

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH KAPRIEST JONES,

Defendant-Appellant.

UNPUBLISHED

February 27, 2001

No. 219365

Oakland Circuit Court

LC No. 99-164279-FH

Before: Meter, P.J., and Neff and O’Connell, JJ.

PER CURIAM.

Defendant appeals as of right from a jury conviction of possession of less than twenty-five grams of cocaine, MCL 333.7403(1), (2)(v); MSA 14.15(7402)(1), (2)(v), for which he was sentenced as an habitual offender, fourth offense, MCL 76.12; MSA 28.1084, to two and a half to fifteen years in prison. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant’s sole issue on appeal is whether the evidence was sufficient to prove that he was in possession of the cocaine. In reviewing the sufficiency of the evidence in a criminal case, this Court must review the record de novo and, viewing the evidence in the light most favorable to the prosecution, determine whether a rational trier of fact could find that the essential elements of the crime were proved beyond a reasonable doubt. *People v Hoffman*, 225 Mich App 103, 111; 570 NW2d 146 (1997); *People v Hammons*, 210 Mich App 554, 556; 534 NW2d 183 (1995). Circumstantial evidence and reasonable inferences drawn therefrom may be sufficient to prove the elements of the crime. *People v Gould*, 225 Mich App 79, 86; 570 NW2d 140 (1997). All conflicts in the evidence are to be resolved in favor of the prosecution. *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

The prosecutor was required to prove beyond a reasonable doubt that defendant knowingly possessed the cocaine. *People v Crawford*, 458 Mich 376, 389; 582 NW2d 785 (1998). “Possession is a term that ‘signifies dominion or right of control over the drug with knowledge of its presence and character.’” *People v Nunez*, 242 Mich App 610, 615; ___ NW2d ___ (2000), quoting *People v Maliskey*, 77 Mich App 444, 453; 258 NW2d 512 (1977). The defendant need not own or have actual physical possession of the substance to be found guilty of possession; constructive possession is sufficient. *People v Wolfe*, 440 Mich 508, 519-520; 489

NW2d 748 (1992), amended 441 Mich 1201 (1992). Constructive possession, which may be sole or joint, is the right to exercise control over the drug, coupled with knowledge of its presence. *Id.* at 520. Possession may be proved by circumstantial evidence and any reasonable inferences drawn therefrom. *Nunez, supra*. The defendant's mere presence at a place "where drugs are found is insufficient to prove constructive possession. Instead, some additional connection between the defendant and the contraband must be shown." *People v Echavarria*, 233 Mich App 356, 370; 592 NW2d 737 (1999).

The drugs were found in a car. Although defendant did not own the vehicle, he obviously had temporary possession of it, given that he was driving the car and some of his personal effects were found in the trunk. The drugs were located inside the handhold of the driver's side door beside defendant and away from anybody else. The package was in plain view and immediately obvious upon casual inspection, and the contents appeared to be, and were later confirmed as, crack cocaine. Although other adults were in the car, none were seen to move toward or place anything in the driver's side door after the car was stopped and defendant got out. Such evidence was sufficient to enable a rational trier of fact to conclude that defendant was in constructive possession of the cocaine.

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell