

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM CLIFFORD LEAK,

Defendant-Appellant.

UNPUBLISHED

July 5, 1996

No. 178346

LC No. 94-001432

Before: Taylor, P.J., and Fitzgerald and P. D. Houk,* JJ.

MEMORANDUM.

Defendant appeals as of right from his conviction of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and his guilty plea to a charge of habitual offender, third offense, MCL 769.11; MSA 28.1083. We affirm.

Defendant challenges the sufficiency of the evidence presented against him. When reviewing the sufficiency of the evidence, this Court must view the evidence in a light most favorable to the prosecution and determine whether a rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Hunter*, 209 Mich App 280, 282; 530 NW2d 174 (1995). Circumstantial evidence and reasonable inferences arising from the evidence may constitute satisfactory proof of the elements of the offense. *People v Chandler*, 201 Mich App 611, 612; 506 NW2d 882 (1993).

The evidence established that defendant was handing out loose rocks of cocaine to individuals who paid a third party. Defendant hesitated to show his hands to the arresting police officer when he was approached, and the officer observed defendant making motions toward the floor of the vehicle. Upon arrest, defendant was found with a vial containing more than twenty loose rocks of cocaine, with more loose rocks spilled in and around his vehicle. Based on these circumstances, a rational trier of fact could infer that defendant possessed the cocaine with an intent to deliver it rather than for personal use. See *People v Potter*, 115 Mich App 125, 130; 320 NW2d 313 (1982), *People v Ray*, 191 Mich

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

App 706, 708; 479 NW2d 1 (1991), and *People v Metzler*, 193 Mich App 541, 548; 484 NW2d 695 (1992).

Affirmed.

/s/ Clifford W. Taylor

/s/ E. Thomas Fitzgerald

/s/ Peter D. Houk