

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

WILLIE MELVIN BEDFORD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-4201

[December 3, 2008]

PER CURIAM.

Appellant was convicted of possession with intent to sell both cocaine and marijuana. He challenges his convictions claiming that the trial court erred in failing to grant a motion for judgment of acquittal. He maintains that the state failed to prove that he had knowledge of the drugs found inside a container which an officer observed appellant hide. In addition, he also claims that the state failed to prove intent to sell. As to knowledge of the drugs, because the officer saw appellant in actual possession of the container in which the drugs were found, knowledge may be inferred from the exclusive possession of the substance. See *Gartrell v. State*, 626 So. 2d 1364, 1366 (Fla. 1993). As to inferring intent to sell, the circumstantial evidence observed by the officer, including the number of packages of drugs found, together with the officer's testimony that the number and type of packaging was consistent with the sale of drugs, was sufficient to submit the issue of intent to the jury. See *Bruce v. State*, 616 So. 2d 504 (Fla. 3d DCA 1993). The trial court did not err in denying the motion for judgment of acquittal. We therefore affirm.

WARNER, FARMER and DAMOORGIAN, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Martin Colin, Judge; L.T. Case No. 06-16772 CFA02.

Carey Haughwout, Public Defender, and Peggy Natale, Assistant

Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Katherine Y. McIntire, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.