

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBIN DEE REAU,

Defendant-Appellant.

UNPUBLISHED

December 28, 2004

No. 249537

Monroe Circuit Court

LC No. 02-032259-FH

Before: Meter, P.J., and Wilder and Schuette.

MEMORANDUM.

Defendant appeals as of right her conviction of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), entered after a jury trial. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that there is insufficient evidence to support her conviction. In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

Possession of a controlled substance exists when a defendant has dominion or control over the substance with knowledge of its possession or character. *People v Nunez*, 242 Mich App 610, 615; 619 NW2d 550 (2000). Possession of a controlled substance may be actual or constructive. The critical question is whether the defendant had dominion or control over the substance. Mere presence is insufficient. Some additional link between the defendant and the controlled substance must be shown. Circumstantial evidence and reasonable inferences drawn from the evidence are sufficient to prove possession. *People v Fetterley*, 229 Mich App 511, 515; 583 NW2d 199 (1998).

We affirm. A person need not have actual physical possession of a controlled substance to be guilty of possessing it. Moreover, possession may be found even when the defendant is not the owner of the controlled substance. More than one person may actively or constructively

possess a controlled substance. *People v Hardiman*, 466 Mich 417, 421; 646 NW2d 158 (2002). A search of the vehicle defendant was driving revealed crack cocaine and drug paraphernalia within her reach. A search of defendant's purse revealed two pieces of a coat hanger with cocaine residue on them and a chore boy, pieces of which are commonly used in crack cocaine pipes as filters. Evidence that defendant had drug paraphernalia within her reach in the vehicle supported an inference that she constructively possessed the crack cocaine found in the vehicle. *Id.*; *Vaughn, supra*. The evidence, viewed in a light most favorable to the prosecution, supported defendant's conviction. *Wolfe, supra*.

Affirmed.

/s/ Patrick M. Meter

/s/ Kurtis T. Wilder

/s/ Bill Schuette