher v. State*, 918 N.E.2d 16, 22 (Ind. Ct. App. 2009). The conviction will be affirmed if there is substantial evidence of probative value to support the conclusion of the trier of fact. *Davis v. State*, 791 N.E.2d 266, 270 (Ind. Ct. App. 2003), *trans. denied*. The conviction must be affirmed "unless no reasonable fact-finder could find the elements of the crime beyond a reasonable doubt." *Fancher, id.*

A person commits the misdemeanor of carrying a handgun without a permit when he carries a handgun on or about his body, except in the person's dwelling, on the person's property or fixed place of business, "without a license under [Ind. Code § 35-47-2] being in the person's possession." Ind. Code § 35-42-2-1 (2007). It is well settled that "once the State proves that the defendant carried a handgun on or about his person, away from his dwelling or business, the burden shifts to the defendant to establish that he possessed a valid license." *Harris v. State*, 716 N.E.2d 406, 411 (Ind. 1999). Proof that the defendant had a license is an exception to the offense, not an element. *Id.* Indeed, Indiana Code section 35-47-2-24 (1983) specifically states that "[t]he burden of proof is on the defendant to prove that . . . he has the required license under [35-47-2]."

Here, Officer Wheeler testified that Floyd was in an apartment parking lot and that he had a handgun upon his body at the time he was arrested. Floyd admitted to Officer Wheeler that he did not have a license to carry the handgun upon his body. He repeated this admission at trial. He argues on appeal, however, that he met his burden of proof when he testified that he had applied for the license before the date of the arrest. Indiana Code section 35-47-2-1 and Ind. Code section 35-47-2-24 require that the defendant prove that he has a license in his possession, not that he has made an application for the license. The evidence is sufficient to support the conviction.

The judgment is affirmed.

NAJAM, J., and VAIDIK, J., concur.