

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 183954

Oakland Circuit Court

DARRIN JACKSON,

LC No. 94-133592 FH

Defendant-Appellant.

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

No. 184461

Oakland Circuit Court

JAMES G. DENT,

LC No. 94-133597 FH

Defendant-Appellant.

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Before: Griffin, P.J., and Sawyer and O'Connell, JJ.

O'CONNELL, J. (concurring in part and dissenting in part).

I concur with most of the majority opinion; my disagreement lies with that portion of the opinion which concludes that the evidence against defendant Jackson was minimal.

In my opinion, there was sufficient evidence for a jury to convict defendant Jackson. The evidence in the record indicates that the van in which the defendants were sitting was parked in a high crime and narcotics area. As the police approached the van, they saw defendant Dent conducting a drug transaction from the driver's side window of the van; Dent was subsequently apprehended with a twenty dollar bill still in his hand. Defendant Jackson was sitting in the passenger seat, drinking wine from a cup. When the police approached, defendant Jackson repeatedly attempted to exit the van. Jackson had \$295 on his person and no identification.

When the arresting officers searched the van, they found 105 grams of recently-cooked crack cocaine wrapped inside a towel in a cabinet above the driver's head. Approximately twenty dollars worth of chips or flakes of crack cocaine was found in plain view on the floor between the front seats. A large rock of cocaine worth about \$150 was found on the floor next to Jackson's seat, wrapped in a tissue. On the floor between the seats was an ashtray with a marijuana cigarette in it. A plastic baggie containing about five grams of cocaine was found inside a pouch on the driver's door. Several hundred small green coin-sized ziplock baggies were found on the floor behind the passenger seat. There was a plainly visible gun protruding from a floor cabinet in the rear passenger side of the van.

Given the nature of the evidence and the fact that the illegal narcotics were scattered in plain view around the passenger seat, I believe that the evidence is overwhelming that Jackson had knowledge of and involvement in a scheme to manufacture, package and sell crack cocaine. I also believe that any error in the admission of the 404b evidence was harmless. Therefore, I would affirm the convictions of both defendants.

/s/ Peter D. O'Connell