

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TONY GEORGE LUCIO, II,

Defendant-Appellant.

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UNPUBLISHED  
December 1, 2000

No. 217297  
Monroe Circuit Court  
LC No. 98-029143-FH

Before: Cavanagh, P.J., and Talbot and Meter, JJ.

PER CURIAM.

Defendant appeals by right from his convictions by a jury of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(iv); MSA 14.15(7403)(2)(a)(iv), and maintaining a drug house, MCL 333.7405(d); MSA 14.15(7405)(d). We affirm.

Defendant argues that the prosecution presented insufficient evidence to support his convictions. We disagree. Indeed, viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found that the essential elements of the charged crimes were proven beyond a reasonable doubt. See *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992), and *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999).

With respect to the possession conviction, the evidence indicated that cocaine was found among other personal items belonging to defendant and that defendant admitted to a police officer that the cocaine was his. This evidence sufficiently supported the conviction. Although the defense offered an alternative explanation at trial for the presence of the cocaine on a shelf of defendant's dresser, it was up to the jury to evaluate and resolve any credibility disputes. *Wolfe*, *supra*, 514-515.

With respect to the conviction for maintaining a drug house, the evidence, viewed most favorably to the prosecution, was sufficient for a rational trier of fact to find beyond a reasonable doubt that defendant knowingly kept or maintained a dwelling that was used for keeping controlled substances. *Id.* at 515; MCL 333.7405(d); MSA 14.15(7405)(d). Indeed, the presence of drugs and drug packaging materials in defendant's home indicated that the home was used for keeping drugs at some point prior to their sale. Moreover, defendant's knowledge that the home was being used for keeping drugs could be inferred from the presence of cocaine in his room, his

admission that the cocaine belonged to him, his statement to police that his housemate kept a scale in the house, his statement to police that he occasionally sold cocaine, and the presence of drug packaging materials in the kitchen area and storage shed. Again, to the extent that any of this evidence was contradicted by other evidence, it was up to the jury to resolve the disputes. *Wolfe, supra* at 514-515. No error occurred.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Michael J. Talbot

/s/ Patrick M. Meter