

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALONDRE J. WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

September 12, 2000

No. 214591

Oakland Circuit Court

LC No. 97-152265-FH

Before: Owens, P.J., and Jansen and Burns,¹ JJ.

PER CURIAM.

Defendant appeals by right his convictions of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv); carrying a concealed weapon, MCL 750.227; MSA 28.424; and possession of a firearm in the commission of a felony, MCL 750.227b; MSA 28.424(2). Defendant was sentenced as a third habitual offender, MCL 769.11; MSA 28.1083, to two to twenty years' imprisonment for the possession with intent to deliver conviction, two to five years' imprisonment for the carrying a concealed weapon conviction, and two years' imprisonment for the felony-firearm conviction. We affirm.

On appeal, defendant argues that there was insufficient evidence to convict him of possession with intent to deliver a controlled substance and of carrying a concealed weapon. In evaluating whether the evidence introduced against defendant supports a conviction, we view the evidence in the light most favorable to the prosecution and determine whether a rational factfinder could conclude that the elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 513-514; 489 NW2d 748 (1992), mod 441 Mich 1201 (1992); *People v Fetterley*, 229 Mich App 511, 515; 583 NW2d 199 (1998).

No actual delivery of narcotics is required to prove intent to deliver. *Wolfe*, *supra* at 524; *Fetterley*, *supra* at 517. Intent may be inferred from all the facts and circumstances, *Fetterley*, *supra*

¹ Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

at 517-518; *People v Safiedine*, 163 Mich App 25, 29; 414 NW2d 143 (1987), and because of the difficulty of proving an actor's state of mind, minimal circumstantial evidence is sufficient, *People v Bowers*, 136 Mich App 284, 297; 356 NW2d 618 (1984).

Here, the prosecution presented the testimony of Officer Shawn Werner, an expert on drug trafficking, that defendant's crack cocaine was not for personal use because it was too great a quantity and it was packaged for sale. Intent to deliver may be inferred from the quantity of the controlled substance and the way in which it is packaged. *Wolfe, supra* at 524; *Fetterley, supra* at 518. Under the standard of review for a sufficiency of the evidence claim, we must resolve this issue in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Further, we note that possession of six crack cocaine rocks can be a large enough quantity to infer an intent to deliver. *People v Ray*, 191 Mich App 706, 708-709; 479 NW2d 1 (1991).

Officer Gregory Bumgardner also testified that the cocaine was tied together with a special knot common in the drug trade. This testimony further supports Werner's theory that the crack cocaine was packaged for sale. *Wolfe, supra* at 524-525. Additionally, Werner testified that no drug paraphernalia, such as a crack pipe, was found in the car. This, too, supports the prosecution's case that the drugs were not for personal use. *Id.* at 525. Werner also testified that defendant carried a pager, a device common to the drug trade. *Id.*

Circumstantial evidence and the reasonable inferences that arise from the evidence can constitute satisfactory proof of the elements of the crime. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). Because all conflicts in the evidence must be resolved in favor of the prosecution, *Terry, supra* at 452, we conclude that sufficient evidence was presented to convict defendant of possession with intent to deliver cocaine.

Defendant next argues that there was insufficient evidence to convict him of carrying a concealed weapon. Taken in the light most favorable to the prosecution, *Wolfe, supra* at 515, the evidence proved that defendant did possess the gun retrieved from near his foot. Werner and Bumgardner both testified that they saw defendant drop a black object after reaching into or around the waistband of his pants. Werner heard a "clink" noise from the falling object striking the ground which sounded like metal hitting pavement.

This Court has held that the word "concealed" for purposes of MCL 750.227; MSA 28.424 does not mean total concealment. *People v Johnnie W Jones*, 12 Mich App 293, 295; 162 NW2d 847 (1968). A weapon is concealed when it is "not discernible by the ordinary observation of persons coming in contact with the person carrying it, causally observing him, as people do in the ordinary and usual associations of life." *Id.* at 296. Concealment is a question for the trier of fact and it depends on the particular circumstances specific to the case. *Id.* at 296-297. This Court has found sufficient evidence of concealment in cases where a weapon was at least partially covered by the defendant's clothing. See e.g., *People v Clark*, 21 Mich App 712, 715; 176 NW2d 427 (1970); *People v Iacopelli*, 30 Mich App 105; 186 NW2d 38 (1971).

This Court also found that the evidence was sufficient to support a conviction for carrying a concealed weapon where the defendant put a revolver in his belt or waistband and a witness testified that he could not see the revolver. *People v Jackson*, 43 Mich App 569, 571; 204 NW2d 367 (1972). We have further found that sufficient evidence of concealment was brought forth where the defendant, on being pursued, threw something behind a garbage can, which turned out to be a gun. *People v Reynolds*, 38 Mich App 159, 160-161; 195 NW2d 870 (1972). *Jackson* and *Reynolds* are directly analogous to the instant case. Accordingly, we hold that there was sufficient evidence that defendant's weapon was concealed where he pulled it from the waistband of his pants.

Affirmed.

/s/ Donald S. Owens

/s/ Kathleen Jansen

/s/ Robert B. Burns