IN THE COURT OF APPEALS
OF THE
STATE OF MISSISSIPPI
NO. 96-KA-00415 COA

CHRISTOPHER TANNER A/K/A CHRIS TANNER **APPELLANT**

v.

STATE OF MISSISSIPPI **APPELLEE**

PER CURIAM AFFIRMANCE MEMORANDUM OPINION

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

DATE OF JUDGMENT:	03/28/96
TRIAL JUDGE:	HON. BETTY W. SANDERS
COURT FROM WHICH APPEALED:	SUNFLOWER COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	CLEVE MCDOWELL
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: JEAN SMITH VAUGHAN
DISTRICT ATTORNEY:	FRANK CARLTON
NATURE OF THE CASE:	CRIMINAL - FELONY
TRIAL COURT DISPOSITION:	POSSESSION OF COCAINE: SENTENCED TO A TERM OF 3 YRS IN THE MDOC; DEFENDANT PAY A FINE OF $2,000
DISPOSITION:	AFFIRMED - 11/4/97
MOTION FOR REHEARING FILED:	
CERTIORARI FILED:	
MANDATE ISSUED:	11/25/97

BEFORE THOMAS, P.J., HINKEBEIN AND, HERRING, JJ.

PER CURIAM.

Christopher Tanner was convicted in the Circuit Court of Sunflower County of possession of cocaine and sentenced to serve a term of three years in the custody of the Mississippi Department of Corrections and ordered to pay a fine of $2,000. On appeal he argues that the jury verdict was against the weight of the evidence and contrary to law. We find no error and affirm.

Based on information from a confidential informant, officers from the Central Delta Drug Task Force obtained a search warrant for Tanner's house in Indianola. When the officers executed the warrant, they found Tanner at home in his underwear. There was a juvenile present in the house but he was not dressed for bed. The officers found a white rock or wafer substance wrapped in a paper towel in the bathroom next to the tub. The substance tested in the field and in the laboratory to be cocaine.

Tanner denied that the cocaine was his, but did admit that the house where the cocaine was found was his residence.

"Constructive possession may be shown by establishing that the drug involved was subject to [the defendant's] dominion and control." *Curry v. State*, 249 So. 2d 414, 416 (Miss. 1971). In *Hamburg v. State*, 248 So. 2d 430, 432 (Miss. 1971), the supreme court also stated that "one who is the owner in possession of the premises . . . is presumed to be in constructive possession of the articles found in or on the property possessed." Also, "[t]here is no presumption that contraband found in the apartment of another belongs to one who is visiting the apartment." *Canning v. State*, 226 So. 2d 747, 754 (Miss. 1969).

In reviewing the legal sufficiency of the evidence, our authority to disturb the jury's verdict is quite limited. *Clayton v. State*, 652 So. 2d 720, 724 (Miss. 1995). We consider the evidence in the light most consistent with the verdict. *Id.* The prosecution must be given the benefit of "all favorable inferences that may reasonably be drawn from the evidence." *Id.* We may not reverse unless one or more of the elements of the offense charged is such that reasonable and fairminded jurors could only find the accused not guilty. *McClain v. State*, 625 So. 2d 774, 778 (Miss. 1993). The trial court is required to view all of the evidence in the light most favorable to the verdict. *Strong v. State*, 600 So. 2d 199, 204 (Miss. 1992). As to matters upon which the evidence was in conflict, the court should assume that the jury resolved the conflict in a manner consistent with the verdict. *Gossett v. State*, 660 So. 2d 1285, 1294 (Miss. 1995). The court must grant a new trial if it reaches the conclusion, based upon a review of the evidence in this light, that to sustain the verdict would work a manifest injustice. *Burrell v. State*, 613 So. 2d 1186, 1191 (Miss. 1993).

In the present case, the jury had evidence from which it could find that Tanner was in dominion and control over the house and the cocaine found there. We find no merit to his argument and affirm the decision of the trial court.

THE JUDGMENT OF THE CIRCUIT COURT OF SUNFLOWER COUNTY OF CONVICTION OF POSSESSION OF COCAINE AND SENTENCE OF THREE YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS AND FINE OF $2,000 IS AFFIRMED. ALL COSTS OF APPEAL ARE TAXED TO SUNFLOWER COUNTY.

BRIDGES, C.J., McMILLIN AND THOMAS, P.JJ., COLEMAN, DIAZ, HERRING, HINKEBEIN, KING, PAYNE, AND SOUTHWICK, JJ., CONCUR.