

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LIONEL JACKSON,

Defendant-Appellant.

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UNPUBLISHED

March 5, 2002

No. 229653

Wayne Circuit Court

LC No. 99-006359

Before: Bandstra, P.J., and Murphy and Murray, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv), and was sentenced to lifetime probation. He now appeals as of right. We affirm.

Defendant's sole claim is that there was insufficient evidence to sustain his conviction. When reviewing a challenge to the sufficiency of the evidence in a bench trial, this Court views the evidence in the light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-269; 380 NW2d 11 (1985); *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000). To support a conviction for possession with intent to deliver less than fifty grams of cocaine, the prosecution must show that (1) the recovered substance is cocaine, (2) the cocaine is in a mixture weighing less than fifty grams, (3) the defendant was not authorized to possess the substance, and (4) the defendant knowingly possessed the cocaine with the intent to deliver. *People v Wolfe*, 440 Mich 508, 516-517; 489 NW2d 748, amended 441 Mich 1201 (1992). Circumstantial evidence, and reasonable inferences arising from it, can constitute satisfactory proof of the elements of a crime. *People v Reddick*, 187 Mich App 547, 551; 468 NW2d 278 (1991).

Here, viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could conclude that defendant was in constructive possession of cocaine and that he possessed it with the intent to deliver. A police officer testified that he saw defendant approach a car, take currency, go to a nearby house, reach in and retrieve something from its windowsill, return to the car with the object, and hand it to the buyer in a closed-fist motion. The arresting officer testified that he recovered twenty-three individual packets of rock cocaine from the same windowsill. This evidence established that defendant had the right to exercise control over the

cocaine and knew that it was present, in other words, constructive possession. *Wolfe, supra* at 520. Further, the intent to deliver may be inferred from the way the cocaine was packaged for individual sale. *Id.* at 524. Although defendant claims that the officer who observed the transaction was not credible, this Court will generally not overturn a conviction on the basis of the credibility of a witness. *People v Hughes*, 217 Mich App 242, 248; 550 NW2d 871 (1996). The trial court is in a much better position to judge the credibility of witnesses testifying before it. Under these circumstances, there was sufficient evidence to support defendant's conviction.

Affirmed.

/s/ Richard A. Bandstra  
/s/ William B. Murphy  
/s/ Christopher M. Murray