

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CORNELIUS HICKMAN,

Defendant-Appellant.

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UNPUBLISHED

March 1, 2002

No. 228725

Wayne Circuit Court

LC No. 00-000555

Before: Bandstra, P.J., and Murphy and Murray, JJ.

PER CURIAM.

Defendant appeals as of right from a nonjury conviction of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), for which he was sentenced to two years' probation with the first ninety days in jail. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the evidence was insufficient to prove his guilt beyond a reasonable doubt. In reviewing a nonjury criminal case, this Court "is required to review the entire record to determine whether the trial judge clearly erred." *People v Rush*, 48 Mich App 478, 482; 210 NW2d 467 (1973). This Court must review the record to determine whether there was sufficient evidence to warrant a verdict of guilty beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 269-270; 380 NW2d 11 (1985). The trial court's factual findings are reviewed for clear error. MCR 2.613(C). A finding of fact is considered "clearly erroneous if, after a review of the entire record, the appellate court is left with a definite and firm conviction that a mistake has been made." *People v Gistover*, 189 Mich App 44, 46; 472 NW2d 27 (1991). "An appellate court will defer to the trial court's resolution of factual issues, especially where it involves the credibility of witnesses." *People v Cartwright*, 454 Mich 550, 555; 563 NW2d 208 (1997).

"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; 619 NW2d 550 (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* at 615-616. 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)(citation omitted).

We find that the evidence showed several connections between defendant and the cocaine sufficient to permit an inference of possession. A receipt with defendant's name and the address of the house established that defendant was connected to the house in which the cocaine was found. *Id.* Defendant was found inside the house where he and his brother were seated at a table on which cocaine and marijuana were laying out in plain view. Close proximity to contraband in plain view is evidence of possession. See, e.g., *People v Head*, 211 Mich App 205, 210; 535 NW2d 563 (1995); *People v Williams*, 188 Mich App 54, 57-58; 469 NW2d 4 (1991); *People v Iaconis*, 29 Mich App 443, 459; 185 NW2d 609 (1971). In addition to the cocaine and marijuana on the table, defendant had packets of marijuana in his pocket. Moreover, defendant attempted to flee the scene, which was evidence of consciousness of guilt. *People v Compeau*, 244 Mich App 595, 598; 625 NW2d 120 (2001). Given all the facts and circumstances, the evidence was sufficient to support a finding of possession beyond a reasonable doubt.

Affirmed.

/s/ Richard A. Bandstra  
/s/ William B. Murphy  
/s/ Christopher M. Murray