

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CARL INGRAM,

Defendant-Appellant.

UNPUBLISHED

February 23, 2001

No. 220094

Wayne Circuit Court

LC No. 99-000269

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for possession with intent to deliver less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). He was sentenced as a fourth offense habitual offender to 36 to 240 months' imprisonment. We affirm.

Defendant argues that there was insufficient evidence to support his conviction. 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 a 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), amended 441 Mich 1201 (1992).

Here, the evidence showed that police officers observed a woman approach defendant. After a brief conversation, she handed defendant some currency, and he handed her two rocks that appeared to be cocaine. Both subjects were arrested within thirty seconds of the transaction. Two rocks of cocaine were found in the woman's coat pocket, and currency was found on defendant and in his hand. Although officers testified that the drugs they observed were not packaged, and the drugs admitted into evidence had plastic wrap with them, where defendant stipulated to the quantity and nature of the drugs, the trial court properly found that the discrepancy was not material. The testimony presented was sufficient to establish defendant's

guilt beyond a reasonable doubt. *Wolfe, supra*.

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell