

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

NOLAN THOMAS WATKINS,

Defendant-Appellant.

UNPUBLISHED

July 24, 2008

No. 278810

Gratiot Circuit Court

LC No. 06-005207-FH

Before: Saad, C.J., and Fort Hood and Borrello, JJ.

PER CURIAM.

Defendant appeals as of right his convictions of conspiracy to bring a controlled substance into a correctional facility, MCL 800.281(3), and attempted possession of contraband in a correctional facility, MCL 800.281(4). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's convictions arise from his use of the complainant, another inmate with outside facility employment, to smuggle marijuana into the facility. After repeated and threatening requests, the complainant turned to a prison guard for help. Consequently, an inspector worked with the complainant to arrange a controlled delivery of basil to defendant that was observed by prison officials.

We review a defendant's allegations regarding insufficiency of the evidence de novo. *People v Herndon*, 246 Mich App 371, 415; 633 NW2d 376 (2001). We view 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. *Id.* However, we will not interfere with the jury's role of determining the weight of the evidence or the credibility of the witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1202 (1992). Satisfactory proof of the elements of a crime can be shown by circumstantial evidence and reasonable inferences arising therefrom. *People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999). It is for the trier of fact to determine what inferences can be fairly drawn from the evidence and the weight to be accorded to those inferences. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002). All conflicts in the evidence must be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

A conspiracy is a partnership in a criminal purpose. *People v Justice (After Remand)*, 454 Mich 334, 345; 562 NW2d 652 (1997). Two or more individuals must voluntarily agree to effectuate the commission of a crime, and the crime of conspiracy is complete upon formation of the unlawful agreement. *Id.* To establish a conspiracy, the prosecution must prove that the defendant specifically intended to combine with others to accomplish an illegal objective. *People v Blume*, 443 Mich 476, 481-482; 505 NW2d 843 (1993). A conspiracy may be proven through the circumstances, acts, and conduct of the parties. *Justice, supra* at 347.

Defendant argues that the prosecution produced insufficient evidence to support his convictions. We disagree.

Defendant argues that the only evidence to connect him with the attempt to bring marijuana into the prison was the statement made by the complainant and questions the credibility of the complainant. Defendant does not dispute that the complainant was involved in an attempt to smuggle the marijuana into the prison, but maintains that there was insufficient evidence to tie him to the conspiracy. He concedes that, “the results would clearly have been different” had the guards found marijuana in his possession. However, he was not involved in bringing the marijuana into the prison, and was found only with basil in his possession.

The testimony by the complainant, coupled with the observations by the prison officers, as well as the interdiction of the marijuana on its way into the prison, clearly established the existence of the conspiracy to smuggle the marijuana into the prison. The complainant’s testimony specifically outlined defendant’s role in gaining his cooperation and in furthering the criminal objective. The prosecutor was not required to disprove defendant’s claim that he was instead the unwitting victim of the complainant’s grudge against him, of another inmate’s scheme to sell him basil rather than marijuana, or a surreptitious combination of the two. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). We find that the prosecution presented sufficient evidence to support defendant’s conviction for conspiracy to bring marijuana into the prison.

Defendant’s claim that the prosecutor presented insufficient evidence that he attempted to possess marijuana while in prison is without merit. The complainant’s statements and other corroborating evidence supported the charge. Moreover, defendant conveniently ignores the testimony concerning his own admission that he was “ripped off” and given “bogus marijuana” when he attempted to purchase some marijuana from another inmate.

Affirmed.

/s/ Henry William Saad

/s/ Karen M. Fort Hood

/s/ Stephen L. Borrello