

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DONALD WILLIAM ESSENMACHER,

Defendant-Appellant.

UNPUBLISHED

October 23, 2007

No. 273371

St. Clair Circuit Court

LC No. 06-000631-FH

Before: Zahra, P.J., and White and O'Connell, JJ.

MEMORANDUM.

Defendant appeals as of right from his jury trial convictions of possession of methamphetamine, MCL 333.7403(2)(b)(i), possession of marijuana with intent to deliver, MCL 333.7401(2)(d)(iii), maintaining a drug house, MCL 333.7405(1)(d), failure to present a weapon for safety inspection, MCL 750.228, and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. Defendant's sole issue on appeal is that there was insufficient evidence to support his felony-firearm conviction. We disagree and affirm. This case is being decided without oral argument under MCR 7.214(E).

In February 2006, police stopped and detained defendant after he left his Port Huron apartment. During the subsequent search of his apartment (pursuant to a search warrant), police found a gun cabinet that contained three firearms, two pills, marijuana, and various drug paraphernalia. Marijuana and drug paraphernalia were also found elsewhere in the apartment. A field test of the two pills showed that they contained methamphetamine. A later laboratory analysis of one of the pills showed that it contained both methamphetamine and 3,4 methylenedioxymethamphetamine, or MDMA, which is commonly known as Ecstasy. Defendant admitted that the two pills, the marijuana, and the guns were his. He also testified that he regularly kept the gun cabinet locked and that he had not opened it on the day of the search. Defendant's girlfriend testified that the cabinet was locked and that she provided the police with a key during the search.

Defendant acknowledges that under *People v Burgenmeyer* 461 Mich 431; 606 NW2d 645 (2000), the evidence was sufficient to support his felony-firearm conviction. However, he argues that *Burgenmeyer* is at odds with the goals of the felony-firearm statute and thus should be ignored. However, "[i]t is the Supreme Court's obligation to overrule or modify case law if it becomes obsolete, and until [that] Court takes such action, the Court of Appeals and all lower courts are bound by that authority." *Boyd v W G Wade Shows*, 443 Mich 515, 523; 505 NW2d

544 (1993); overruled on other grounds *Karaczewski v Farbman Stein & Co*, 478 Mich 28; 732 NW2d 56 (2007); see also *Mullins v St Joseph Mercy Hosp*, 271 Mich App 503, 510; 722 NW2d 666 (2006) (observing that this Court is “bound by the Supreme Court’s clear directives”). Thus, by defendant’s own admission, sufficient evidence was adduced to support his felony-firearm conviction under binding authority.

Affirmed.

/s/ Brian K. Zahra

/s/ Helene N. White

/s/ Peter D. O’Connell