STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CURTIS EUGENE JOHNSON,

Defendant-Appellant.

UNPUBLISHED
July 22, 2003

No. 239671
Oakland Circuit Court
LC No. 01-177798-FH

Before: Zahra, P.J., and Talbot and Owens, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for manufacturing marijuana, MCL 333.7401(2)(d)(ii), and felony-firearm, MCL 750.227b. We affirm.

On appeal, defendant asserts that there was insufficient evidence to support his felony-firearm conviction, and that the conviction was against the great weight of the evidence.

A challenge to the sufficiency of the evidence requires us to determine "whether the evidence, viewed in a light most favorable to the people, would warrant a reasonable juror in finding guilt beyond a reasonable doubt." *People v Nowack*, 462 Mich 392, 399; 614 NW2d 78 (2000). Circumstantial evidence, and reasonable inferences arising from it, may be sufficient to prove the elements of a crime. *People v Avant*, 235 Mich App 499, 505; 597 NW2d 864 (1999). We review a trial court's decision to grant or deny a new trial on great weight of the evidence grounds for an abuse of discretion. *People v Gadomski*, 232 Mich App 24, 28; 592 NW2d 75 (1998). The test is whether the evidence preponderates so heavily against the verdict that it would be a miscarriage of justice to allow the verdict to stand. *Id.*

Defendant asserts that the evidence did not support his felony-firearm conviction where he did not possess the shotguns while he committed the felony of manufacturing marijuana. A conviction requires evidence from which a jury could reasonably conclude that the defendant possessed both the drugs and the weapons at the same time. *People v Burgenmeyer*, 461 Mich 431, 440; 606 NW2d 645 (2000). Possession requires proximity and reasonable accessibility. *Id.* at 437-438. A defendant has constructive possession if the location of the weapon is known and it is reasonably accessible to the defendant. *Id.*

Here, the weapons were located in a closet that was readily accessible to defendant. The marijuana was also readily accessible. The weapons and at least some of the marijuana were

found in close proximity to each other. Thus, viewed in a light most favorable to the prosecution, there was sufficient evidence to support the felony-firearm conviction. *Nowack, supra* at 399. For the same reasons, the trial court did not abuse its discretion in finding the verdict was not against the great weight of the evidence. *Gadomski, supra* at 28.

Affirmed.

/s/ Brian K. Zahra
/s/ Michael J. Talbot
/s/ Donald S. Owens