

Chad Bryant appeals his conviction in Marion Superior Court of Class A misdemeanor possession of marijuana.¹ He argues that the State presented insufficient evidence to sustain his conviction. We affirm.

Facts and Procedural History

On May 26, 2006, Bryant and a friend flagged down a car on Hulman Avenue inside the Indianapolis Motor Speedway and asked for a ride to the gate. Bryant climbed onto the car's bumper while his friend got inside with the driver and two passengers, all undercover Speedway Police officers. The friend offered the officers some marijuana. When the car stopped, the officers identified themselves. The friend attempted to flee but was apprehended a short distance away from the car.

Meanwhile, Officer Michael Marsteller ordered Bryant to sit down on the curb while he performed a warrant check. Bryant then told the officers that there was a bag of marijuana being blown toward him by the wind and that he did not want to get into trouble because it was not his.

The State charged Bryant with Class A misdemeanor possession of marijuana. A bench trial commenced on October 25, 2006. At trial, Officer Marsteller testified that the curb area was clear when he ordered Bryant to sit, that a short time later he recovered a bag of marijuana from within three feet of Bryant, and that the wind was not blowing enough to move the bag of marijuana. Tr. p. 15. The trial court convicted Bryant and sentenced him to three hundred sixty-five days with five days suspended. Bryant now appeals.

¹ Ind. Code § 35-48-4-11 (2004).

Discussion and Decision

When we review a claim of sufficiency of the evidence, we do not reweigh the evidence or judge the credibility of the witnesses. Jones v. State, 783 N.E.2d 1132, 1139 (Ind. 2003). We look only to the probative evidence supporting the judgment and the reasonable inferences therein to determine whether a reasonable trier of fact could conclude the defendant was guilty beyond a reasonable doubt. Id. If there is substantial evidence of probative value to support the conviction, it will not be set aside. Id.

Bryant argues that Officer Marsteller’s testimony was incredibly dubious. Under the incredible dubiousity rule, “a court will impinge on the [fact-finder’s] responsibility to judge the credibility of the witness only when it is confronted with inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiousity.” Stephenson v. State, 742 N.E.2d 463, 497 (Ind. 2001). Officer Marsteller’s testimony was not incredibly dubious, and from it, the trial court could reasonably infer that Bryant possessed the bag of marijuana and discarded it in an attempt to avoid being caught with it.

Affirmed.

DARDEN, J., and KIRSCH, J., concur.