

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

AARON JACKSON,

Defendant-Appellee.

UNPUBLISHED

June 24, 1997

No. 187277

Recorder's Court

LC No. 95-4516

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

The Wayne County Prosecutor appeals by right a Recorder's Court order, granting defendant's motion to suppress the crucial evidence needed to pursue this prosecution for possession of cocaine.

The coin envelopes in question, containing what was later established to be cocaine, were in plain view when first observed by Officer McGee. Therefore, Officer McGee, in accordance with the Fourth Amendment, could seize such material if he had probable cause to believe that it contained contraband. *People v Champion*, 452 Mich 92, 102-103; 549 NW2d 849 (1996). The record, however, contains no testimony to establish that, on the basis of any combination of Officer McGee's experience and training, the facts observed suggested an inference of criminal activity. *People v LoCicero*, 453 Mich 496, 505; 556 NW2d 498 (1996). Since coin envelopes are not facially contraband, the absence of such articulation compels the conclusion that the seizure of the evidence violated the Fourth Amendment. *Id.*, 453 Mich at 507. Accordingly, the trial court properly granted defendant's motion to suppress the evidence.

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra

