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**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0817**

State of Minnesota,
Respondent,

vs.

Clinton Lee Strother,
Appellant.

**Filed April 28, 2014
Affirmed
Bjorkman, Judge**

St. Louis County District Court
File No. 69DU-CR-12-1154

Lori Swanson, Attorney General, Karen Andrews, Assistant Attorney General, St. Paul, Minnesota; and

Mark S. Rubin, St. Louis County Attorney, Duluth, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Michael W. Kunkel, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Hooten, Presiding Judge; Ross, Judge; and Bjorkman, Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges his controlled-substance conviction, arguing the testimony of a police informant was insufficient to support his conviction. We affirm.

FACTS

Appellant Clinton Lee Strother's conviction is based on the third of four controlled-drug transactions involving C.C., a police informant.¹ The sales occurred between January 12, 2012, and February 20, 2012, in Superior, Wisconsin and Duluth. In the first three transactions, C.C. was searched, fitted with a recording device, and given pre-recorded buy money before the sale; officers monitored the transaction using audio and video recording devices; and C.C. was searched after the sale and crack cocaine was recovered. The fourth planned transaction did not occur because the seller's vehicle picked up C.C. before police could search her, attach the recording devices, and give her the pre-recorded money. Instead, officers stopped the vehicle before the sale occurred and arrested Strother.

In each instance, Officer Jeff Harriman of the Superior Police Department or Investigator Richard DeRosier of the Lake County Sheriff's Department set up the controlled sale through M.B., who picked up C.C. in a prearranged location. C.C. identified Strother as the driver and person who provided the crack cocaine on each occasion. C.C. did not know Strother by name, but she told officers and testified at trial that he is the person who was driving and gave her the crack cocaine during the subject transaction on February 1, 2012. She further testified "I know his face from seeing him on the streets," "[e]very time I met with [M.B.], it was always [M.B.] and [Strother]," and

¹ Strother did not object to evidence related to the other three controlled sales, and does not dispute that he was involved in them.

she was positive Strother was driving the car during each sale. The jury found Strother guilty of second-degree sale of a controlled substance. This appeal follows.

D E C I S I O N

Strother argues there is insufficient evidence to support his conviction because the only evidence that implicated him is the uncorroborated testimony of the police informant. When reviewing a sufficiency-of-the-evidence challenge, we carefully analyze the record to determine whether the jury could reasonably find the defendant guilty of the offense charged based on the facts in the record and the legitimate inferences that can be drawn from them. *State v. Buckingham*, 772 N.W.2d 64, 71 (Minn. 2009). We view the evidence in the light most favorable to the conviction, assuming that the jury believed the state's witnesses and disbelieved any evidence to the contrary. *State v. Chambers*, 589 N.W.2d 466, 477 (Minn. 1999). We will not disturb a verdict "if the jury, acting with due regard for the presumption of innocence and for the necessity of overcoming it by proof beyond a reasonable doubt, could reasonably conclude that [a] defendant was proven guilty of the offense charged." *Bernhardt v. State*, 684 N.W.2d 465, 476-77 (Minn. 2004) (alteration in original) (quotation omitted).

A jury verdict may be based on the testimony of a single credible witness, and a police informant's testimony does not need to be corroborated. *See State v. Bliss*, 457 N.W.2d 385, 390 (Minn. 1990); *State v. Hadgu*, 681 N.W.2d 30, 34-35 (Minn. App. 2004), *review denied* (Minn. Sept. 21, 2004). That an informant has a criminal conviction and may receive favorable treatment in exchange for her assistance does not

automatically discredit her testimony. *See State v. Poganski*, 257 N.W.2d 578, 581 (Minn. 1977).

Strother asserts that C.C.'s testimony was inherently unreliable and insufficient in the absence of adequate corroborating evidence. We are not persuaded. First, the record reveals that C.C. consistently identified Strother as the driver involved in the four controlled sales. Although she did not know his name, she had seen him before and was certain both in her statements to police and her trial testimony that he was the driver and person who supplied the cocaine during each controlled sale. Although C.C. was paid for assisting with the transactions and was interested in cooperating because of criminal charges she faced in Wisconsin, she was not paid to testify and the charges against her were resolved by the time she testified in this case. And her motive for working with the police was brought out in her direct- and cross-examination.

Second, other evidence corroborates C.C.'s testimony. M.B. arranged each controlled sale and was present in the vehicle when Strother was arrested. The audio recording from the first controlled sale captured Strother saying that he would not "dip into" the cocaine. And the recording from the second transaction captured C.C. giving Strother \$10 for gas and him responding, "So then there's \$120 for the drugs." Officer Harriman, who observed the occupants of the vehicle driving the first two controlled sales, identified Strother as the driver on both occasions. And Strother does not dispute driving the first two controlled sales.

In reaching its verdict, the jury weighed the evidence, including challenges to C.C.'s credibility and other evidence of Strother's participation in the subject drug sale.

When viewed in the light most favorable to the conviction, the evidence is sufficient to support Strother's conviction.

Affirmed.