

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KIMBELA MARIE JONES a/k/a KIMBERLY  
JONES,

Defendant-Appellant.

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UNPUBLISHED  
October 21, 1997

No. 188603  
Recorder's Court  
LC No. 91-004011-FH

Before: Corrigan, C.J., and Griffin and Hoekstra, JJ.

PER CURIAM.

Defendant appeals by right her bench trial convictions of possession with intent to deliver marijuana, formerly MCL 333.7401(2)(c); MSA 14.15(7401)(2)(c), and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). The trial court sentenced defendant to a two year term of imprisonment for felony firearm and a two year probationary term for her drug conviction, to commence upon her release from prison. We affirm.

Police officers arrested defendant during the execution of a search warrant at a home in Detroit. Defendant was standing in the doorway as the officers approached the house. Upon seeing them, defendant slammed the door shut and ran toward the back of the house. The officers forced the door open, and observed the fleeing defendant toss seven clear sandwich-sized bags of marijuana and a pistol on a shelf. The officers later found 167 similarly packaged bags of marijuana in a nearby hall closet. They arrested defendant at the scene.

Defendant argues that the prosecutor failed to present sufficient evidence to support a conviction of possession with intent to deliver marijuana. We disagree. In reviewing a claim of insufficient evidence, this Court views the evidence presented in a light most favorable to the prosecution to determine whether a rational trier of fact could find the essential elements of the offense proven beyond a reasonable doubt. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995). To support a conviction of possession with intent to deliver marijuana, the prosecutor must prove that the substance is marijuana, the defendant was not authorized to possess the substance, and the defendant

knowingly possessed the marijuana with the intent to deliver. See *People v Wolfe*, 440 Mich 508, 516-517; 489 NW2d 748, amended 441 Mich 1201; 489 NW2d 748 (1992).

Here, the prosecutor presented sufficient evidence to prove the elements of the offense. Defendant was present at the house during the raid. The police officers saw defendant throw the seven bags of marijuana and the handgun on the shelf. The marijuana was individually packaged for resale in clear plastic sandwich bags. This manner of packaging was similar to the packaging of the other marijuana found in the house. The police also discovered guns and a scale used to weigh narcotics during the execution of the search warrant. Clearly, a rational jury could find that defendant actually possessed the seven bags of marijuana. *People v Konrad*, 449 Mich 263, 271; 536 NW2d 517 (1995). The jury could also infer from the quantity and packaging of the drugs, as well as the circumstances surrounding the arrest, that defendant had the requisite intent to deliver. *Wolfe, supra* at 524.

Further, the prosecutor presented sufficient evidence to convict defendant of felony firearm because a rational jury could find that defendant possessed a firearm during the offense. *People v Davis*, 216 Mich App 47, 53; 549 NW2d 1 (1996).

Affirmed.

/s/ Maura D. Corrigan  
/s/ Richard Allen Griffin  
/s/ Joel P. Hoekstra