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**IN THE  
COURT OF APPEALS OF INDIANA**

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SERVANES WILSON,  
Appellant- Defendant,

vs.

STATE OF INDIANA,  
Appellee- Plaintiff,

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No. 49A02-1012-CR-1288

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Steven R. Eichholtz, Judge  
Cause No. 49G20-0912-FA-103321

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**July 1, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**ROBB, Chief Judge**

## Case Summary and Issues

Following a jury trial, Servanes Wilson appeals his convictions for dealing in cocaine as a Class A felony and possession of marijuana as a Class A misdemeanor. On appeal Wilson raises two issues, which we restate as: 1) whether the trial court abused its discretion in admitting into evidence items obtained during a warrantless search of Wilson's car, photographs of the same, and officers' testimony regarding his arrest; and 2) whether sufficient evidence supports his convictions. Concluding that the trial court did not abuse its discretion in admitting the evidence Wilson challenges and that sufficient evidence supports Wilson's convictions, we affirm.

## Facts and Procedural History

On December 31, 2009, Detective Jeff Wood and at least six others of the Indianapolis Metropolitan Police Department were about to enter a home seeking two particular individuals. Prior to entering, Detective Wood observed a red car that was running and occupied in front of the home, and walked to the driver's side window. Detective Wood knocked on the window and Wilson, the sole occupant, rolled it down.

Detective Wood later testified that when Wilson rolled down the window, "a large cloud of smoke came out and hit me in the face," which smelled of "burnt marijuana." Transcript at 114. Detective Wood initially ignored the smell to focus on identifying Wilson and his reason for being there, and noticed Wilson was shaking and repeating Detective Wood's questions before answering them. Based on Wilson's "mannerisms[,] . . . nervousness, the smell of the burnt marijuana," concern for officer safety, and uncertainty of whether Wilson was one of the individuals whom officers were seeking, Detective Wood asked Wilson to get out of the car. *Id.* at 118.

As Wilson was getting out, Detective Steven Scott approached the front driver's side of the vehicle and saw a gun inside. Wilson was removed from the vehicle and placed in handcuffs for officer safety. Detective Wood testified that without manipulating anything in the car, a "handgun protruding from underneath the driver's seat," was "visible from the front windshield." Id. at 120-21. Detective Scott clarified that as he approached from the front driver's side, "looking over in the front seat of the vehicle," id. at 186, he saw "a weapon laying in the front seat of the floor – front floorboard of the vehicle." Id. at 184; id. at 186 ("I saw the handgun – the back of the handgun sticking out from under the seat.").

Detective Scott and Detective Timothy Day also noticed what appeared to be cocaine in the driver's door pocket, and Detective Day saw marijuana in the console between the front seats.

Detective Wood testified Wilson told him someone stole his gun permit and he reported the theft, so Detective Wood checked the law enforcement computer system but did not find record of a report.<sup>1</sup>

The officers determined that Wilson's car should be seized, and accordingly, they began a search and inventory of the car's contents. The inventory included four cellular phones, a digital scale, some counterfeit money, Wilson's identification, miscellaneous paperwork, and a computer. The inventory also exposed marijuana seeds, rolling paper, marijuana separated into four tied plastic bags of varying weights from 0.8 to 1.94 grams, and two baggies containing cocaine weighing 5.5355 and 3.8480 grams.

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<sup>1</sup> At trial Wilson testified his permit was in his wallet and that he did not tell Detective Wood that someone stole it. The State introduced evidence that Wilson's gun permit was, indeed, in his wallet.

Wilson was arrested and charged with dealing in cocaine as a Class A felony, possession of cocaine and a firearm as a Class C felony, possession of cocaine as a Class C felony, possession of marijuana as a Class A misdemeanor, and carrying a handgun without a license as a Class A misdemeanor. Before trial, Wilson filed a motion to suppress all evidence seized during the search of his car and all verbal statements he made on that day, which the trial court denied following a hearing. At trial, Wilson renewed his motion to suppress and, following the trial court's denial, objected to the introduction into evidence of each item seized from his vehicle. Wilson filed a motion for directed verdicts as to the charges of carrying a handgun without a license and dealing in cocaine; the trial court granted the motion as to carrying a handgun and denied it as to dealing in cocaine.

