

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RODERICK BRUNSON,

Defendant-Appellant.

UNPUBLISHED

August 8, 1997

No. 197731

Recorder's Court

LC No. 95-011685

Before: Saad, P.J., and Neff and Reilly, JJ.

PER CURIAM.

Defendant was originally charged with delivering less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). Following a bench trial on May 1, 1996, the judge convicted defendant of possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(iv); MSA 14.15(7403)(2)(a)(iv). On June 5, 1996, Detroit Recorder's Court Judge Robert L. Ziolkowski sentenced defendant to a one-year term of probation. Defendant now appeals as of right. We affirm.

Defendant worked at American Axle Manufacturing Plant ("American Axle") located in Detroit, Michigan. Calvin Buck also worked for American Axle maintaining the vending machines. In addition, Buck was employed by Professional Corporate Intelligence (PCI) as an undercover investigator in conjunction with the Detroit Narcotics Division of the Detroit Police Department. In this capacity, he purchased drugs at American Axle premises in an effort to catch the sellers and, ultimately, eliminate drug trafficking at the plant.

On August 10, 1995, Buck approached defendant, at work, to buy drugs. Defendant suggested that Buck meet him at a later time to complete the transaction. About 7:30 p.m., Buck met defendant at the agreed upon location. Buck gave defendant twenty dollars in exchange for two bags of crack cocaine.

Buck immediately placed the narcotics in an evidence envelope and wrote the date of the transaction and his initials on the envelope. Buck did not know defendant's name at this time so he placed the word "unknown" on the envelope where he would usually place the seller's name. Buck

then put the envelope in the glove box in his car. The car remained locked at all times during the day and Buck was the only person who had access to the car. When Buck returned home after work that evening, Buck transferred the envelope with the narcotics inside to a locked safe provided to him by PCI. The evidence remained in the locked safe at all times until Buck was instructed by his supervisors to take the evidence to the Narcotics Division for testing. Buck took the evidence to the police department, as instructed, where the evidence remained until trial. The evidence tested positive as crack cocaine.

On appeal, defendant argues that the prosecutor failed to present sufficient evidence to prove that he was the person who sold narcotics to Buck on the evening in question. When reviewing the sufficiency of the evidence, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could have concluded that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985); *People v Daniels* 172 Mich App 374, 378; 431 NW2d 846 (1988).

Defendant suggests that because Buck did not know his name when he bought the drugs, Buck's notation, "unknown," on the envelope is insufficient to establish that defendant was the seller. Thus, defendant contends that when Buck later learned defendant's name from others at the plant, and then identified the seller as defendant in a photograph, these were unreliable sources. Furthermore, defendant argues that the trial court's reliance on Buck's testimony was misplaced in light of his contradictory testimony at the preliminary hearing.

Our review indicates that sufficient evidence exists to support defendant's conviction. "Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense." *People v Drayton*, 168 Mich App 174, 176; 423 NW2d 606 (1988). Appellate courts are reluctant to disturb the trial court's findings when the principal issue raised on appeal is the credibility of witnesses. *People v Hughes*, 217 Mich App 242, 248; 550 NW2d 871 (1996).

Buck testified that he marked the evidence envelope "unknown" because he did not know defendant's name at the time of the purchase. Buck also remarked that this was the only time he had ever done that, and in every other situation he had placed a name on the envelope. In addition, the transaction with defendant was the only one that Buck participated in on August 10, 1995. Furthermore, Buck and defendant were in each other's presence long enough on the evening of the transaction for Buck to later accurately identify defendant in a series of photographs. Finally, Buck described defendant in his PCI report with sufficient specificity for the court to find that defendant was the seller of the narcotics. Therefore, it can reasonably be inferred that the evidence contained in the enveloped marked "unknown" was obtained from defendant.

Defendant also challenges the sufficiency of the evidence in establishing a chain of custody for the narcotics. Defendant failed to object to the chain of custody at trial. Therefore, because

this issue was not preserved for appellate review, we could decline to address it. See *People v Grant*, 445 Mich 535, 547; 520 NW2d 123 (1994). Yet, because the record is clear and simple, a review of Buck's testimony plainly establishes a sufficient chain of custody.

Affirmed.

/s/ Henry William Saad

/s/ Janet T. Neff

/s/ Maureen Pulte Reilly