

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARCUS ANTHONY ECCLES,

Defendant-Appellant.

UNPUBLISHED

April 15, 2003

No. 238436

Oakland Circuit Court

LC No. 2000-176045-FH

Before: Jansen, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Defendant appeals as of right his jury convictions for possession with intent to deliver between 50 and 225 grams of cocaine, MCL 333.7401(2)(a)(iii), felon in possession of a firearm, MCL 750.224f, and two counts of felony-firearm, MCL 750.227b. We affirm.

On appeal, defendant asserts that there was insufficient evidence that he possessed cocaine to support his conviction. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder 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, mod 441 Mich 1201 (1992). “The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict.” *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

A person need not have physical possession of a controlled substance to be found guilty of possessing it. *People v Fetterley*, 229 Mich App 511, 515; 583 NW2d 199 (1998). Possession may be actual or constructive, and may be joint as well as exclusive. *Id.* The essential question is whether the defendant had dominion and control over the controlled substance. *People v Konrad*, 449 Mich 263, 271; 536 NW2d 517 (1995).

There was sufficient evidence to allow a rational finder of fact to conclude that defendant possessed the cocaine. Drugs were found in defendant’s bedroom, where bills in defendant’s name were also found. In addition to the bag of drugs, police found a drug press, two scales, two bottles of a cutting agent, packaging supplies, and a substantial amount of cash. There was sufficient evidence to find beyond a reasonable doubt that defendant constructively possessed the cocaine. *Fetterley*, *supra* at 517.

Affirmed.

/s/ Kathleen Jansen
/s/ Kirsten Frank Kelly
/s/ Karen M. Fort Hood