

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JULIANNA CESARO,

Defendant-Appellant.

UNPUBLISHED

February 4, 1997

No. 188294

Grand Traverse Circuit Court

LC No. 94-006577-FH

Before: Gribbs, P.J., and Holbrook, Jr., and J.L. Martlew,* JJ.

MEMORANDUM.

Defendant appeals as of right from her conviction by jury of one count of attempting to obtain the controlled substance codeine by fraud, MCL 750.92; MSA 28.287, and MCL 333.7407(1)(c); MSA 14.15(7407)(1)(c). We affirm.

Defendant argues that there was insufficient evidence to establish the element of intent, that is, to show that defendant knew the prescription was forged. We disagree. There was evidence that defendant told an investigating officer that she knew certain members of her family and a family friend had been passing fraudulent prescriptions, yet defendant claimed to be unaware that the prescription she attempted to pick up, ostensibly at the request of these same family members and friend, was forged. Defendant denied knowing the prescription was for codeine and claimed she believed the prescription was for birth control pills, but there was evidence that defendant asked for the drug by name when she arrived at the pharmacy and attempted to obtain the prescription. There was evidence that defendant gave various investigating officers conflicting statements when questioned by those officers. There was evidence that defendant, when confronted by the sheriff at the pharmacy, was “very nervous,” and that defendant stated in reference to a friend who had accompanied her to the store, “she has nothing to do with this.” We note that minimal circumstantial evidence is needed to establish an intent. *People v Bowers*, 136 Mich App 284, 287; 356 NW2d 618 (1984). See also *People v Wolfe*, 440 Mich 508,

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

515; 489 NW2d 748 (1992). We conclude that there was sufficient circumstantial evidence for the jury to find that this essential element was proven beyond a reasonable doubt. *Id.*

Affirmed.

/s/ Roman S. Gibbs

/s/ Donald E. Holbrook, Jr.

/s/ Jeffrey L. Martlew