

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SANDRA EARL,

Defendant-Appellant.

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UNPUBLISHED  
October 31, 1997

No. 196703  
Recorder's Court  
LC No. 95-007894

Before: Saad, P.J., and O'Connell and M.J. Matuzak\*, JJ.

PER CURIAM.

Defendant appeals as of right from her bench trial conviction as an aider and abettor of delivery of cocaine less than fifty grams, MCL 333.7401(2)(a)(iv); MSA 14.15(2)(a)(iv). We affirm.

Defendant's sole issue on appeal is that the prosecution failed to present sufficient evidence to support her conviction. We disagree. The offense of delivery of less than fifty grams of cocaine requires the prosecutor to prove: (1) that the recovered substance is cocaine, (2) that the cocaine is in a mixture weighing less than fifty grams, (3) that the defendant was not authorized to possess the substance, and (4) that the defendant knowingly possessed the cocaine with the intent to deliver. *People v Lewis*, 178 Mich App 464, 468; 444 NW2d 194 (1989). To support a finding that defendant aided and abetted in the commission of a crime the following three elements must be shown: (1) the crime was committed by the defendant or some other person; (2) the defendant performed acts or gave encouragement which assisted the commission of the crime; and (3) that the defendant intended the commission of the crime, or had knowledge that the principal intended its commission at the time of giving aid and encouragement. *People v Turner*, 213 Mich App 558, 568; 540 NW2d 728 (1995). "Aiding and abetting" includes any assistance rendered to the perpetrator of a crime and encompasses all words or deeds that might support, encourage or incite commission of a crime. *Turner, supra* at 568; *People v Rockwell*, 188 Mich App 405, 411-412; 470 NW2d 673 (1991). An aider and abettor's state of mind may be inferred from all the facts and circumstances. *Turner, supra* at 568.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

Defendant argues that the evidence only established her presence at the scene and did not establish the requisite intent of an aider or abettor. Viewing the evidence in a light most favorable to the prosecution, we find that the prosecution presented sufficient evidence to prove that defendant aided and abetted a delivery of cocaine less than fifty grams. Defendant was present during an undercover drug transaction at a location of suspected drug activity. She assisted in that transaction by asking the officer involved what he needed and calling into the house to someone else the officer's order. Although defendant testified that she was simply waiting on the porch for the landlord to return to discuss rent, she greeted anyone who approached with the words "what do you need." Defendant knew that the landlord was a drug dealer and had actually seen him sell drugs in the past. When the landlord did return, defendant remained on the porch while he went inside and she was still on the porch when the police arrived to execute the search warrant.

Viewed in a light most favorable to the prosecution, this evidence was sufficient to prove that defendant was not merely present but intended to assist in the delivery of less than fifty grams of cocaine.

Affirmed.

/s/ Henry William Saad

/s/ Peter D. O'Connell

/s/ Michael J. Matuzak