

STATE OF MICHIGAN
COURT OF APPEALS

In re SID HENNING, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

SID HENNING, Minor,

Respondent-Appellant.

UNPUBLISHED
February 26, 2002

No. 227286
Wayne Circuit Court
Juvenile Division
LC No. 94-321508

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right the order finding him guilty of possession of marijuana and continuing him as a ward of the state. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent asserts that the exhibit containing marijuana was improperly admitted because the foundation was not adequately established. Without the exhibit, respondent claims there would be insufficient evidence to support the conviction.

The requirement for authentication or identification as a condition for admissibility is satisfied by evidence sufficient to support a finding that the evidence offered is what its proponent claims it to be. MRE 901(a). A chain of custody is sufficient if it renders “it reasonably probable that the original item has neither been exchanged with another nor been contaminated or tampered with.” *People v White*, 208 Mich App 126, 131; 527 NW2d 34 (1994), quoting 2 McCormick, Evidence (4th ed), § 212, p 8. Objections to the sufficiency of the identification of the items go to the weight, rather than the admissibility, of the evidence in question. *White, supra* at 130-131.

Respondent argues that the foundation was not properly established because the security guard testified that she seized one baggie from him, while the police officer testified that the baggie he received from the guard contained nine individual bags within it. However, any inconsistencies in the description go to the weight of the evidence, and not its admissibility. *White, supra* at 130-131. Where the trial court found the security guard’s testimony believable and credible, the court could reasonably conclude that the bag submitted for testing was the same

bag obtained from respondent. Thus, we are not persuaded that the trial court erred by admitting the exhibit. Consequently, respondent's challenge to the sufficiency of the evidence supporting his conviction, which was based solely on the purported inadmissibility of the aforementioned evidence, is also without merit.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin D. Doctoroff

/s/ Donald S. Owens