

Possession of a Controlled Substance

Regulated Under Indiana Code 35-48-4-7

In Indiana, possession of a controlled substance without a prescription is a crime. A controlled substance is everything “classified in schedule I, II, III, or IV, except marijuana, hashish, salvia, or a synthetic cannabinoid” and constitutes a Class A misdemeanor. [IC § 35-48-4-7 \(Burns, Lexis Advance through P.L.169-2018, with gaps of P.L.152-2018 to 154-2018 and 161-2018, from the Second Regular Session of the 120th General Assembly\)](#).

However, if an “enhancing circumstance applies,” a possession charge would increase to a Level 6 felony. *Id.* Below are examples of drugs falling in schedules I-IV.

- Schedule I: heroin, marijuana, ecstasy
- Schedule II: cocaine, Adderall, methadone
- Schedule III: anabolic steroids, ketamine
- Schedule IV: Xanax, Valium, Tramadol
- Schedule V: Lyrica, Lotomil

In. gov. (2018). ISDH: Drug Schedules 1-5 [online] Available at: <https://www.in.gov/isdh/27380.htm>

Penalties for Possession of a Controlled Substance

The potential penalties for possession of a controlled substance are either a Class A misdemeanor or a Level 6 felony.

“A person who commits a [Class A misdemeanor](#) shall be imprisoned for a fixed term of not more than one (1) year; in addition, he may be fined not more than five thousand dollars (\$5,000).” [IC § 35-50-3-2 \(Burns, Lexis Advance through P.L.169-2018, with gaps of P.L.152-2018 to 154-2018 and 161-2018, from the Second Regular Session of the 120th General Assembly\).](#)

Additionally, if an enhancing circumstance applies, which might include possession on school property or having a prior conviction, one may be convicted of a Level 6 felony.

The penalty for a Level 6 felony is “imprison[ment] for a fixed term of between six (6) months and two and one-half (2 1/2) years, with the advisory sentence being one (1) year. In addition, the person may be fined not more than ten thousand dollars (\$10,000).” [IC § 35-50-2-7 \(Burns, Lexis Advance through P.L.169-2018, with gaps of P.L.152-2018 to 154-2018 and 161-2018, from the Second Regular Session of the 120th General Assembly\).](#)

What if I’m in a Car while in possession of a controlled substance?

In *Garcia v. State*, , the court held an open pill container laying in plain sight in a car amounts to the necessary probable cause needed to search a person without a warrant so long as he is already lawfully stopped by a Police Officer for another purpose. [Garcia v. State, 47 N.E.3d 1196 \(Ind. 2016\) citing U.S. v. Robinson, 414 U.S. 218, 94 S. Ct. 467, 38 L. Ed. 2d 427 \(1973\).](#)

This means you could be charged with possession if you have non-prescribed controlled substances in your car, even if you were initially just pulled over for speeding.

If you find yourself faced with a charge of possession of a controlled substance, contact [Hayes Law Office](#) at [\(317\)](#)

[759-1515](tel:759-1515) to discuss your options.____

What are the Types of Criminal Defense Used?

What is a Criminal Defense?



So you've been charged with committing a crime, and you've just left speaking with your [Indianapolis Criminal Defense Lawyer](#). In your meeting, hopefully your lawyer covered the various types of **criminal defense** arguments available to you.

A **Criminal defense** is a challenge made by the accused that argues the overall validity of the evidence presented by the prosecutor. The prosecutor is a party that has been tasked with proving whatever crime you've been charged with committing.



Affirmative Criminal Defense

A number of defense arguments made by someone charged with a crime are based upon the position that the evidence presented by the prosecution are invalid. There is, on the other hand, the type of defense that acknowledges the evidence presented by the prosecution is valid. This type of defense is called an [affirmative defense](#). In today's news, a number of [medical marijuana](#) criminal defense cases use an affirmative defense.

The Insanity Criminal Defense

Throughout history there are [instances when a defendant](#) in a criminal case makes the insanity criminal defense. An [insanity criminal defense](#) takes the position that you may have committed the alleged crime, however, due to some mental disease or defect you did not know it was wrong. A well known example of a criminal defense case where the insanity plea was used is the [Ed Gein case](#).



Coercion and Duress Criminal Defense

In the types of criminal defense used, there is the type of defense called a coercion and duress defense. Someone using the [coercion and duress defense](#) argues that you are forced to commit a crime because you were threatened with some sort of unlawful force or action. Even the threat of unlawful force can be considered enough to satisfy the coercion and duress defense. A famous example of a successful coercion and duress defense is [Dixon v. United States](#).

Abandonment and Withdrawal Criminal Defense

There are situations when a defendant in Indiana criminal defense cases where they make the [abandonment and withdrawal](#) criminal defense. A defendant using the abandonment and withdrawal defense argues that the defendant was going to commit a crime or act as an accomplice to a crime, but decided to abandon any involvement in the commission of a crime. The argument asserts a [complete and voluntary withdrawal](#) of the defendant's criminal purpose in the commission of a crime.

Self-Defense as a Criminal Defense

The [self-defense](#) argument asserts that an action, one that would normally be considered as criminal, was necessary in order to defend oneself. An example of the self-defense argument made in Indiana would be the trial of the Indiana bounty hunter that [killed two teens with a tomahawk](#). He claimed that he acted in self-defense after they pointed guns at him.