The jury found Wilson guilty of all remaining charges. The trial court, finding that convictions on all of these charges would amount to double jeopardy, entered judgments of conviction only as to dealing in cocaine as a Class A felony and possession of marijuana as a Class A misdemeanor. Following a sentencing hearing, Wilson was ordered to serve concurrent sentences of twenty years executed for dealing in cocaine and thirty days for possession of marijuana. Wilson now appeals his convictions.

### Discussion and Decision

#### I. Admission of Evidence

##### A. Standard of Review

We review a trial court's decision to admit evidence for an abuse of discretion. Collins v. State, 826 N.E.2d 671, 677 (Ind. Ct. App. 2005), trans. denied, cert. denied, 546 U.S. 1108 (2006). We will find an abuse of discretion when its decision is "clearly

against the logic and effect of the facts and circumstances before it.” Id. However, even if we find an abuse of discretion in the admission of particular evidence, we will not reverse unless the defendant’s substantial rights have been affected. Ind. Evidence Rule 103(a); Pruitt v. State, 834 N.E.2d 90, 117 (Ind. 2005), cert. denied, 548 U.S. 910 (2006).

Wilson argues the trial court abused its discretion in admitting evidence in three general categories: 1) items obtained during a warrantless search of his vehicle; 2) photographs of physical evidence and the crime scene which “d[o] not depict what they purported to depict”; and 3) testimony by officers “which assumed facts not in evidence, was conclusory and unreliable, and invaded the fact-finding province of the jury.” Brief of Appellant at 5. We address each category in turn.

#### B. Evidence Obtained During Warrantless Search

In determining whether items obtained during a warrantless search may be admitted into evidence, Indiana courts first classify the underlying investigation which brought such evidence to light. There are three levels of police investigation. Payne v. State, 854 N.E.2d 1199, 1202 (Ind. Ct. App. 2006), trans. denied. The first and second implicate the Fourth Amendment to the United States Constitution, and the third does not. Id. First, an arrest or detention that lasts for more than a short period of time must be justified by probable cause. Id. Second, an officer may briefly detain an individual for investigatory purposes if, based on specific and articulable facts, the officer has a reasonable suspicion that criminal activity has or is about to occur. Id. Third, the Fourth Amendment is not implicated by an officer’s casual, brief, and consensual inquiry. Id.

We now evaluate whether, at each significant stage in the officers’ investigation of Wilson, the officers satisfied the applicable legal standard. When Detective Wood first

approached Wilson's vehicle, neither probable cause nor a reasonable suspicion was yet necessary, as Detective Wood had not yet conducted any investigation. See id.

The first significant occurrence was Detective Wood knocking on Wilson's car window to ask Wilson basic questions, i.e., who he was, why he was there, etc. This did not constitute an arrest or an extended detention, but may have been either a consensual encounter, which would not have implicated the Fourth Amendment, or an investigatory stop that required reasonable suspicion to pass muster under the Fourth Amendment. See State v. Augustine, 851 N.E.2d 1022, 1025 (Ind. Ct. App. 2006).

So long as the encounter is consensual and the individual remains free to leave, the Fourth Amendment is not implicated. Id. at 1026. "[A] seizure does not occur simply because a police officer approaches an individual and asks a few questions." Florida v. Bostick, 501 U.S. 429, 434 (1991).

Factors to be considered in determining whether a reasonable person would believe he was not free to leave include: (1) the threatening presence of several officers, (2) the display of a weapon by an officer, (3) the physical touching of the person, or (4) the use of language or tone of voice indicating that compliance with the officer's request might be compelled.

Augustine, 851 N.E.2d at 1026.

There is no evidence that Wilson was aware of the presence of several officers when Detective Wood first approached, as all were in some other area except for Detective Wood. The evidence indicates Detective Wood did not display a weapon or touch Wilson (at least up to this point), and does not reveal that Detective Wood used language or a tone of voice that would suggest a command. This approach and introductory exchange was not an investigatory stop and did not require reasonable suspicion that criminal activity has or was about to occur. See id. (concluding that the

following facts constitute a consensual encounter: an officer approached an individual in a vehicle while the engine was running, the individual rolled down his window, the two began conversing, no other officers were present, no weapon was displayed, no touching occurred, and the officer did not use language or speak in a way to mandate compliance); see also Hiibel v. Sixth Judicial Dist. Court of Nevada, Humboldt County, 542 U.S. 177, 178 (2004) (“Ordinarily, an investigating officer is free to ask a person for identification without implicating the [Fourth] Amendment.”).

