

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,) ED98617
)
 Respondent,) Appeal from the Circuit Court
) of St. Charles County
 v.) 1111-CR02292-01
)
 DARIN MCCALL,) Honorable Lucy D. Rauch
)
 Appellant.) Filed: August 27, 2013

Darin McCall (Defendant) appeals his convictions of attempt to manufacture a controlled substance, possession of a controlled substance, and endangering the welfare of a child in the first degree, arguing there was insufficient evidence to support the jury’s verdict. Specifically, Defendant argues there was insufficient evidence to support an inference that he constructively possessed the drugs and drug paraphernalia police found in his residence.

AFFIRMED.

Division Five Holds: The State presented sufficient evidence to establish a reasonable inference of constructive possession. First, Defendant had access to and control over the premises where officers found the drugs, in that he told the police it was his primary address, and both mail and prescription medication found in the master bedroom confirmed this fact. Second, though Defendant did not exclusively control the premises, there was sufficient further evidence to connect Defendant to the drugs and drug paraphernalia. Considering that the location of Defendant’s personal belongings indicated he had superior access to the master bedroom and attached bathroom, that police found in these two rooms a large number of items commonly used in the production of drugs, the fact that many of these items contained drug residue, and the fact that one of them contained Defendant’s initial, there was sufficient further evidence to support an inference that Defendant constructively possessed the drugs and drug paraphernalia.

Opinion by: Gary M. Gaertner, Jr., P.J.
Angela T. Quigless, J., and Michael W. Noble, S.J., concur.

Attorney for Appellant: Wayne T. Schoeneberg
Attorney for Respondent: Chris Koster and Andrew C. Hooper