

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KELVIN CRUMPTON,

Defendant-Appellant.

UNPUBLISHED

November 28, 2000

No. 216363

Wayne Circuit Court

LC No. 98-003968

Before: Zahra, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Defendant was convicted, following a bench trial, of delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). He was sentenced as an habitual offender, fourth offense, MCL 769.12; MSA 28.1084, to two to twenty years' imprisonment. Defendant appeals as of right, and we affirm.

Police obtained \$20 from the Secret Service Fund and photocopied the bill. A police officer used the \$20 to purchase crack cocaine from a home. Defendant took the \$20 from the officer, closed the door, obtained crack cocaine, and gave it to the officer. Police raided the home and recovered the \$20 bill, photocopied the bill, then returned the bill to the fund. Between the time of the sale and the raid, police did not observe individuals exit the home. Defendant denied selling crack cocaine and alleged that he was upstairs with his "dj equipment." Defendant and another occupant of the home at the time of the raid testified that there were other individuals present in the home, including defendant's fraternal twin. Defendant also alleged that officers discussed the difficulty of locating the \$20 bill used in the sale.

Defendant first argues that the trial court erred in admitting the photocopy of the \$20 bill when the best evidence rule required production of the original. We disagree. The decision to admit evidence rests with the discretion of the trial court and will not be reversed on appeal absent an abuse of discretion. *People v Lukity*, 460 Mich 484, 488; 596 NW2d 607 (1999). The best evidence rule did not apply because the contents of the \$20 was not an issue in the case. *People v Alexander*, 112 Mich App 74, 76; 314 NW2d 801 (1981). Rather, admission of the photocopy was sought to further buttress the credibility of the officer's testimony regarding the sale and subsequent location of the bill within the home from which the sale occurred. Furthermore, the trial judge, when sitting as the trier of fact, is presumed to possess an understanding of the law and the circumstances underlying admission of evidence. *In re*

Forfeiture of \$19,250, 209 Mich App 20, 31; 530 NW2d 759 (1995). Accordingly, defendant's claim of error is without merit.

Defendant next argues that a new trial is required when the trial court failed to obtain an adequate waiver of the right to a jury trial. We disagree. The trial court complied with the requirements of MCR 6.402(B). See *People v Leonard*, 224 Mich App 569, 595-596; 569 NW2d 663 (1997); *People v James (After Remand)*, 192 Mich App 568, 570-571; 481 NW2d 715 (1992).

Defendant next argues that the trial court abused its discretion by allowing the prosecutor to waive closing argument and reserve rebuttal. This issue was not raised and addressed before the trial court and is not preserved for appellate review. *People v Grant*, 445 Mich 535, 546; 520 NW2d 123 (1994).

Affirmed.

/s/ Brian K. Zarah

/s/ Harold Hood

/s/ Gary R. McDonald