

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES WILLIAM MCGUIRE, JR.,

Defendant-Appellant.

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UNPUBLISHED

October 22, 2002

No. 232183

Jackson Circuit Court

LC No. 00-003401-FH

Before: Talbot, P.J., and Whitbeck, C.J., and Gage, J.

PER CURIAM.

Defendant appeals as of right his convictions, following a jury trial, of one count of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), and one count of possession of marijuana, MCL 333.7403(2)(d).<sup>1</sup> The trial court sentenced defendant to concurrent terms of eighteen months to six years for the cocaine conviction and six months to one year for the marijuana conviction. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Officers stopped defendant's vehicle as he pulled into the driveway of a house. After one of the officers ordered defendant out of the vehicle and attempted to conduct a pat down, defendant fled on foot. According to the officers, as defendant ran, they observed him take off his jacket and throw it to the ground. The cocaine and marijuana were found in the jacket.

Defendant's sole issue on appeal is that the prosecution presented insufficient evidence to convict him. In reviewing the sufficiency of the evidence, we view the evidence in the light most favorable to the prosecutor to determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). Questions of credibility are left to the trier of fact to resolve. *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999). It is for the trier of fact, not this Court, to determine what inferences can be fairly drawn from the evidence and determine the weight accorded to those inferences. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002).

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<sup>1</sup> The jury acquitted defendant of the resisting and obstructing a police officer charge.

Defendant essentially asks this Court to second-guess the jury's credibility determination in this case. At trial, both officers testified defendant was wearing a leather jacket. Both officers testified that as defendant ran, he took off his jacket and threw it to the ground. The cocaine and marijuana were found in the jacket. Defendant and his girlfriend, however, both testified defendant was wearing a lined flannel jacket, not a leather jacket. Although the testimony was conflicting, and even the officers' testimony conflicted in some regards, it was for the jury to weigh this testimony. It is clear the jury believed the officers' testimony that defendant had been wearing the leather jacket in which the cocaine and marijuana were found. We will not disturb the jury's credibility determination.

Affirmed.

/s/ Michael J. Talbot  
/s/ William C. Whitbeck  
/s/ Hilda R. Gage