

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BILLIE McKINNEY,

Defendant-Appellant.

UNPUBLISHED

October 7, 1997

No. 195658

Kent Circuit Court

LC No. 94-001800 FH

Before: Doctoroff, P.J., and Cavanagh and Saad, J.J.

MEMORANDUM.

In a jury trial, defendant was convicted of delivery of less than 50 grams of cocaine and conspiracy to deliver less than 50 grams of cocaine. On this appeal of right, defendant contends that the evidence in support of the conspiracy charge was insufficient to sustain the verdict, and that the trial court should have granted a directed verdict at the close of the prosecution's proofs.

The testimony of Officer Hardy, working in an undercover capacity, was that, by prearrangement, he arrived at the residence and business office of the coconspirator, Royce Booker, expecting to purchase one ounce of crack cocaine for \$1,100. Booker greeted the officer and had him make himself comfortable, indicating that "My boy is on the way." After an interim visit by another denizen of the drug trade, defendant arrived, perfunctorily greeted Officer Hardy, then approached Booker and handed something to Booker. Booker then was able to provide Officer Hardy with the ounce of cocaine and Hardy turned over the promised funds. From these facts, a reasonable trier of fact could properly infer that defendant supplied Booker with an ounce of cocaine, knowing, expecting, and intending that Booker would then himself deliver the cocaine to Officer Hardy. Conspiracies are usually proved by circumstantial evidence, *People v Justice* (After Remand), 454 Mich 334, 347; 562 NW2d 652 (1997), and so long as each inference is reasonable, a chain of such inferences may suffice to warrant a jury in concluding that defendant has been proven guilty beyond a reasonable doubt. *People v Sutherlin*, 116 Mich App 494; 323 NW2d 456 (1982); *People v McWilson*, 104 Mich App 550, 555; 305 NW2d 536 (1981).

In considering the brief filed on behalf of defendant by appointed counsel, this Court notes that appointed counsel has violated the requirements of MCR 7.212(C)(6), which requires specific page references to the record, by repeatedly citing multiple pages. Most egregiously, for example, the key testimony of Officer Hardy is summarized in a paragraph of text and then referenced as being found on pages 26 to 101 of Volume II of the trial transcript. This is improper, and shifts to this Court the burden of examining large portions of the record when discrete portions would suffice to permit proper and accurate adjudication of the issue presented. Accordingly, this Court, pursuant to MCR 7.216(C)(1)(b), finds that the brief filed violates the court rule and warrants disciplinary action. Appointed counsel shall pay to the Clerk of this Court, within 14 days of the release of this opinion, \$250 as compensation for the extra costs in judicial and staff time for this Court to process and analyze this appeal. These costs are personal to appointed counsel and shall not be passed along to the County or the Michigan Assigned Appellate Counsel System.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Mark J. Cavanagh

/s/ Henry W. Saad