

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

LAMONT W. NUNN,

Defendant-Appellee.

UNPUBLISHED

March 4, 2004

No. 244803

Washtenaw Circuit Court

LC No. 02-000462-FH

Before: Cooper, P.J., and O'Connell and Fort Hood, JJ.

COOPER, P.J. (*dissenting*).

I respectfully dissent from the majority opinion. The police only obtained the search warrant for defendant's room after executing a separate search warrant for the person of Claude Dennis. Notably, the statute governing the scope of search warrants, MCL 780.652, does not provide for the seizure of criminal suspects. *People v Johnson*, 431 Mich 683, 689; 431 NW2d 825 (1988). While police had an outstanding arrest warrant for Mr. Dennis, they blatantly and improperly used the search warrant as a pretext to enter defendant's room. The search warrant issued for defendant's premises listed the narcotics that the police observed while looking for Mr. Dennis as part of the facts establishing probable cause.

Accordingly, I would affirm the trial court's decision in this case to suppress the evidence.

/s/ Jessica R. Cooper