# CAPTION: STATE V. HUGHES

**03-15-24**

APPEAL NO: C-230239

TRIAL NO: 23CRB-815B

KEY WORDS: WEAPONS – HAVING A WEAPON WHILE INTOXICATED – PLAIN ERROR – INTOXICATION – FIREARM – OPERABILITY

SUMMARY:

The trial court did not commit plain error by admitting the writing on an evidence envelope together with its contents as one exhibit because the writing was not probative of any element of the offense and thus defendant could not have been prejudiced by its admission.

Defendant’s conviction for having a weapon while under the influence was based on sufficient evidence and was not against the manifest weight of the evidence where two witnesses opined that defendant was under the influence of alcohol and observed multiple physical indica of intoxication and where the firearm was loaded when it was seized from defendant, a trained police officer opined the firearm was operable at the time of seizure, the firearm was test-fired, and defendant made statements indicating the firearm was operable.

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; BERGERON, P.J., and CROUSE, J., CONCUR.