

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MAHLON RANDY FIGG,

Defendant-Appellant.

UNPUBLISHED
November 2, 1999

No. 210725
Kalamazoo Circuit Court
LC No. 97-000536 FH

Before: Bandstra, C.J., and Markman and Meter, JJ.

PER CURIAM.

Following a bench trial, defendant was convicted of delivery of a controlled substance (cocaine) less than fifty grams, in violation of MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). The court sentenced defendant to one year in jail and lifetime probation; however, he only served ninety days, with the remaining time to be served at the end of probation subject to review. Defendant appeals as of right. We affirm defendant's conviction.

Defendant argues that there was insufficient evidence to support his conviction. When a defendant appeals his conviction on this ground, this Court must view the evidence in the light most favorable to the prosecutor and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Quinn*, 219 Mich App 571, 573-574; 557 NW2d 151 (1996).

The elements of delivery of a cocaine less than fifty grams are (1) the defendant delivered a controlled substance, (2) the substance delivered was cocaine, (3) the defendant knew he was delivering cocaine, and (4) the substance was in a mixture that weighed less than fifty grams. See, generally, CJI2d 12.2. At trial, the parties stipulated that the substance was cocaine and that it was less than fifty grams. Therefore, only the knowledge and delivery elements are at issue.

A paid informant working with the Kalamazoo Department of Public Safety testified that he arranged a deal with defendant to buy cocaine. The informant testified that he gave defendant the money to purchase the cocaine, and drove at defendant's direction to the location where the drugs were bought. Additionally, the informant testified that defendant gave him the cocaine, and not the

unidentified male that was also in the vehicle. The trial court stated that it believed the informant's testimony. In reviewing the sufficiency of the evidence, we will not interfere with the factfinder's role of determining the credibility of the witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1201 (1992), quoting *People v Palmer*, 392 Mich 370, 375-376; 220 NW2d 393 (1974). Viewing this evidence in a light most favorable to the prosecutor, we conclude that the trier of fact could have found that the prosecutor had established the essential elements of the crime beyond a reasonable doubt. *Quinn, supra*.

In light of our disposition of this issue, it is unnecessary for us to review defendant's other allegations of error.

We affirm.

/s/ Richard A. Bandstra

/s/ Patrick M. Meter

Judge Markman did not participate.