

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

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRIN JACKSON,

Defendant-Appellant.

---

UNPUBLISHED

May 25, 2001

No. 222016

Oakland Circuit Court

LC No. 94-133592-FH

Before: Neff, P.J., and Fitzgerald and Markey, JJ.

PER CURIAM.

Defendant appeals as of right from his jury trial conviction for possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). Defendant was sentenced to three years, six months to forty years in prison for this conviction.<sup>1</sup> We affirm.

Defendant argues on appeal that the prosecution failed to present sufficient evidence to sustain his conviction for possession with intent to deliver less than fifty grams of cocaine, because the substance seized by the police was not tested in a laboratory for the presence of cocaine. We disagree.

When reviewing the sufficiency of the evidence, this Court views the evidence in the light most favorable to the prosecution and determines whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992); *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). Circumstantial evidence, as well as reasonable inferences arising from the evidence, can constitute satisfactory evidence for proving the elements of the crime. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). However, the trier of fact may not draw inferences that

---

<sup>1</sup> Prior to the commencement of trial, defendant pleaded guilty to a charge of transporting or possessing an open container of alcohol in an automobile, MCL 257.624a; MSA 9.2324(1), and was sentenced to ninety days in jail.

are unsupported by the direct or circumstantial evidence. *People v Williams*, 188 Mich App 54, 57; 469 NW2d 4 (1991). Any conflicts in the evidence must be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

The offense of possession with intent to deliver less than fifty grams of cocaine requires proof of four elements: (1) the substance recovered by police is cocaine, (2) that the cocaine recovered is in a mixture weighing less than fifty grams, (3) defendant was not authorized to possess the substance, and (4) defendant knowingly possessed the cocaine with the intent to deliver it. *Wolfe, supra* at 516-517. Only the first element is at issue here.

Viewing the evidence in a light most favorable to the prosecution, we find that the prosecution presented sufficient evidence to support defendant's conviction for possession with intent to deliver less than fifty grams of cocaine. At trial, a narcotics expert from the state police crime lab acknowledged the utility of police field-testing, pointing out that part of his own laboratory testing procedure is to use essentially the same field test utilized by the police. Furthermore, the expert testified at trial that, while he was unwilling to definitively state that the substance contained cocaine without further testing, he was willing to state that a substance would not field-test positive for cocaine if it *did not* contain cocaine.

There was also additional circumstantial evidence that the white substance found in the van was cocaine. Officers testified that crack cocaine is cut or chipped from a larger rock by a knife, razor blade or fingernail. Further, the separation process leaves "shake" or cocaine flakes as a by-product, and the small chips found in the van were consistent with "shake." Defendant's van was in an area of drug trafficking and was approached by an individual who was holding a \$20 bill, a common street price for a rock of cocaine. Defendant had more than \$200 cash in his possession. This evidence was sufficient for the jury to draw a reasonable inference that the substance was, in fact, cocaine.

When considered with the evidence that the substance was found within defendant's physical vicinity, defendant's attempt to escape the vehicle when the police arrived, and the several hundred small plastic baggies, commonly used in packaging rock cocaine, recovered from the floor between the driver and passenger seats, sufficient evidence was presented to support defendant's conviction for possession with intent to deliver less than fifty grams of cocaine.

Affirmed.

/s/ Janet T. Neff  
/s/ E. Thomas Fitzgerald  
/s/ Jane E. Markey