

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRYANT H. GRANTLING,

Defendant-Appellant.

UNPUBLISHED

January 28, 1997

No. 191240

Recorder's Court

LC No. 94-004611

Before: Doctoroff, P.J. and Hood and P. J. Sullivan,* JJ.

PER CURIAM.

Defendant was convicted following a bench trial of delivery of less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and sentenced to lifetime probation. He appeals as of right. We affirm.

At trial, two police officers testified that they observed defendant participate in a suspected narcotics transaction at an abandoned house in Detroit. The officers saw defendant hand a plastic baggy to another individual and then receive money from the individual. After witnessing the exchange, the officers detained and searched the individual and defendant. The officers seized a plastic baggy containing 0.29 grams of cocaine, as stipulated by the parties, from the individual. They also seized money from defendant. Defendant denied involvement in the transaction, claiming that he was near the house for an innocent purpose. Defendant presented a witness who supported his version of the events, and defendant also testified in his own behalf. The trial court stated that defendant's version was "highly incredible" and found him guilty of delivery.

Defendant first argues that the trial court's findings were insufficient as a matter of law. MCR 2.517(A)(1) requires the trial court to make separate findings of fact and conclusions of law in a bench trial. *People v Johnson*, 208 Mich App 137, 141; 526 NW2d 617 (1994). The findings are sufficient where it is apparent that the "court was aware of the factual issues and resolved them." *Id.* We find that the trial court sufficiently articulated its findings in rendering its verdict. Although the trial court may

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

not have specifically stated that it found the officers' testimony credible, the court did state that the "essence" of the case was the credibility dispute, and that defendant's explanation of the events leading up to his arrest was "highly incredible." Therefore, defendant's argument has no merit.

Next, defendant contends that his conviction was not supported by the evidence. When reviewing a claim of insufficient evidence following a bench trial, 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 prosecutor proved the essential elements of the crime beyond a reasonable doubt. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). MCL 333.7401(1); MSA 14.15(7401)(1) makes it a crime for a person to deliver a controlled substance. MCL 333.7105(1); MSA 14.15(7105)(1) defines delivery as the "actual, constructive or attempted transfer from one person to another of a controlled substance." *People v Bartlett*, 197 Mich App 15, 17-18; 494 NW2d 776 (1992). Although defendant denied participating in the transaction, the trial court found the eyewitness testimony of two police officers describing the exchange credible. When there is conflicting testimony, this Court gives deference to the trial court's resolution of the disputed facts. *People v Shields*, 200 Mich App 554, 558; 504 NW2d 711 (1993). The officers witnessed a suspected narcotics exchange between defendant and another individual and confiscated money from defendant and cocaine from the individual. Viewed in a light most favorable to the prosecution, the evidence was sufficient for a rational trier of fact to find defendant guilty of delivering less than fifty grams of cocaine beyond a reasonable doubt.

Finally, defendant argues that the trial court's findings relied on facts outside of the record because of a few cursory remarks made by the trial judge that the abandoned house was a drug house. We find that the trial court did not rely on these remarks in order to convict defendant, but instead clearly relied on the testimony of the police officers. In any event, we have already concluded that there was sufficient evidence for a rational trier of fact to find that defendant was guilty beyond a reasonable doubt. Therefore, defendant's argument must fail.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Harold Hood

/s/ Paul J. Sullivan