NOT DESIGNATED FOR PUBLICATION

DIVISION IV

ARKANSAS COURT OF APPEALS

No. CACR07-223

	Opinion Delivered October 24, 2007
KEDRICK DARROUGH APPELLANT v. STATE OF ARKANSAS APPELLEE	AN APPEAL FROM THE DREW COUNTY CIRCUIT COURT [CR2005-066-3] HONORABLE ROBERT BYNUM GIBSON, JR., JUDGE AFFIRMED

BRIAN S. MILLER, Judge

Kedrick Darrough was found guilty and sentenced to ninety years' imprisonment by a Drew County jury for possessing cocaine with intent to deliver and possessing marijuana with intent to deliver. On appeal, he challenges the sufficiency of the evidence supporting his convictions. We affirm Darrough's convictions because there was substantial evidence supporting his convictions.

In challenges to the sufficiency of the evidence, we view the evidence in the light most favorable to the State and consider only evidence supporting the verdict. *Withers v. State*, 93 Ark. App. 276, 218 S.W.3d 386 (2005). We affirm a conviction if there is substantial evidence supporting it. *Id.* Substantial evidence is evidence, direct or circumstantial, that is forceful enough to compel reasonable minds to reach a conclusion without resorting to mere speculation or conjecture. *Wyles v. State*, 368 Ark. 646, __ S.W.3d __ (2007).

It is unlawful for anyone to possess a controlled substance with the intent to deliver it. Ark. Code Ann. § 5-64-401(a) (Supp. 2007). Moreover, possession of at least one gram of cocaine or at least one ounce of marijuana creates a rebuttable presumption that the person possessing it intends to deliver it. Ark. Code Ann. § 5-64-401(d)(3)(a).

The trial evidence established that, on January 24, 2005, the Arkansas Drug Task Force stopped a vehicle driven by Marlo Perry in which Darrough was a passenger. When Darrough exited the vehicle, he picked up a black garbage bag from the car and threw it to the ground and said "[t]his is what you're looking for anyway." The garbage bag contained eighty-nine individually wrapped bags of marijuana and two individually wrapped bags of cocaine. A third bag of cocaine was recovered from Darrough's jacket. Tests later determined that the eighty-nine bags of marijuana collectively weighed 32 grams[1] and the three bags of cocaine collectively weighed approximately 385 grams.

The marijuana and cocaine weighed in excess of one gram and therefore it is presumed that Darrough possessed the contraband with the intent to deliver. Darrough does not challenge this presumption. He merely argues that the State failed to show that he jointly possessed the drugs.

Darrough's argument is somewhat misguided because it focuses on a joint possession analysis when there was substantial evidence that Darrough possessed the drugs himself. To convict Darrough of possessing drugs, the State was only required to show that he exercised

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[1]Darrough possessed 1.1288 ounces of marijuana (1 gram = 0.0353 ounces).

control or dominion over the bag of drugs. *Loar v. State*, 368 Ark. 171, ____ S.W.3d ____ (2006). It is clear that the State met this burden by showing that Darrough held the bag of drugs in his hands. He then threw the bag to the ground and informed the officers that "[t]his is what you're looking for anyway."

When the evidence is viewed in a light most favorable to the State, it is clear that the jury did not have to resort to speculation or conjecture to conclude that Darrough possessed both marijuana and cocaine and that he intended to deliver the contraband. We, therefore, affirm Darrough's convictions.

Affirmed.

MARSHALL and BAKER, JJ., agree.