

Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V WILLIAM DARRELLE SCOTT

Docket No. 328995

LC No. 2015-253139-FH

Deborah A. Servitto
Presiding Judge

Michael J. Talbot

Mark J. Cavanagh
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the Oakland Circuit Court's August 10, 2015 opinion and order granting defendant's motion to quash is REVERSED, and the counts charging him with possession with intent to deliver less than 50 grams of heroin and possession with intent to deliver less than 50 grams of cocaine are REINSTATED. The district court did not abuse its discretion by binding defendant over on all charges. The preliminary examination testimony indicated that while another person lived in the apartment, defendant knew of, had access to, and controlled the heroin and cocaine found in the apartment. Defendant had a key to the apartment, had been seen there before, and was heading for the apartment with a large amount of marijuana. The heroin and cocaine were found in a kitchen drawer in the apartment along with a scale containing cocaine and marijuana residue, packaging materials, and documents containing defendant's name and nickname. This evidence was sufficient to cause a person of ordinary prudence and caution to reasonably believe that defendant had constructive possession of the illegal drugs. MCL 766.13; *People v Plunkett*, 485 Mich 50; 780 NW2d 280 (2010); *People v Wolfe*, 440 Mich 508; 489 NW2d 748 (1992). Conflicting evidence does not negate a finding of probable cause since resolution of any factual issues is for the trier of fact at trial. *People v Goecke*, 457 Mich 442; 579 NW2d 868 (1998).

This order is to have immediate effect. MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

OCT 07 2015

Date

Chief Clerk