

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARTHUR L. POPE,

Defendant-Appellant.

UNPUBLISHED

October 2, 2001

No. 226309

Wayne Circuit Court

LC No. 99-008069

Before: Cavanagh, P.J. and Markey and Cooper, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for possession with intent to deliver less than 50 grams of heroin, MCL 333.7401(2)(a)(iv). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Defendant asserts 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 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); mod 441 Mich 1201.

A Detroit Police officer testified that she observed defendant engaging in narcotics activity. She saw a female approach defendant, defendant take a packet from a potato chip bag on the porch, and exchange the packet for cash. The arresting officer testified that based on the description provided by the surveillance officer, he arrested defendant. Another officer testified that he retrieved the potato chip bag from the porch. The bag contained 427 foil packets of heroin. Defendant testified that he was not engaged in the sale of drugs, but was at the house to play horseshoes.

The trial court found the surveillance officer was credible and did not believe defendant's testimony. The evidence, viewed in a light most favorable to the prosecution, was sufficient to establish beyond a reasonable doubt the elements of possession with intent to deliver heroin.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper