

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM LEROY WETHERELL,

Defendant-Appellant.

UNPUBLISHED

October 1, 1996

No. 190690

LC No. 95-002399-FH

Before: J.H. Gillis, P.J., and G.S. Allen and J.B. Sullivan, JJ.*

MEMORANDUM:

Defendant tendered a conditional plea of guilty to delivery of marijuana, MCL 333.7401(2)(c); MSA 14.15(7401)(2)(c), and was sentenced to three years' probation, with one year to be served in the county jail. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E)(1)(b).

The trial court did not clearly err in finding that defendant did not prove by a preponderance of the evidence that he had been entrapped. *People v Juillet*, 439 Mich 34; 475 NW2d 786 (1991); *People v Jamieson*, 436 Mich 61; 461 NW2d 884 (1990); *People v James Williams*, 196 Mich App 656, 661; 493 NW2d 507 (1992). The narcotics team's use of an informant who had been friends with defendant for several years did not rise to the level of entrapment. Defendant's sympathy for the informant's financial difficulties which arose from defendant's previous "setting up" of the informant for arrest, thereby taking away the informant's criminal livelihood, does not satisfy the first prong of the entrapment defense, nor do the other arguments made by defendant. See *Juillet, supra*; *Williams, supra*. Further, defendant failed to prove that the police conduct was "so reprehensible that it cannot be tolerated regardless of its relationship to the crime." *People v Fabiano*, 192 Mich App 523, 531-532; 482 NW2d 467 (1992).

*Former Court of Appeals judges, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1996-3.

Affirmed.

/s/ John H. Gillis

/s/ Glenn S. Allen, Jr.

/s/ Joseph B. Sullivan