

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

FORREST ROBERSON, JR.,

Defendant-Appellant.

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UNPUBLISHED

March 13, 1998

No. 197261

Recorder's Court

LC No. 95-005253

Before: Michael J. Kelly, P.J., and Hood and Gribbs, JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial convictions for possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and possession with intent to deliver less than fifty grams of heroin, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). Defendant was sentenced to two to twenty years' imprisonment for each conviction, the sentences to run concurrently with each other and consecutively to a sentence that defendant is currently serving. We affirm.

Defendant's sole issue on appeal is that there was insufficient evidence to establish an intent to deliver. We disagree. In reviewing a claim of sufficiency of the evidence on appeal, this Court views the evidence in a light most favorable to the prosecution to determine whether a rational factfinder could have found the essential elements of the crime proved beyond a reasonable doubt. *People v Wolfe* 440 Mich 508, 515; 489 NW2d 748, modified 441 Mich 1201 (1992).

In this case, viewing the evidence in a light most favorable to the prosecution, we conclude that sufficient evidence was presented to establish that defendant had the intent to deliver cocaine and heroin. As our Supreme Court stated in *Wolfe, supra*, 440 Mich 524, the intent to deliver can be inferred from the quantity of narcotics in a defendant's possession, from the way in which those narcotics are packaged, and from other circumstances surrounding the arrest. The search of defendant's home revealed the following illegal substances: (1) sixteen tinfoil packets of heroin found in the bedroom where defendant was discovered, (2) a Wondra can, near defendant's driver's license and a receipt bearing his name, with cocaine inside, one part of which weighed 39.75 grams and the other

part consisting of twenty packets and, (3) a Parkay box in the refrigerator containing 31.53 grams of crack cocaine. Here, the intent to deliver can be inferred from the amount of cocaine and heroin found, as well as the manner in which it was packaged. Viewing the evidence in a light most favorable to the prosecution, a rational factfinder could have found beyond a reasonable doubt that defendant intended to deliver the cocaine and heroin.

Affirmed.

/s/ Michael J. Kelly

/s/ Harold Hood

/s/ Roman S. Gibbs