

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES REAVES,

Defendant-Appellant.

UNPUBLISHED

January 16, 2001

No. 218595

Wayne Circuit Court

LC No. 98-009701

Before: Markey, P.J., and Whitbeck and J. L. Martlew*, JJ.

PER CURIAM.

Following a bench trial, the trial court convicted defendant Charles Reaves of possession with intent to deliver less than 50 grams of cocaine¹ and sentenced him as a fourth-offense habitual offender to serve 1½ to 20 years in prison. Reaves appeals as of right, contending that there was insufficient evidence to support his conviction. We affirm.

I. Basic Facts And Procedural History

At trial, there was testimony that Detroit Police Officer Jonathan Parnell was conducting narcotic surveillance at a Detroit intersection during the afternoon of August 31, 1998. Using binoculars, Officer Parnell observed Reaves flagging down cars in the intersection. An Oldsmobile stopped, Reaves approached the driver's side of the vehicle, and he had a brief conversation with the driver, who gave him an unknown amount of paper currency. Reaves then walked to a black Dodge vehicle that was parked nearby, reached inside, and retrieved a yellow coin envelope from the center console. Reaves opened the envelope and poured a tiny white item into his hand. He then returned to the Oldsmobile and placed his hand into the hand of the driver, who then drove away.

According to the trial testimony, Reaves then walked over and conversed with another man, later identified as codefendant Donald Jones. Officer Parnell had observed Jones engage in similar transactions with vehicles passing through the intersection, although Jones retrieved items from a nearby fence.

¹ MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv).

* Circuit judge, sitting on the Court of Appeals by assignment.

According to the trial testimony, after observing Reaves' transaction involving the Oldsmobile, Officer Parnell called in the arrest team. Before the arrest team arrived, Reaves engaged in a similar transaction with a pedestrian, but this time retrieved an item from the fence area. Reaves and Jones were then arrested. Members of the arrest team searched the fence location and seized a brown vial containing substances they suspected were rock cocaine and heroin. They also searched the black Dodge and seized from the center console a yellow envelope containing three rocks of cocaine and two Tylenol-4 pills. The police searched Reaves and seized \$228.

At the close of testimony, the trial court found Reaves guilty of possession with intent to deliver cocaine. Finding the prosecution witnesses to be credible, the trial court stated that, even if the defense was correct in arguing that Officer Parnell could not have seen through the Dodge's door to know what was in the console, a reasonable inference could be drawn that the console did in fact hold narcotics.

II. Sufficiency Of The Evidence

A. Legal Standard

In reviewing the sufficiency of the evidence, this Court must view the evidence in the light most favorable to the prosecutor and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt.² This Court's review is deferential, drawing all reasonable inferences and making credibility choices in support of the trier of fact's verdict.³

B. The Trial Court's Evidentiary Conclusions

Here, the trial court, sitting as trier of fact, reasonably inferred from the surveillance officer's testimony – which the trial court found to be credible – that Reaves actually or constructively possessed a controlled substance with the intent to deliver.⁴ Contrary to Reaves' argument, we conclude that the fact that the officer could not see into the black Dodge does not negate the reasonable inference, drawn from the totality of Reaves' conduct, that he was engaged in drug trafficking.

Affirmed.

/s/ Jane E. Markey
/s/ William C. Whitbeck
/s/ Jeffrey L. Martlew

² *People v Nowak*, 462 Mich 392, 399-400; 614 NW2d 78 (2000).

³ *Id.* at 400; *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992).

⁴ *People v Konrad*, 449 Mich 263, 271; 536 NW2d 517 (1995).