

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KELVIN MAURICE McCRAY,

Defendant-Appellant.

UNPUBLISHED

July 8, 1997

No. 193157

Recorder's Court

LC No. 90-005620

Before: Cavanagh, P.J., and Doctoroff and D.A. Teeple*, JJ.

MEMORANDUM.

Following remand by this Court for evidentiary hearing concerning the issues of probable cause to arrest defendant and whether defendant's continued detention pursuant to a warrantless arrest without arraignment within 48 hours was used to extract a confession, *People v McCray*, 210 Mich App 9, 12; 533 NW2d 359 (1995), defendant appeals by right from the trial court's determination, on remand, that probable cause to arrest existed and that defendant's confession was voluntary and not the product of delay used to coerce a confession. This case is being decided without oral argument pursuant to MCR 7.214(E).

At the evidentiary hearing, the officer who orchestrated defendant's arrest testified that, after investigating the shooting death of Timothy Chaney, he had arrested Jeffrey Cannon. Cannon agreed to cooperate with the police, and informed the officer that the shooting had been perpetrated by "Head", who drove a dark green Acura automobile with star wheel covers and a radio antenna. Cannon then led the officer to each of three residence addresses associated with "Head," and provided a description of "Head." Some of this information dovetailed with that supplied by other witnesses. Eventually, a team of police officers approached one of these residences at which the described vehicle was observed, and as they did so defendant emerged from the rear door of the premises and was taken into custody. Defendant matched the description of "Head" and was later identified at trial by Jeffrey Cannon as being "Head." This information constituted ample probable cause to arrest defendant, *Beck v Ohio*, 379 US 89; 85 S Ct 223; 13 L Ed 2d 142 (1964). Defendant's contention that Jeffrey Cannon's credibility was not established, based on *People v Casey*, 102 Mich App 595, 602 (1980),

* Circuit judge, sitting on the Court of Appeals by assignment.

aff'd 411 Mich 179; 305 NW2d 247 (1981), is misplaced, as *Casey* involved an unnamed informant whom the arresting officer had never even met. Where, as here, the source providing the information constituting probable cause is known to the arresting officer and is shown to have had personal knowledge of the facts -- here, Cannon was present when Chaney was murdered -- no showing of reliability is required. *People v Powell*, 201 Mich App 516; 506 NW2d 894 (1993).

The trial court found that any delay in arraignment was, as the interrogating officer, Detective Stawiasz, testified, for the purpose of investigation, giving defendant the benefit of a police effort to verify his exculpatory claims, and not for the purpose of extracting a confession. Its further finding that, under the totality of the circumstances, defendant's confession was voluntary is not clearly erroneous. *People v Cipriano*, 431 Mich 315; 429 NW2d 781 (1988).

Affirmed.

/s/ Mark J. Cavanagh
/s/ Martin M. Doctoroff
/s/ Donald A. Teeple