

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ESHAWN KIELA LANGSTON,

Defendant-Appellant.

UNPUBLISHED

September 21, 2001

No. 223709

Otsego Circuit Court

LC No. 99-002384-FH

Before: Cavanagh, P.J. and Markey and Cooper, JJ.

MEMORANDUM.

Defendant was convicted by a jury of misdemeanor possession of marijuana, MCL 333.7403(1), (2)(d). He appeals as of right and we affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that insufficient evidence was presented to support his conviction. We disagree. In reviewing the sufficiency of the evidence, this Court must view the evidence in the light most favorable to the prosecutor and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Nowak*, 462 Mich 392, 399-400; 614 NW2d 78 (2000). This Court's review is deferential, drawing all reasonable inferences and making credibility choices in support of the trier of fact's verdict. *Id.* at 400; *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), mod 441 Mich 1201 (1992).

Here, the jury could have reasonably inferred from the testimony presented that defendant knew that the plastic box contained marijuana and that he had either actual or constructive possession of the marijuana. *People v Konrad*, 449 Mich 263, 271; 536 NW2d 517 (1995). “[P]ossession may be proved by circumstantial evidence and reasonable inferences drawn from this evidence.” *People v Nunez*, 242 Mich App 610, 615-616; 619 NW2d 550 (2000), quoting *People v Maliskey*, 77 Mich App 444, 453; 258 NW2d 512 (1977). We reject defendant's challenge to the credibility of witness Jeremiah Payton and to the lack of direct

evidence linking defendant with the house and the marijuana. Questions of witness credibility and weight of the evidence are for the jury to assess.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Jane E. Markey

/s/ Jessica R. Cooper