Other Criminal Defenses

In addition to the criminal defenses listed above, there are number of defenses that a defendant accused of committing a crime have available to use as a defense. Some of the other types of criminal defenses that have been used are the:

- [Consent Defense](#)
- [Statute of Limitations Defense](#)
- [Intoxication Defense](#)

If you are charged with a crime, the defense that your criminal defense attorney will recommend depends entirely on the amount of evidence and the type of crime you are charged with. If you have been charged with a crime and need an

[attorney to help pick the best defense](#), contact [Hayes Law Office](#) at [317-759-1515](#) today!

Drug and Alcohol Abuse Treatment Centers

If drug and alcohol abuse are a problem here's help.



As a [criminal defense attorney in Indianapolis](#), we understand that there are some people may face an alcohol or drug use addiction that they are facing. There are a number of addiction treatment centers in the Indianapolis, Indiana area, and we've compiled a **non-exhaustive list**. This is not a direct endorsement of any one of the centers that we've linked to in

this document. It is however a number of direct links to a number of **drug and alcohol abuse treatment centers** in the area. If you think you may have a problem with heroin, this is a link about [methadone clinics in Indianapolis](#).

1. [Life Recovery Center](#)
2. [Indianapolis Comprehensive Treatment Center](#)
3. [Fairbanks Hospital](#)
4. [Emberwood Center](#)
5. [Resource Treatment Facility](#)
6. [Fall Creek Counseling](#)
7. [Indianapolis Counseling Center](#)
8. [Progress House](#)
9. [Addiction Rehab Centers](#)
10. [Springtime Counseling](#)
11. [McLean Institute](#)
12. [Outpatient Treatment Clinic](#)
13. [Community Outreach Network Services, Inc.](#)
14. [Intrinsic Dynamics](#)
15. [Reuben Engagement Center](#)
16. [St. Vincent's Stress Center](#)
17. [Southside Pastoral Care](#)
18. [Valle Vista Health System](#)

Narcotics Anonymous and Alcoholics Anonymous

If you are looking for information about the various self help groups in the area, including [Narcotics Anonymous](#) and [Alcoholics Anonymous](#) here are couple of resources to help you connect with the number of groups in the area.

[Narcotics Anonymous Downloadable Meeting Directory](#)

Operating While Intoxicated | IC 9-30-5

Operating While Intoxicated | IC 9-30-5

This is the [Indiana Code](#) that addresses **Operating While Intoxicated**. For help if you are caught Operating While Intoxicated, contact [Indianapolis OWI lawyer](#), Hayes Law Office today at [317-759-1515](#).

[Operating a vehicle while intoxicated](#)

What does pro se mean?

What does pro se mean?

The term **pro se** is derived from the Latin language, translating to “on behalf of oneself” or “for oneself”. Pro se

means to advocate or represent on one's own behalf before a court, civil or criminal, whether plaintiff or defendant. Going into a court proceeding on one's own behalf means that the decision was made **to not hire legal representation.**

Most courts will advise against the attempt to proceed in a court without legal representation. It is important to know that law, procedure, and rules that may have influence on your case can often times be extremely difficult to understand. The State of Indiana [provides forms and guides](#) for those who choose to handle a civil case pro se.

If there is any truth to the old proverb that "one who is his own lawyer has a fool for a client," the Court now bestows a constitutional right on one to make a fool of himself.

Harry Blackmun

Why should I represent myself in court?

For some individuals, finances do not allow them to hire an [Indianapolis Criminal Defense Lawyer](#). This is the main reason that someone would choose to represent oneself in court. On other instance, some individuals may feel that they know the details of their situation best, which is why they may have more trust in themselves than an attorney.

Why should I not represent myself in court?

The main reason that someone should not represent oneself in court, is that the laws, procedures, and rules are difficult to understand and navigate if not properly trained. An [attorney](#) is a trained professional, who understands what is entailed in a court proceeding. While you may feel that you understand some parts of the law, you may not know how to represent yourself in a court. You would need to know how to argue your position and persuade all involved parties that you are not guilty. If you are financially unstable and facing criminal charges, the court may appoint you an attorney. It is important to explore all options before making the decision to represent yourself in court. Could you imagine trying to act as your own [divorce attorney in Indianapolis](#)?

Is representing yourself pro se in your best interest?

Representing yourself in court could be detrimental to your case and potentially even your life. The court system is not easy to navigate. Attorneys are skilled professionals, there to advocate on your behalf in trying times. [Indiana Criminal Defense Attorneys](#) are trained to see all sides of an issue, in order to give you the best representation possible. If you think that you may want to represent yourself, it is recommended that you carefully review the rules of procedure, local rules, and pro se forms available to you by the court.

Contact [Indiana Criminal Defense Lawyer](#), Hayes Law Office today at [317-759-1515](#)!

Indiana Code 9-30-16-3 | Driver's License Suspension Penalties

Driver's License Suspension Penalties

If your Indiana Drivers License is ever suspended, there are a number of potential penalties that you may incur. This is a list of the potential drivers license penalties that you may incur. In the instance that you may need a [Specialized Driving Privileges Lawyer](#).

[TITLE9_AR30_ch16](#)

If you are in the need of a Specialized Driving Privileges Attorney, [Hayes Law Office](#) can advise you regarding your eligibility and give guidance as to the best timing of when to file a petition. Contact the [Hayes Law Office](#) to schedule a free consultation. Call [317-759-1515](#) or [email the office](#).

Link to [Indiana Code 9-30-16-3](#)

Indiana Criminal Code

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[Indiana Criminal Code](#)