

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MICHAEL JOSEPH HAMPTON,

Defendant-Appellant.

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UNPUBLISHED  
February 26, 2002

No. 227978  
Oakland Circuit Court  
LC No. 99-169845-FH

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Defendant appeals by right from jury convictions of possession of marijuana with intent to deliver, MCL 333.7401(2)(d)(iii), and possession of a firearm during the commission of a felony, MCL 750.227b, for which he was sentenced to prison terms of six months to four years and two years, respectively. We affirm.

Defendant's sole claim on appeal is that the evidence was insufficient to sustain his felony-firearm conviction. In reviewing the sufficiency of the evidence in a criminal case, this Court must review the record de novo and, viewing the evidence in a 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 elements of felony-firearm are that the defendant possessed a firearm during the commission or attempted commission of any felony other than those four enumerated in the statute. MCL 750.227b(1); *People v Mitchell*, 456 Mich 693, 698; 575 NW2d 283 (1998); *People v Avant*, 235 Mich App 499, 505; 597 NW2d 864 (1999). Possession of a weapon may be actual or constructive and may be proved by circumstantial evidence. *People v Hill*, 433 Mich 464, 469-470; 446 NW2d 140 (1989). A defendant has constructive possession of a firearm if the location of the weapon is known and it is reasonably accessible to the defendant. *Id.* at 470-471.

The evidence showed that defendant was in possession of marijuana and the circumstances were such that one could reasonably infer an intent to deliver. At the same time, he had constructive possession of three shotguns. The guns were in the hall just outside the living room, making them accessible to him at the time he possessed the marijuana. Thus, the evidence was sufficient to permit a rational trier of fact to conclude beyond a reasonable doubt that defendant had committed felony-firearm. *People v Burgenmeyer*, 461 Mich 431, 440; 606 NW2d 645 (2000); *People v Williams (After Remand)*, 198 Mich App 537, 541; 499 NW2d 404 (1993). The fact that defendant was handcuffed and unable to gain access to the weapons after the police entered was irrelevant. *Burgenmeyer, supra* at 438-439.

Affirmed.

/s/ Michael R. Smolenski

/s/ Martin M. Doctoroff

/s/ Donald S. Owens