

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JOSEPH L. GORDON,

Defendant-Appellee.

UNPUBLISHED

November 19, 1999

No. 217330

Wayne Circuit Court

LC No. 98-006837

Before: White, P.J., and Hood and Jansen, JJ.

WHITE, J. (concurring).

While this case presents a close call, I conclude that when read in a common sense and realistic manner, rather than an after-the-fact-hypertechnical manner, the affidavit is adequate to provide a substantial basis for concluding that probable cause was shown. While the affidavit might have been more detailed, fairly read it established the informant's credibility by reference to accurate information conveyed in the past, the informant's personal knowledge, i.e. that the information was conveyed directly from the seller to the informant, and that probable cause existed to conclude that drugs would be found at the premises at the time of the search, based on the informant's prior experience with the seller, the information conveyed to the informant by the seller, and the officer's observations.

/s/ Helene N. White