

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DWIGHT STEVEN JOHNSON,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 149268

LC No. 91-054987-FH

Before: Doctoroff, C. J. and Hood and Bandstra, JJ.

MEMORANDUM.

Defendant was convicted of delivery of cocaine less than fifty grams, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d). He was sentenced to a one-year term of incarceration for the delivery of cocaine conviction, and to time already served for the possession of marijuana conviction. He appeals as of right. We affirm.

On May 22, 1995, Cathleen Quist and Holly Botts, two undercover narcotics investigators in the vice unit of the Grand Rapids Police Department, drove around the Charles Avenue area undercover trying to purchase cocaine. Jimmy Smith came up to their car and Quist asked where she could find some cocaine. Smith told them he did not have any cocaine, but told them where they could get some. Smith took Quist and Botts over to Charles Avenue, where defendant and some others were. Smith talked to defendant for a few moments and then defendant walked up to the car. Botts handed defendant a \$20 bill in exchange for a rock of cocaine. Quist and Botts then drove away and radioed to backup officers who arrested Smith and defendant.

Defendant claims on appeal that there was insufficient evidence to support a conviction for delivery of cocaine less than fifty grams, specifically insufficient proof that he was the person who sold the cocaine. In determining whether the evidence was sufficient, we view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). We find that the evidence was sufficient.

Officers Quist and Botts both testified that defendant sold them cocaine. Backup officers arrested defendant moments after the transaction. One-half hour after the drug transaction, Quist and Botts were able to identify defendant as the individual who sold them cocaine. This testimony was sufficient for a trier of fact to find beyond a reasonable doubt that defendant delivered the cocaine at issue.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Harold Hood

/s/ Richard A. Bandstra