

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

CHAVEZ L. VINCENT,

Defendant-Appellee.

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UNPUBLISHED

February 16, 1999

No. 207384

Recorder's Court

LC No. 97-002874

Before: Gribbs, P.J., and Saad and P.H. Chamberlain\*, JJ.

MEMORANDUM.

The people appeal by right an order of the Recorder's Court dismissing a charge of possession of marijuana with intent to deliver, MCL 333.7401(2)(d)(iii); MSA 14.15(7401)(2)(d)(iii), after granting defendant's motion to suppress evidence seized at an apartment pursuant to a search warrant based upon information supplied by an unnamed informant. We reverse the suppression and dismissal ruling and remand for reinstatement of that charge.

The trial court incorrectly concluded that the circumstances of the informant's two controlled drug buys described in the search warrant affidavit were insufficient to show that the informant's information was reliable. The reliability of an unnamed informant's statements regarding the location of drugs may be corroborated by successful controlled buys under close police surveillance. *People v Head*, 211 Mich App 205; 535 NW2d 563 (1995); *People v Kort*, 162 Mich App 680; 413 NW2d 83 (1987); *People v Williams*, 139 Mich App 104; 360 NW2d 585 (1984); *People v Wares*, 129 Mich App 136; 341 NW2d 256 (1983); *People v Davis*, 72 Mich App 21; 248 NW2d 690 (1976).

The corroboration in this case is not insufficient simply because the affidavit does not clearly indicate whether the police officers actually observed the informant going to the apartment in question, but only that the informant was observed going through the common entrance door to the apartment building. See *Davis, supra* at 25. It was not necessary for the affidavit to eliminate all possible alternative sources of the drugs in order to establish probable cause to search the apartment.

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

*Kort, supra* at 688. See also *Wares, supra* at 141. Moreover, the current unwillingness of the informant to appear in court has no bearing upon whether the information reported in the search warrant affidavit was sufficient on its face to support the issuance of the search warrant. *Davis, supra* at 26.

Reversed and remanded for reinstatement of the charge of possession of marijuana with intent to deliver. We do not retain jurisdiction.

/s/ Roman S. Gibbs

/s/ Henry William Saad

/s/ Paul H. Chamberlain