

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

LARRY JOHNSON and FELICIA MOLETTE,

Defendants-Appellees.

UNPUBLISHED

February 11, 2000

No. 215226

Wayne Circuit Court

LC No. 98-008071

Before: Hood, P.J., and Smolenski and Talbot, JJ.

MEMORANDUM.

The prosecutor appeals as of right from the circuit court's order suppressing the evidence against defendants and dismissing the charges against them. We reverse and remand.

The circuit court erred by suppressing the drug evidence and dismissing the charges against defendants. The passage of two days' time did not render the controlled buy evidence stale for the purposes of determining whether there was probable cause to search defendant Johnson's residence for crack cocaine. *People v Russo*, 439 Mich 584, 605-606; 487 NW2d 698 (1992); *People v Stumpf*, 196 Mich App 218, 226; 492 NW2d 795 (1992). Accordingly, the circuit court's order suppressing the evidence and dismissing the charges is reversed and the case remanded to the circuit court for trial.

Reversed and remanded. We do not retain jurisdiction.

/s/ Harold Hood

/s/ Michael R. Smolenski

/s/ Michael J. Talbot