

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CLARENCE A. TERRELL,

Defendant-Appellant.

UNPUBLISHED

January 4, 2000

No. 212856

Wayne Circuit Court

LC No. 98-002062

Before: Saad, P.J., and McDonald and Gage, JJ.

PER CURIAM.

Defendant appeals by right his conviction for possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v), entered after a bench trial. Defendant was sentenced as a habitual offender, fourth offense, MCL 769.13; MSA 28.1085, to 2 to 15 years' imprisonment. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that the trial court erred in denying his motion to dismiss the habitual offender supplement as untimely filed. In *People v Shelton*, 412 Mich 565; 315 NW2d 537 (1982), the Supreme Court noted that a supplemental habitual offender information must be filed promptly, and adopted a rule that the supplemental information must be filed within 14 days of the arraignment. The Legislature enlarged the time within which a prosecutor may file a habitual offender information to 21 days. MCL 769.13; MSA 28.1085, as amended by 1994 PA 110; *People v Ellis*, 224 Mich App 752, 754; 569 NW2d 917 (1997). The statute reflects a bright line test for determining whether a prosecutor has filed a supplemental information promptly. *Id*; *People v Bollinger*, 224 Mich App 491; 569 NW2d 646 (1997). Defendant was arraigned on February 25, 1998, and the habitual offender supplement was filed March 16, 1998. The prosecutor filed the supplemental information within 21 days, and the trial court properly denied the motion to quash.

Defendant also argues that there was insufficient evidence to support his conviction. 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). Viewed in a light most favorable to the

prosecutor, there was sufficient evidence to support defendant's conviction. Officers observed defendant engaging in what appeared to be two narcotics transactions with two individuals within 10 minutes. When defendant was detained, seven packet of suspected cocaine were taken from defendant's right coat pocket. Another officer confiscated a large amount of currency and a crack pipe from defendant. This evidence is sufficient to show that defendant was guilty of possession of cocaine. *People v Jones*, 201 Mich App 687; 506 NW2d 599 (1993).

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage