

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BOOKER T. HUDSON, JR.,

Defendant-Appellant.

UNPUBLISHED

June 17, 2004

No. 246403

Wayne Circuit Court

LC No. 98-010141

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

Defendant was charged with possession of less than fifty grams of cocaine with intent to deliver, MCL 333.7401(2)(a)(iv), and possession of a firearm during the commission of a felony, MCL 750.227b. Following a bench trial, he was convicted of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), and sentenced to eighteen months' probation. Defendant appeals his conviction as of right and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's sole claim on appeal is that the evidence, which was seized during the execution of a search warrant, should have been suppressed because the police violated the knock and announce statute, MCL 780.656.

Although the trial court agreed with defendant's argument and initially dismissed the charges, this Court reversed and remanded, ruling that suppression was not an appropriate remedy as stated in *People v Vasquez (After Remand)*, 461 Mich 235; 602 NW2d 376 (1999), and *People v Stevens (After Remand)*, 460 Mich 626; 597 NW2d 53 (1999). *People v Hudson*, unpublished order of the Court of Appeals, entered May 1, 2001 (Docket No. 230594). Our Supreme Court denied leave to appeal. *People v Hudson*, 465 Mich 932; 639 NW2d 255 (2001). Because there has not been any change in the law or the relevant facts, this Court cannot, pursuant to the law of the case doctrine, decide the issue any differently on this appeal. *Grace v Grace*, 253 Mich App 357, 362-263; 655 NW2d 595 (2002). Moreover, regardless of the correctness of the decisions in *Vasquez* and *Stevens*, those decisions are binding on this Court. *People v Beasley*, 239 Mich App 548, 559; 609 NW2d 581 (2000).

Affirmed.

/s/ Janet T. Neff

/s/ Brian K. Zahra

/s/ Christopher M. Murray