

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

SAMMY REYNA,

Defendant-Appellant.

UNPUBLISHED

June 18, 1999

No. 210494

Cass Circuit Court

LC No. 97-009086

Before: Cavanagh, P.J., and Hoekstra and Gage, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial conviction of possession with the intent to deliver less than five kilograms of marijuana, MCL 333.7401(2)(d)(iii); MSA 14.15(7401)(2)(d)(iii). The trial court sentenced defendant as an habitual offender, second offense, MCL 769.10; MSA 28.1082, to four to six years' imprisonment. We affirm.

In his sole issue on appeal, defendant argues that the prosecutor failed to present sufficient evidence to establish that he knew the package he received contained marijuana. When ascertaining whether sufficient evidence was presented at trial to support a conviction, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). Circumstantial evidence and reasonable inferences arising therefrom may be sufficient to prove the elements of a crime. *People v McKenzie*, 206 Mich App 425, 428; 522 NW2d 661 (1994).

After carefully reviewing the record, we conclude that sufficient evidence was presented at trial to support defendant's conviction. When the package, which was addressed only to "Sam," was delivered, defendant refused to confirm whether anyone named "Sam" lived at the residence. When signing for the package, defendant used his brother's first name rather than his own. Immediately after receiving the package, defendant placed it, unopened, in a "totaled" vehicle in the backyard. The return address on the package was McAllen, Texas; evidence was presented that on five occasions defendant had sent money, in amounts ranging from \$500 to \$1,400, to McAllen, Texas, via Western Union. A search of the house and a detached shed on the property revealed two triple-beam scales, a set of

hand-held scales, a rifle, and several other bags of marijuana. A police officer testified that the quantity of marijuana seized was too large for personal use and that scales such as those seized from defendant's house are commonly used to divide large quantities of marijuana into smaller amounts for sale. Viewed in the light most favorable to the prosecution, this evidence would permit a rational trier of fact to find that defendant knew that the package contained marijuana.

Defendant argues that the above evidence does not prove his guilt beyond a reasonable doubt because he provided explanations for it during his own testimony. The jury, however, apparently did not find defendant's explanations credible. Questions of credibility are left to the trier of fact and will not be resolved anew by this Court. *People v Givans*, 227 Mich App 113, 123-124; 575 NW2d 84 (1997).

Affirmed.

/s/ Mark J. Cavanagh

/s/ Joel P. Hoekstra

/s/ Hilda R. Gage