

Court of Appeals, State of Michigan

ORDER

People of MI v Jeffrey Louis Higgins

Docket No. 333003

LC No. 15-008811-FH

Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the January 22, 2016 order of the Wayne Circuit Court is REVERSED. Probable cause supported the search warrant's issuance where the confidential informant was credible (he had successfully assisted police on four prior occasions and his two "controlled buys" with defendant were successful), and his second "controlled buy" occurred within 48 hours of the warrant's issuance. *People v Head*, 211 Mich App 205, 209; 535 NW2d 563 (1995) (search warrant was not based on stale evidence where the most recent controlled buy occurred within 48 hours of the warrant's issuance and the informant was credible based on two successful controlled buys). Further, given identical reports from the informant and another, independent witness that both had purchased drugs from defendant at his barbershop in the past, probable cause of ongoing criminal activity at the barbershop existed in light of the totality of the circumstances. *People v Russo*, 439 Mich 584, 603; 487 NW2d 698 (1992). The affidavit adequately established the requisite probable cause. The trial court erred in ruling otherwise.

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

JUL 08 2016

Date


Chief Clerk