

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DAROLD RODGERS,

Defendant-Appellant.

UNPUBLISHED

November 21, 1997

No. 197671

Recorder's Court

LC No. 96-001154

Before: MacKenzie, P.J., and Sawyer and Neff, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of possession with intent to deliver less than fifty grams of heroin, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). Defendant was sentenced to 18 to 240 months in prison for each conviction. He now appeals and we affirm.

On appeal, defendant contends that the evidence was insufficient to support his convictions. When reviewing the sufficiency of the evidence, this Court views the evidence in the light most favorable to the prosecution to determine whether a reasonable jury could have concluded that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Hampton*, 407 Mich 354, 368; 285 NW2d 284 (1979). However, this Court should not interfere with the jury's role in determining the credibility of witnesses and weighing the evidence. *Wolfe, supra* at 514.

To support a conviction for possession of less than fifty grams of cocaine and heroin with the intent to deliver, the prosecution must prove beyond a reasonable doubt: 1) that the recovered substances were cocaine and heroin, 2) that the cocaine and heroin were in a mixture weighing less than fifty grams each, 3) that defendant was not authorized to possess either substance, and 4) that defendant knowingly possessed the cocaine and heroin with the intent to deliver. *People v Lewis*, 178 Mich App 464, 468; 444 NW2d 194 (1989). On appeal, defendant challenges the sufficiency of the evidence with respect to the fourth element—that he knowingly possessed the narcotics with the intent to deliver.

Possession with the intent to deliver a controlled substance can be established through direct evidence and circumstantial evidence and all reasonable inferences derived from that evidence. *Wolfe, supra* at 524. Circumstantial evidence and the reasonable inferences which arise from the evidence can

constitute satisfactory proof of the elements of a crime. *People v Truong (After Remand)*, 218 Mich App 325, 337; 553 NW2d 692 (1996). Intent can be inferred from all the facts and circumstances, *People v Safiedine*, 163 Mich App 25, 29; 414 NW2d 143 (1987), and because of the difficulty of proving an actor's state of mind, minimal circumstantial evidence is sufficient. *People v Bowers*, 136 Mich App 284, 297; 356 NW2d 618 (1984). Intent to deliver may be inferred from the quantity of narcotics in the defendant's possession, the manner in which the narcotics are packaged, and from other circumstances surrounding the arrest. *Id*; *People v Delongchamps*, 103 Mich App 151, 160; 302 NW2d 626 (1981).

We find that a rational trier of fact could reasonably infer that defendant possessed an intent to deliver from the large quantity of narcotics possessed by defendant and the manner by which they were packaged. Defendant had actual or constructive possession of 120 rocks of cocaine, over twenty individually wrapped packages containing heroin and cocaine, and a lump of cocaine about the size of an orange. Such large quantities of drugs do not suggest personal use. Furthermore, police uncovered no evidence of drug paraphernalia which would suggest a plan of immediate personal use. Obviously, the lump of cocaine would be too large for personal use and its size suggests that defendant planned to reduce the cocaine to smaller quantities suitable for resale.

Moreover, a rational trier of fact could infer that defendant intended to deliver the narcotics based on the \$692 in small denominations that police confiscated from defendant after his arrest. There were four \$50 bills; nine \$20 bills; twenty-four \$5 bills; thirteen \$10 bills and sixty-two \$1 bills. The small denominations suggest that defendant was engaged in several small drug transactions, especially when viewed in light of the arresting officer's testimony that the street value of the individual cocaine rocks discovered on defendant's person after his arrest was between \$10 and \$25 each, depending on the size of the rock.

Finally, Detroit police officers observed defendant during a surveillance operation in front of a suspected narcotics location. One officer testified at trial that defendant stood in front of the location, engaged in a series of brief conversations with various individuals, and at least during one of these conversations defendant handed a small unidentified object to the alleged buyer in exchange for green paper which the officer believed was money. When the officers decided to approach the rooming house for further investigation, defendant and the alleged buyer fled the scene.

Therefore, we find that the large quantity of narcotics discovered, the way in which the drugs were packaged, and other circumstances surrounding defendant's arrest, such as defendant fleeing from police and defendant's possession of \$692 in small bills, create a permissible inference that defendant intended to deliver the narcotics in his possession. Contrary to defendant's argument that inferences were based on inferences, there was sufficient independent evidence to support inferences of possession and delivery. Accordingly, the evidence was sufficient to support defendant's convictions.

Affirmed.

/s/ Barbara B. MacKenzie

/s/ David H. Sawyer

/s/ Janet T. Neff