

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Annunziata and Senior Judge Hodges  
Argued at Norfolk, Virginia

CLIFTON RAY WOOTEN

v. Record No. 1059-95-1

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\*  
BY JUDGE JOSEPH E. BAKER  
APRIL 9, 1996

FROM THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS  
Robert P. Frank, Judge

Steven M. Oser (Oser, Twitty & Associates, on  
brief), for appellant.

Eugene Murphy, Assistant Attorney General  
(James S. Gilmore, III, Attorney General, on  
brief), for appellee.

Clifton Ray Wooten (appellant) appeals from his bench trial conviction by the Circuit Court of the City of Newport News (trial court) for possession of cocaine with the intent to distribute. The sole issue presented is whether the evidence is sufficient to sustain his conviction. Upon familiar principles, we view the evidence in the light most favorable to the Commonwealth, granting to it all reasonable inferences fairly deducible therefrom. Higginbotham v. Commonwealth, 216 Va. 349, 352, 218 S.E.2d 534, 537 (1975). Viewed accordingly, we find the evidence is sufficient to support appellant's conviction.

Appellant was arrested for driving without an operator's license. The arrest occurred in a high-drug-activity area.

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\*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

During a search of appellant incident to his arrest, police found 1.63 grams of rock cocaine in an orange medicine bottle located in appellant's pocket. The cocaine was divided into numerous small rocks and had a street value of approximately \$100 to \$140.

Police also recovered a pager and \$83 in United States currency from appellant. The money was folded separately and divided into groups as follows: (1) one ten dollar bill; (2) two five dollar bills; (3) two ten dollar bills and a one dollar bill; and (4) two five dollar bills, eleven one dollar bills and one twenty dollar bill.

Detective D. A. Graham (Graham), who qualified as an expert in drug distribution, testified that appellant's possession of the cocaine, coupled with the attendant circumstances, was inconsistent with personal use. Graham based his opinion upon his experience working as a narcotics detective, the location at which appellant was arrested, the appearance of the folded money, the packaging of the cocaine, the division of the cocaine into numerous rocks, the presence of the pager, and the fact that police did not find any paraphernalia used to smoke rock cocaine in appellant's possession.

From the totality of the evidence, the fact finder could infer beyond a reasonable doubt that appellant possessed cocaine with the intent to distribute. Accordingly, the judgment of the trial court is affirmed.

Affirmed.