

STATE OF MICHIGAN
COURT OF APPEALS

LARRY L. FAIRCHILD,

Plaintiff-Appellant,

v

BUENA VISTA CHARTER TOWNSHIP,
THOMAS LYNCH, III, JOHN PAROTT,
ROBERT PARRENT, DENNIS WILLIAMS and
JULIUS BOARDEN,

Defendants-Appellees.

and

STEVEN BENNETT,

Defendant.

Before: Fitzgerald, P.J., and Neff and White, JJ.

WHITE, J. (*concurring*)

I join in the lead opinion's conclusions that the circuit court did not err in conducting an evidentiary hearing, that the circuit court did not err in its determination that the search was valid under the plain view doctrine, and that such a finding is not inconsistent with or foreclosed by this Court's prior opinion, which concluded that the search was not authorized by the warrant.

/s/ Helene N. White

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Saginaw Circuit Court
LC No. 95-007000-CZ