We also address this first significant encounter under Article 1, Section 11 of the Indiana Constitution, which we interpret and apply independently from Fourth Amendment jurisprudence. Taylor v. State, 842 N.E.2d 327, 334 (Ind. 2006). In considering alleged violations of Section 11, we consider each case on its own facts and construe Section 11 liberally to guarantee the rights of people against unreasonable searches and seizures. Id. In determining the reasonableness of a search under Section 11, we balance “1) the degree of concern, suspicion, or knowledge that a violation has occurred, 2) the degree of intrusion the method of the search or seizure imposes on the citizen’s ordinary activities, and 3) the extent of law enforcement needs.” Holder v. State, 847 N.E.2d 930, 940 (Ind. 2006).

Here, the degree of concern that Wilson violated the law at the point when he began his discussion with Detective Wood was low, as was the degree of intrusion. And yet, Detective Wood was pursuing a reasonable and legitimate law enforcement need, namely, to determine whether Wilson was one of the individuals whom Detective Wood and his fellow officers were seeking. Considering our balance of these factors and our decision above that this was a consensual, non-threatening exchange, we conclude that at

the point where Detective Wood and Wilson began their brief conversation, Wilson's rights under the Indiana Constitution were not violated.

The next significant event occurred when officers requested that Wilson exit his vehicle and proceeded to search his person and vehicle. This constitutes at least an extended detention that required probable cause. However, we have previously recognized that under both the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Indiana Constitution: "when a trained and experienced police officer detects the strong and distinctive odor of burnt marijuana coming from a vehicle, the officer has probable cause to search the vehicle." State v. Hawkins, 766 N.E.2d 749, 752 (Ind. Ct. App. 2002), trans. denied; see also Combs v. State, 851 N.E.2d 1053, 1059-60 (Ind. Ct. App. 2006) (Under the Fourth Amendment to the United States Constitution, "[t]he automobile exception to the warrant requirement permits a warrantless search of an automobile where an officer has probable cause to believe that the vehicle contains contraband or evidence of a crime.), trans. denied.

In sum, neither Detective Wood's initial approach and conversation nor the officers' search of Wilson's person and his vehicle violated Wilson's rights under the Fourth Amendment to the United States Constitution or Article 1, Section 11 of the Indiana Constitution. Wilson's arguments challenging the veracity and credibility of the officers' testimony in this regard are irrelevant because on appeal we do not assess the credibility of witnesses.<sup>2</sup> Consequently, the trial court did not abuse its discretion in

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<sup>2</sup> Wilson refers us to the Latin phrase, "[f]alsum in [u]no, [f]alsum in [o]mnibus," which translates to "false in one thing, false in everything." Br. of Appellant at 11. This might support an argument that if the officers were deemed not credible in part of their testimony then their entire testimonies must be disregarded. However, "[i]n Indiana, the credibility and weight given to evidence is within the province of the trier of fact. A jury may be instructed that it may disregard the entire testimony of a witness believed to have testified falsely; but false

admitting into evidence the various items seized during the investigation and testimony regarding that evidence.

### C. Photographic Evidence

Wilson next argues the trial court abused its discretion in admitting into evidence the State's photographs, exhibits 1-19. "Photographs, as with all relevant evidence, may only be excluded if their probative value is substantially outweighed by the danger of unfair prejudice." Helsley v. State, 809 N.E.2d 292, 296 (Ind. 2004); cf. Evid. R. 403 (allowing exclusion of evidence where "its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, or needless presentation of cumulative evidence.").

Upon introducing nineteen of the photographs, the State asserted they were of items of evidence as originally found, but in fact seven were of items placed, presumably by officers, on the hood of Wilson's red car. The State later acknowledged its mistake verbally to the trial court and jury. Tr. at 146. Wilson also points to the following conflicting evidence regarding marijuana in the center console: testimony by officers that the center console between the two front seats was closed and that they observed drugs under the (closed) lid of the console from outside the car, and photographs of the console open and containing no drugs.

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testimony about one matter does not render all other testimony incompetent." King v. State, 267 Ind. 306, 308, 369 N.E.2d 1076, 1077 (1977) (emphasis added). Indeed, this is a long-standing and fairly uniform position of courts across the country. See, e.g., North Carolina v. Smith, 53 N.C. 132, 132 (1860) ("The maxim of law 'falsum in uno, falsum in omnibus' does not prevail in courts of law . . .").

Although admittedly an error, the State's mistaken<sup>3</sup> characterization of the photographs was harmless for two reasons. Harmless error is an error that does not "affect the substantial rights of a party." Little v. State, 871 N.E.2d 276, 278 (Ind. 2007) (quotation and citation omitted). "Harmlessness is ultimately a question of the likely impact of the evidence on the jury." Id. (quotation and citation omitted).

First, as Wilson points out, any cursory or careful examination of the photographs would reveal that several are of evidence intentionally placed on the red exterior surface of the vehicle, and not as these items may have been originally found inside Wilson's car. The officers testified at length regarding precisely where items were located in his car, if at all. Indeed, this was a key issue at trial that Wilson focused on in his cross examination of each officer. The prosecutor's single reference to the photographs as depicting items as they were originally found would not have misled the jury, which heard extensive testimony regarding where items were found in the various parts of the car and in Wilson's pants pocket. See, e.g., Tr. 123, 127-28, 140, 143-44, 160-61, 192, 209-15.

Second, it is clear from the record that the photographs were not introduced for the purpose of showing the jury where the evidence was located, but for the purpose of showing the jury that the individual items of evidence in fact existed and were recovered. Cf. Hubble v. State, 260 Ind. 655, 657-58, 299 N.E.2d 612, 614 (1973) (concluding the trial court did not abuse its discretion in admitting photographs of a crime scene that depicted more foliage than on the date of the crime, in part because the photos were

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<sup>3</sup> We use this innocuous language to refer to the State's mischaracterization because there is no indication or even allegation that the State intended to improperly mislead the trial court or jury, or otherwise taint the truth-seeking function of trial courts. Based on the record, this error appears to be an innocent mistake. That said, we proceed to determine whether this mistake affected the substantial rights of Wilson.

introduced for the purpose of showing the jury the relationship of various parts of the premises, and not solely for showing the jury where stolen goods were allegedly hidden). This erroneous statement by the State and the trial court's failure to identify this mistake and immediately clarify to the jury would not have impacted the jury's perception of the evidence.

Wilson's argument as to conflicting testimony regarding marijuana in the center console is an invitation to reweigh the evidence and assess the credibility of witnesses, which we decline as improper upon appeal. In addition, as mentioned above, Wilson pressed the officers in this regard on cross-examination, which is the appropriate vehicle to raise and address this issue of credibility as an issue for the fact-finder. Wilson's current contention – that the officers lied when stating that marijuana was in the center console or the scene was altered before photographs were taken that depict an empty center console (or both) – was appropriately raised during cross-examination.

Accordingly, the trial court did not abuse its discretion in admitting into evidence the State's photographic evidence and officers' testimony regarding the same, because the probative value is not substantially outweighed by the danger of unfair prejudice.

#### D. Testimonial Evidence

Wilson next argues the trial court abused its discretion in permitting officers to testify in a manner that was improper and prejudicial, assumed facts not in evidence, was erroneously conclusory and unreliable, and invaded the fact-finding function of the jury. Wilson specifically challenges the frequency with which the State referred to money seized from Wilson as counterfeit, the reliability of Detective Wood's testimony as to how he knew the money was counterfeit, the officers' determination that the money was

counterfeit, and the jurors' inability to personally handle the money to determine whether they believed the money was counterfeit. Wilson did not object at trial, and therefore argues admission of this testimony and restraint of the jurors in this regard constituted fundamental error.

We disagree. Fundamental error is an “error that makes a fair trial impossible or constitute[s] clearly blatant violations of basic and elementary principles of due process . . . present[ing] an undeniable and substantial potential for harm.” Coleman v. State, 946 N.E.2d 1160, 1167 (Ind. 2011) (quotation and citation omitted). Cross-examination was the appropriate means to challenge the veracity and weight of this testimonial evidence. Further, even if Wilson had vigorously cross-examined the officers on this subject, this issue represents a determination of witnesses' credibility and weighing of this evidence – both actions we will not take. This testimony did not make a fair trial impossible and does not constitute clearly blatant violations of basic and elementary principles of due process, and therefore we decline to reverse Wilson's convictions based on the officers' testimony regarding the counterfeit money.

