

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROLAND BOWERS,

Defendant-Appellant.

UNPUBLISHED

September 25, 1998

No. 200306

Recorder's Court

LC No. 96-005343

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial convictions for possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), and possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d). We affirm.

Defendant asserts that the evidence presented at trial was insufficient to support his convictions. We disagree. When determining whether sufficient evidence has been presented to sustain a conviction, a court must view the evidence in a light most favorable to the prosecution and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

Defendant asserts that there was insufficient evidence that he possessed drugs to support his convictions. A person need not have actual physical possession of a controlled substance to be guilty of possessing it. Possession may be either actual or constructive. *Id.* at 520. The exercise of control over the substance is sufficient to support a conviction where that control establishes a link between the person charged and the contraband discovered. *People v Vaughn*, 200 Mich App 32, 36; 504 NW2d 2 (1993). Where a police officer observed defendant picking up the bag containing the drugs, removing a substance, and replacing the bag, there was sufficient evidence to support a finding that defendant possessed the drugs found in the bag after his arrest.

Affirmed.

/s/ Donald E. Holbrook, Jr.

/s/ Myron H. Wahls

/s/ Mark J. Cavanagh