

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANGEL M. HERNANDEZ,

Defendant-Appellant.

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UNPUBLISHED

April 28, 2000

No. 208808

Wayne Circuit Court

LC No. 97-000967

Before: Gribbs, P.J., and Doctoroff and T. L. Ludington\*, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction for delivery of less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was arrested after making a sale of two rocks of cocaine to an undercover officer outside of a bar at Vernor and Clark in the city of Detroit. He was convicted after a bench trial, and asserts that there was insufficient evidence to support his conviction where no drugs or money were found on his person at the time of his arrest.

In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing 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).

Here, the testimony of the officers involved established that defendant delivered cocaine. The trial court found that the officers' testimony was credible, and the testimony of defendant and his sister was not. There is no basis for overturning the court's determination of credibility.

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

*People v Daoust*, 228 Mich App 1, 17; 557 NW2d 179 (1998). There was sufficient evidence to establish the elements of the crime and to support defendant's conviction.

Affirmed.

/s/ Roman S. Gibbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington