

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JANICE BATTLE,

Defendant-Appellant.

UNPUBLISHED
October 31, 2000

No. 216498
Wayne Circuit Court
LC No. 98-009404

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

PER CURIAM.

Defendant appeals as of right her bench trial conviction for delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues there was insufficient evidence to support her conviction on an aiding and abetting theory where she was merely present when an informant made a drug transaction. We disagree.

MCL 767.39; MSA 28.979 provides:

Every person concerned in the commission of an offense, whether he directly commits the act constituting the offense or procures, counsels, aids, or abets in its commission may hereafter be prosecuted, indicted, tried and on conviction shall be punished as if he had directly committed such offense.

Aiding and abetting describes all forms of assistance rendered to the perpetrator of a crime and comprehends all words or deeds that might support, encourage, or incite the commission of a crime. *People v Rockwell*, 188 Mich App 405, 411-412; 470 NW2d 673 (1991). To support a finding that a defendant aided and abetted a crime, the prosecutor must show (1) the crime charged was committed, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime, or had knowledge that the principal intended its commission at the time he gave aid and encouragement. *People v Turner*, 213 Mich App

558, 568; 540 NW2d 728 (1995). Although the guilt of the principal must be shown, the principal need not be convicted. *Id.* at 569. Rather the prosecutor need only introduce sufficient evidence that the crime was committed and the defendant aided and abetted it. *Id.*

There was sufficient evidence to establish that defendant aided and abetted the delivery of cocaine. Defendant knew the informant wanted to buy drugs, and the informant completed a drug deal only after defendant assisted him in finding a dealer. Defendant was not merely present during the transaction but led the informant to a source of drugs.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ Hilda R. Gage