IN THE COURT OF APPEALS OF THE STATE OF ALASKA

LEON DEVON RUARO, Appellant, v. STATE OF ALASKA, Appellee.	Court of Appeals No. A-12133 Trial Court No. 1KE-12-298 CR MEMORANDUM OPINION No. 6559 — January 3, 2018

Appeal from the Superior Court, First Judicial District, Ketchikan, William B. Carey, Judge.

Appearances: Brooke Berens, Assistant Public Advocate, and Richard Allen, Public Advocate, Anchorage, for the Appellant. Terisia K. Chleborad, Assistant Attorney General, Office of Criminal Appeals, Anchorage, and Jahna Lindemuth, Attorney General, Juneau, for the Appellee.

Before: Mannheimer, Chief Judge, and Allard and Wollenberg, Judges.

Judge WOLLENBERG.

Following a jury trial, Leon Devon Ruaro was convicted of fourth-degree misconduct involving a controlled substance and violating the conditions of his release

— both for possessing heroin.[1] According to the State's evidence, during the execution of a search warrant at Ruaro's residence, a police officer came upon Ruaro as he was throwing objects off the back patio of his residence toward a wooded area. The officer could not see what the objects were, but he heard the "tinkling" sound of glass breaking, and he noticed something fly past him into the trees.

The police searched the backyard and found various drug-related items in the path of the throw at various distances from the patio. Closer to the patio, the police found drug paraphernalia, including foil, lighters, broken glass, and pipes. In the woods approximately ten to twelve feet from the other objects, the police found a lighter and a small wooden box containing .2 grams of heroin wrapped in plastic. The box was approximately twenty to thirty feet from where Ruaro had stood on the patio.

In their search of the house, the police found "quite a bit" of drug paraphernalia in Ruaro's room. They also found three other people in the house, each of whom had either drug paraphernalia or drugs in their possession.

In this appeal, Ruaro argues that the evidence was insufficient to support his convictions. Ruaro acknowledges that a reasonable juror could infer that he had thrown the drug paraphernalia that was found closer to the patio, but he argues that there was insufficient evidence for the jury to conclude that he had thrown the wooden box, which was found farther in the woods.

Ruaro's arguments are premised on viewing the trial evidence in the light most favorable to himself. But this Court is required to view the evidence (and all inferences that might reasonably be drawn from that evidence) in the light most favorable

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[1] Former AS 11.71.040(a)(3)(A) (pre-2016 version) and former AS 11.56.757(a) (pre-2016 version), respectively. Ruaro was on conditions of release in another case at the time of the events in this case.

to the jury's verdict.[2] Viewing the evidence — and the reasonable inferences from the evidence — in that light, we conclude that a reasonable juror could find beyond a reasonable doubt that Ruaro threw the box and therefore that he possessed the heroin.[3]

The judgment of the superior court is AFFIRMED.

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[2] *See Eide v. State*, 168 P.3d 499, 500-01 (Alaska App. 2007).

[3] *See id.*