As to the trial court directing the jurors to not physically manipulate the money, we note that the trial court is generally the gatekeeper of evidence in the sense of both what is admitted into evidence and, to some degree, in what manner that evidence is presented to the jury. Pinkerton v. State, 258 Ind. 610, 616, 283 N.E.2d 376, 380 (1972) (“It is within the sound discretion of the trial court whether or not to permit the jury to view and inspect the place or the property involved in the action.”). Because Wilson did not object or even raise the issue by asking the trial court to allow the jurors to physically

handle the money, he must show the trial court's admission of certain evidence constitutes fundamental error, and not merely an abuse of discretion.

Regardless, a look at two cases which addressed a similar issue under the abuse of discretion standard are helpful to explain why we decline to reverse Wilson's conviction for the trial court's direction for jurors to not handle the counterfeit money. In Spickelmeir v. Hartman, 72 Ind. App. 207, 123 N.E. 232 (1919), this court held that the trial court did not abuse its discretion in refusing to allow the jury to view an automobile that purportedly hit a horse, because "the facts could be accurately described to the jury by the witnesses, and it is questionable whether an inspection of the automobile could have served any useful purpose." Id. at 234. In Pinkerton, we held the trial court did not abuse its discretion in refusing to allow the jury to view an automobile involved in an accident when witnesses testified to the matter and it did not appear that the jury would be materially assisted by inspection. 258 Ind. at 616, 283 N.E.2d at 380; see City of Indianapolis By and Through Bd. of Dirs. for Utilities v. Walker, 132 Ind. App. 283, 299, 168 N.E.2d 228, 236 (1960) (affirming the trial court's denial of a request to have the jury inspect a destroyed home because there was no useful purpose for the inspection). Similarly, witnesses in this case thoroughly explained why they believed the money to be counterfeit and the jurors' personal inspection of the money is unlikely to have materially assisted them in their determination of the issues before them. In other words, there was no useful purpose for the jury's inspection. Although Wilson argues the officers were not trained in identifying counterfeit money, it is reasonable to presume that none of the jurors were either. The trial court's restriction – without objection – of the jurors from

personally handling the counterfeit money did not present an undeniable and substantial potential for harm, and therefore we decline to reverse on this ground.

Wilson also challenges the admission into evidence of testimony that Wilson was driving a stolen car to suggest that Wilson is a drug dealer. Wilson did not object to this testimony for a lack of foundation or for any other reason, and consequently for us to reverse his convictions on this ground, such testimony must constitute a fundamental error, which “makes a fair trial impossible or constitute[s] clearly blatant violations of basic and elementary principles of due process . . . present[ing] an undeniable and substantial potential for harm.” Coleman, 946 N.E.2d at 1167. Again, cross-examination was the appropriate means of challenging the veracity of this testimony and the credibility of the State’s witnesses. Admission of testimony implying that Wilson stole the car does not meet the high standard of fundamental error, and we decline to reverse his convictions on this ground.

The trial court did not commit reversible error in admitting into evidence items seized during the officers’ search of Wilson’s car, photographs of items that the State mistakenly mischaracterized once, or the testimony of witnesses.

## II. Sufficiency of the Evidence

Wilson also argues insufficient evidence was presented to sustain his convictions. When reviewing the sufficiency of the evidence to support a conviction, we neither reweigh the evidence nor judge the credibility of witnesses. Wright v. State, 828 N.E.2d 904, 906 (Ind. 2005). When confronted with conflicting evidence, we consider it in a light most favorable to the conviction. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). We must affirm the conviction if the probative evidence and reasonable inferences drawn

therefrom could have allowed a reasonable trier of fact to find all elements of the crime proven beyond a reasonable doubt. McHenry v. State, 820 N.E.2d 124, 126 (Ind. 2005).

To convict Wilson of dealing in cocaine as a Class A felony, the State was required to prove beyond a reasonable doubt that Wilson knowing or intentionally possessed with intent to manufacture, finance the manufacture of, deliver, or finance the delivery of cocaine that weighed three grams or more. Ind. Code § 35-48-4-1(a)(2), (b)(1).

To convict Wilson of possession of marijuana as a Class A misdemeanor, the State was required to prove beyond a reasonable doubt that Wilson knowingly or intentionally possessed marijuana in any amount. Ind. Code § 35-48-4-11(1).

