

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE RAY JAMES,

Defendant-Appellant.

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UNPUBLISHED

September 27, 2002

No. 232123

Oakland Circuit Court

LC No. 2000-170878-FH

Before: Fitzgerald, P.J., and Bandstra and Gage, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of delivery of less than fifty grams of heroin, MCL 333.7401(2)(a)(iv), and was sentenced as an habitual offender, fourth offense, to a prison term of one to thirty years. Defendant appeals as of right. We affirm.

Defendant argues that the prosecution presented insufficient evidence to support his conviction. Specifically, defendant does dispute that the drug transaction occurred, but contends that he was merely present at the time. We disagree. Viewed in a light most favorable to the prosecution, the evidence showed that defendant drove his car up behind the undercover vehicle after Weatherspoon entered the undercover vehicle, that he waited for Weatherspoon to come to his car with the money that she exchanged for heroin while in the car, and that he drove off after Weatherspoon returned to the undercover vehicle with the heroin. This evidence was sufficient to enable a rational trier of fact to find that defendant aided and abetted Weatherspoon in committing the offense. *People v Mass*, 464 Mich 615, 628; 628 NW2d 540 (2001); *People v Izarras-Picante*, 246 Mich App 490, 495; 633 NW2d 18 (2001).<sup>1</sup>

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<sup>1</sup> Defendant's argument that the trial court erred in denying his motion to quash need not be analyzed because a magistrate's erroneous conclusion that sufficient evidence was presented at the preliminary examination is rendered harmless by the presentation at trial of sufficient evidence to convict. *People v Libbett*, \_\_\_ Mich App \_\_\_, \_\_\_ NW2d \_\_\_ (#227619, rel'd 5/14/02) slip op p 2.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Richard A. Bandstra

/s/ Hilda R. Gage