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ARKANSAS COURT OF APPEALS

DIVISION I

No. CR-21-459

CAMERON J. BRASWELL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered March 2, 2022

APPEAL FROM THE DREW
COUNTY CIRCUIT COURT
[NO. 22CR-20-128]

HONORABLE ROBERT B.
GIBSON III, JUDGE

AFFIRMED

N. MARK KLAPPENBACH, Judge

Following a jury trial in the Drew County Circuit Court, Cameron Braswell was convicted of possession of a controlled substance. On appeal, Braswell argues that there was insufficient evidence that he possessed methamphetamine. We affirm.

The State presented the testimony of one witness at trial, Monticello police officer James Slaughter. Slaughter testified that he encountered Braswell at an abandoned mobile home on Old Warren Road. Prior to this date, Darrell Meiers had advised Slaughter that parts had been stolen from a vehicle he kept parked on the property. Meiers asked Slaughter to keep an eye out because no one was supposed to be on the property. On April 17, 2020, Slaughter saw a car backing out of the driveway at the mobile home; he ran the license plate, and the car was registered to Kim Octavo. Slaughter was driving back down Old Warren Road a couple of hours later when he saw a flashlight shining behind the mobile

home. Slaughter stopped and found Braswell, who said he was showering in the rain. Braswell told Slaughter that there was no one else there, and they went inside for Slaughter to confirm that Braswell was alone. There was no electricity or running water in the mobile home, and wood was stacked up against the walls. On the bedroom floor, Slaughter saw candles, lights, clothes, and a pillow. There was also a bag from Dollar General and a bag from McDonald's.

Beside the McDonald's bag, Slaughter saw a folded-up dollar bill. Slaughter knew from past experience that methamphetamine was sometimes sold folded inside dollar bills. He picked up the dollar bill and asked Braswell what it was. Slaughter testified that Braswell responded, "Slaughter, you know what that is." Slaughter said that he then asked Braswell if he had any more drugs, and Braswell said that he had a small amount in the Dollar General bag. A folded paper towel was found inside the bag, and the substance found inside the paper towel was determined by the crime lab to be methamphetamine. Braswell was not arrested that night, and Slaughter subsequently learned from Meiers that his mother, Kim Octavo, had given Braswell permission to be in the mobile home.

Octavo was called by the defense. She testified that she met Braswell on April 17, 2020, and that he was "down on his luck" and had no place to stay. She and other family members paid him forty dollars for washing their cars. Octavo and her husband were in the process of remodeling the mobile home, and she offered to let Braswell stay there. Octavo, her youngest son, and his wife dropped Braswell off at the mobile home, and they returned a few hours later with some supplies for him, including items from Dollar General and food from McDonald's. Octavo said that she did not get out of the car when they returned

because it was raining, but her son and daughter-in-law took the things inside and stayed about twenty minutes.

Braswell testified that he did not feel comfortable being at the mobile home and that he never went inside until he entered with Officer Slaughter. He said that Octavo's son, Dustin, put the bags inside, and he then sat outside until Slaughter arrived approximately fifteen minutes later. Braswell said that Slaughter asked if anyone else was there and then walked through the mobile home. According to Braswell, Slaughter walked back outside, said that everything was okay, and left. Braswell said that Slaughter never let him know that he found drugs inside, that they did not have a conversation about the drugs, and that he had no knowledge of any drugs being in the mobile home. The jury found Braswell guilty, and he was sentenced as a habitual offender to fifteen years' imprisonment.

On appeal, Braswell argues that the circuit court erred in denying his motions for directed verdict because there was insufficient evidence that he was in actual or constructive possession of the methamphetamine. We will affirm the denial of a motion for directed verdict if substantial evidence, either direct or circumstantial, supports the conviction. *Block v. State*, 2015 Ark. App. 83, 455 S.W.3d 336. Substantial evidence is evidence that would compel a conclusion one way or the other with reasonable certainty without relying upon mere speculation or conjecture. *Id.* We view the evidence in the light most favorable to the State and consider only evidence supporting the verdict. *Id.* Circumstantial evidence may provide the basis for a conviction if it is consistent with the defendant's guilt and inconsistent with any other reasonable explanation of the crime. *Id.*

When possession of contraband is an element of the offense, the State is not required to prove literal physical possession. *Id.* Constructive possession can be implied when the contraband is found in a place immediately and exclusively accessible to the accused and subject to his control. *Id.* To prove constructive possession, the State must establish that the defendant exercised care, control, and management over the contraband. *Id.* The defendant's control over and knowledge of the contraband can be inferred from the circumstances, such as the proximity of the contraband to the accused, the fact that it is in plain view, the ownership of the property where the contraband is found, and the accused's suspicious behavior. *Id.*

Braswell contends that the drugs were found in jointly occupied premises; thus, the State was required to show some additional factor linking him to the contraband to prove that he exercised care, control, and management over the contraband. *See Hodge v. State*, 303 Ark. 375, 377, 797 S.W.2d 432, 434 (1990). Braswell argues that he jointly occupied the premises with Octavo because she owned the mobile home and came and went as she pleased. He argues that Octavo admitted she had brought the McDonald's and Dollar General bags to the mobile home, and the State never ruled out the possibility that the drugs belonged to her.

We do not agree that the mobile home was jointly occupied. While Octavo owned the property, she testified that she did not go inside on the day in question, and she had last been inside three days prior. Viewed in the light most favorable to the State, the evidence establishes that Braswell exercised care, control, and management over the drugs. Slaughter testified that Braswell acknowledged that the folded-up dollar bill contained drugs and told

him that he had more drugs in the Dollar General bag. The drugs were found in a place immediately and exclusively accessible to Braswell and subject to his control. Although Braswell denied knowledge of the drugs and denied speaking to Slaughter about them, the jury clearly believed Slaughter's testimony. The credibility of witnesses is an issue for the jury and not the court. *Loggins v. State*, 2010 Ark. 414, 372 S.W.3d 785. The trier of fact is free to believe all or part of any witness's testimony and may resolve questions of conflicting testimony and inconsistent evidence. *Id.* Accordingly, we hold that substantial evidence supports Braswell's possession of the drugs and affirm his conviction.

Affirmed.

VAUGHT and BROWN, JJ., agree.

Potts Law Office, by: Gary W. Potts, for appellant.

Leslie Rutledge, Att'y Gen., by: Walker H. Hawkins, Ass't Att'y Gen., for appellee.