

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONALD BERNARD JACKSON,

Defendant-Appellant.

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UNPUBLISHED

June 22, 1999

No. 206993

Muskegon Circuit Court

LC No. 97-140725 FH

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

PER CURIAM.

Defendant appeals of right his jury trial conviction for possession with intent to deliver more than 50 but less than 225 grams of cocaine, MCL 333.7401(2)(a)(iii); MSA 14.15(7401)(2)(a)(iii). The trial court sentenced defendant as a second-time habitual offender, MCL 769.10; MSA 28.1082, to a term of fifteen- to forty-years' imprisonment. We affirm.

Defendant's only claim on appeal is that police arrested him without probable cause and, consequently, the trial court should have suppressed the cocaine that the police seized in a search incident to his arrest. We disagree. A trial court's ruling on a motion to suppress evidence is entitled to deference, and this Court will not overturn it unless the ruling is clearly erroneous. *People v Faucett*, 442 Mich 153, 170; 499 NW2d 764 (1993).

"In reviewing a challenged finding of probable cause, an appellate court must determine whether the facts available to the arresting officer at the moment of arrest would justify a fair-minded person of average intelligence in believing that the suspected individual had committed the felony." *People v Kelly*, 231 Mich App 627, 631; 588 NW2d 480 (1998). The accumulation of facts available to the arresting officer must be judged by considering the totality of the circumstances. *Illinois v Gates*, 462 US 213, 238; 103 S Ct 2317; 76 L Ed 2d 527 (1983). If defendant's arrest was not based on probable cause, it would be constitutionally invalid and the quantity of crack cocaine found inside his pants' cuff would not have been properly admissible against him at trial. *People v Lyon*, 227 Mich App 599, 611-612; 577 NW2d 124 (1998).

Defendant would have us conclude that the arresting officer only possessed information sufficient to justify an investigative stop and that police should have released defendant before they discovered the cocaine. We disagree. After reviewing the testimony presented below, we find that the arresting officer had more than ample evidence to support the defendant's arrest. The officer knew that defendant had recently sold cocaine to a police informant and that defendant was connected to a group of people selling controlled substances out of a motel room. That, combined with an accurate description of defendant and a detailed description of defendant's car, including its make and vintage, gave the officer probable cause to believe this was the individual who committed the felony sale the night before. Considering all the information known to the arresting officer, we find that the trial court did not err when it determined that the officer had probable cause to arrest defendant. Further, the officer was not required to obtain an arrest warrant. MCL 764.15(1)(d), MSA 28.874(1)(d).

Affirmed.

/s/ Mark J. Cavanagh

/s/ Joel P. Hoekstra

/s/ Hilda R. Gage