

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

VINCENT TYRONE HARDMAN,

Defendant-Appellant.

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UNPUBLISHED  
September 6, 1996

No. 180639  
LC No. 94-787-FH

Before: M.J. Kelly,P.J., S.J. Markman and J.L. Martlew,JJ\*

PER CURIAM.

Defendant appeals by right from his jury conviction of intent to deliver a controlled substance, MCL 333.7401(2)(c); MSA 14.15(7401)(2)(c), which arose out of an incident where police found marijuana on defendant when arresting him on an outstanding disorderly conduct warrant. Defendant was sentenced to nine to forty-eight months. We affirm.

Defendant first argues that his silence was used against him in violation of his rights under the Fifth Amendment when police testified regarding his ambiguous response to whether he intended to sell the marijuana. Because defendant agreed to answer questions after being read his *Miranda* rights and his evasiveness with regard to certain question was all that was admitted, no constitutional violation occurred. *People v McReavy*, 436 Mich 197, 211-212; 462 NW2d 1 (1990);<sup>1</sup> *People v Cetlinski (After Remand)*, 435 Mich 742, 746; 460 NW2d 534 (1990).

Defendant next argues that the prosecutor presented insufficient evidence of an intent to deliver. The prosecutor presented evidence that defendant had four separate packages containing marijuana and was carrying a beeper and a large amount of cash. This evidence, combined with defendant's ambiguity regarding his intention to sell the drugs, was sufficient for a reasonable trier of fact to infer beyond a reasonable doubt that defendant intended to deliver the marijuana. *People v Wolfe*, 440 Mich 508, 515, 524; 489 NW2d 748 (1992).

Defendant also challenges the constitutionality of the search that discovered the marijuana. Because defendant was arrested under a valid disorderly conduct arrest warrant, the arresting officer

had a sufficient basis to believe that defendant had committed an offense and the officer had the authority to effect the arrest. *People v Haney*, 192 Mich App 207, 209-210; 480 NW2d 322 (1991). Therefore, the marijuana was found as part of a valid search incident to lawful arrest and the trial court's refusal to suppress the evidence was not clearly erroneous.

Finally, defendant argues that the trial court abused its discretion when it allowed testimony that the area in which the officers arrested defendant had a high crime rate with frequent drug related arrests. Although a defendant's presence in a high crime area does nothing alone to establish guilt, it may be a valid consideration in combination with other evidence. Cf. *People v Shabaz*, 424 Mich 42, 60-61; 378 NW2d 451 (1985). Further, the trial court's cautionary instruction limiting the jury's use of the evidence ensured that it would only be used for a proper purpose.

Affirmed.

/s/ Michael J. Kelly

/s/ Stephen J. Markman

/s/ Jeffrey L. Martlew

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<sup>1</sup> As in *McReavy* "This is a case of a defendant who did not respond to some questions while responding to others during the period to time in which the trial court found that the State had carried the heavy burden of proving that defendant had waived his rights" *McReavy Supra* P212.