

**COURT OF APPEALS  
DECISION  
DATED AND RELEASED**

**SEPTEMBER 10, 1996**

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

**No. 96-1007-CR**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

**STATE OF WISCONSIN,**

**Plaintiff-Respondent,**

**v.**

**RICHARD ALDRIDGE,**

**Defendant-Appellant.**

APPEAL from a judgment of the circuit court for Oneida County:  
ROBERT E. KINNEY, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Richard Aldridge appeals his convictions for conspiracy to possess with intent to deliver THC, possession with intent to deliver more than 2,500 grams of THC, and possession with intent to deliver more than 500 grams of THC, after a trial to the court. Aldridge does not deny the charges to the extent they involve marijuana. Instead, he argues that the State's failure to prove all of the marijuana contained THC invalidated his

conviction. He points out that the drug code proscribes THC, not marijuana per se. *See* § 161.41, STATS. We reject this argument and affirm his conviction.

At best, Aldridge has shown that some marijuana may sometimes lack THC. The trial revealed that marijuana seeds or a "seedling" marijuana plant, described as "a very, very small marijuana plant," might lack THC. Conversely, however, most marijuana does contain THC. At the same time, the trial showed that each of the charged transactions involved large quantities of marijuana. Aldridge dealt in large quantities of marijuana. These would almost certainly contain much THC bearing marijuana and very little THC free marijuana. Taken together, these facts circumstantially proved that Aldridge's marijuana contained THC. This circumstantial evidence left no reasonable doubt as to the marijuana's THC content. Circumstantial evidence will sustain a conviction. *State v. Johnson*, 184 Wis.2d 324, 346, 516 N.W.2d 463, 470 (Ct. App. 1994). No further THC proof was necessary.

*By the Court.*—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.