Wilson's sole argument as to sufficiency is that the evidence admitted at trial was not "sufficiently credible to be of probative value," and thereby could not sustain his convictions.<sup>4</sup> Br. of Appellant at 27 (quoting Penn v. State, 237 Ind. 374, 380, 146 N.E.2d 240, 242 (1957)). He emphasizes that where witnesses' version of the events rest on a physical impossibility, the testimony has no probative value, and argues that the officers' testimony here meets that test. First, we note that even if witnesses' testimony appears to be factually impossible, the assessment of credibility is properly determined by the trier of fact. Suslowicz by Suslowicz v. Mielcarek, 571 N.E.2d 1304, 1306 (Ind. Ct. App. 1991). Under this well-established principle of the limited role of appellate courts, we decline to consider each individual statement of each witness or determine the credibility of each witness generally.

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<sup>4</sup> Wilson also notes that he "steadfastly maintained his innocence," and that he rejected an offered plea agreement without making a counter-offer. Br. of Appellant at 28. To the extent Wilson requests that we reverse his convictions merely because he continues to maintain his innocence, we decline to do so.

Second, Wilson appears to reference the rare occasion of an appellate court impinging a jury's evaluation of witnesses' credibility under the doctrine of incredible dubiosity, which is expressed as follows:

If a sole witness presents inherently improbable testimony and there is a complete lack of circumstantial evidence, a defendant's conviction may be reversed. This is appropriate only where the court has confronted inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiosity. Application of this rule is rare and the standard to be applied is whether the testimony is so incredibly dubious or inherently improbable that no reasonable person could believe it.

Fajardo v. State, 859 N.E.2d 1201, 1208 (Ind. 2007) (quotation and citation omitted).

We tend to agree that as transcribed, the officers seeing the gun under the driver's seat through the front windshield appears to belie physical possibility. This testimony would, at best, justify the search of Wilson's vehicle that led to discovery of the marijuana, and other evidence of dealing in cocaine. However, the strong scent of marijuana that Detective Wood smelled when Wilson rolled down the window was also – independently and previously – sufficient to justify the officers' search of Wilson's vehicle. As a result, even if we were to deem the officers' testimony regarding identification of the gun incredibly dubious, Wilson does not persuade us that Detective Wood's testimony regarding the cloud of marijuana smoke was incredibly dubious. As stated above, the evidence was not acquired or admitted into evidence improperly.

The State presented evidence of cocaine and marijuana discovered in Wilson's car. We have long recognized that a conviction for possession of contraband may be sustained by evidence showing that the defendant has the intent and capability to maintain dominion and control over the contraband. R.H. v. State, 916 N.E.2d 260, 267 (Ind. Ct.

App. 2009), trans. denied. “In cases where the accused has exclusive possession of the premises on which the contraband is found, an inference is permitted that he or she knew of the presence of contraband and was capable of controlling it.” Id. (citation omitted).

The marijuana was found in the center console next to Wilson’s driver’s seat, and marijuana smoke filled the car enough that it emanated in a cloud when Wilson opened the window. Cocaine was found in the driver’s door pocket. The presence of these drugs within an arm’s reach of Wilson’s person, the sole occupant and possessor of the car, leads to an inference that he knew of its presence and was capable of controlling it. Cocaine was found in baggies of 5.5355 and 3.8480 grams, which witnesses testified is consistent with the amount possessed by a dealer, rather than strictly for personal use. A scale and large amount of cash, including some counterfeit bills, were also admitted into evidence, which witnesses testified is consistent with the practices of drug dealers. Evidence of a relatively large amount of illegal drugs is sufficient to sustain a conviction for possession with intent to deliver. Davis v. State, 791 N.E.2d 266, 270 (Ind. Ct. App. 2003) (sustaining conviction for dealing in cocaine where defendant possessed 5.6255 grams of cocaine), trans. denied. The evidence presented at trial was therefore sufficient to sustain Wilson’s convictions for dealing in cocaine and possession of marijuana.

### Conclusion

The trial court did not abuse its discretion in admitting evidence seized from Wilson’s car, photographs of the same, or testimony by the State’s witnesses. Sufficient evidence was presented to sustain Wilson’s convictions for dealing in cocaine as a Class A felony and possession of marijuana as a Class A misdemeanor, and we therefore affirm.

Affirmed.

NAJAM, J., and CRONE, J., concur.