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IN THE
COURT OF APPEALS OF INDIANA

TERRY HEDGES,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 85A02-0809-CR-842
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE WABASH CIRCUIT COURT
The Honorable Robert R. McCallen, III, Judge
Cause No. 85C01-0804-FC-48

June 12, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Terry Hedges appeals his conviction for Class C felony operating a vehicle after a lifetime suspension. We affirm.

Issue

Hedges raises one issue, which we restate as whether the trial court properly admitted evidence obtained during an encounter with a police officer.

Facts

On April 27, 2008, Officer James Hall of the North Manchester Police Department was concluding a traffic stop in North Manchester when he observed a pick-up truck cross the nearby intersection. The rear license plate area of the truck was not illuminated, and Officer Hall could not see a license plate in the rear license plate area. Officer Hall followed the truck, lost sight of it for a short distance, and later saw it backing up to a building. Officer Hall pulled up to the truck and got out of his patrol car at the same time the driver, Hedges, got out of the truck. Officer Hall asked Hedges about the license plate, and Hedges explained there was a temporary tag in the rear window behind the driver's seat. Using his flashlight Officer Hall observed a valid temporary tag in the rear window. Officer Hall asked Hedges for his driver's license and the bill of sale for the truck. Because Hedges did not have his driver's license, he gave Officer Hall his name, date of birth, and social security number. Officer Hall gave Hedges an oral warning, and Hedges went into the building. Officer Hall learned that Hedges's driver's license was suspended. Officer Hall followed Hedges into the building and arrested him.

On April 28, 2008, the trial court charged Hedges with Class C felony operating a vehicle after a lifetime suspension. Hedges moved to suppress the evidence obtained during his encounter with Officer Hall. On July 1, 2008, a hearing was held on Hedges's motion to suppress, and the trial court denied Hedges's motion. That same day, a jury trial was held. Over Hedges's objection, the trial court admitted evidence obtained during Officer Hall's encounter with Hedges. The jury found Hedges guilty as charged. Hedges now appeals.

Analysis

Hedges argues that the trial court should not have admitted evidence obtained by Officer Hall during his encounter with Hedges. Although Hedges originally challenged the admission of this evidence in a motion to suppress, he appeals following the admission of the evidence at trial. Accordingly, the issue is framed as whether the trial court abused its discretion by admitting the evidence at trial. Cole v. State, 878 N.E.2d 882, 885 (Ind. Ct. App. 2007). "Our standard of review for rulings on the admissibility of evidence is essentially the same whether the challenge is made by a pre-trial motion to suppress or by an objection at trial." Id. We do not reweigh the evidence, and we consider conflicting evidence in the light most favorable to the trial court's ruling. Id. We also consider uncontroverted evidence favoring Hedges. See id.

Hedges asserts that his Fourth Amendment rights were violated because Officer Hall did not have a basis for continuing to question Hedges after he confirmed that there was a valid temporary tag posted in the rear window of the truck. Since this case was fully briefed, however, our supreme court has conclusively held that "under the existing

unabmiguous law a license plate—temporary or permanent—must be mounted and illuminated as provided by Indiana Code §§ 9-18-2-26 and 9-19-6-4." Meredith v. State, No. 89S04-0808-CR-430 slip op. at 6-7 (Ind. May 28, 2009) (holding that where temporary tag was not illuminated and placed incorrectly in a rear window, there was reasonable suspicion to initiate a traffic stop); Young v. State, No. 49S02-0905-CR-252 slip op. at 2 (Ind. May 28, 2009) ("Upon the authority of Meredith, we find that because the defendant's temporary license plate was not illuminated and not mounted on the rear of the vehicle but rather was displayed inside the rear window, the officer had reasonable suspicion to initiate a traffic stop.").

As our supreme court has explained:

> compliance with the Indiana statutory requirements concerning placement, secure attachment, illumination and legibility is obtained by proper mounting of the license plate upon the illuminated bracket provided by the vehicle manufacturer. Any other method of license plate display may serve as a basis for reasonable suspicion for law enforcement officers to make a traffic stop to ascertain whether the display fully complies with all statutory requirements. Display inside a back window does not satisfy these requirements.

Merritt v. State, 829 N.E.2d 472, 476 (Ind. 2005); see also Ind. Code § 9-19-6-24(b) ("A person who violates this chapter commits a Class C infraction.").

Hedges's license plate was mounted in the rear window of the truck and, even if it had been mounted in the rear license plate bracket, the license plate light did not work. Accordingly, Officer Hall had reasonable suspicion to detain Hedges. The trial court did not abuse its discretion in admitting the evidence obtained during Officer Hall's encounter with Hedges.

Conclusion

Officer Hall had reasonable suspicion to detain Hedges because his temporary tag was mounted in the rear window of his truck and his license plate light did not work. We affirm.

Affirmed.

BAILEY, J., and MATHIAS, J., concur.