

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT VERMETT,

Defendant-Appellant.

UNPUBLISHED

October 4, 1996

No. 178035

LC No. 93-007658

Before: Marilyn Kelly, P.J., and MacKenzie and J.R. Ernst,* JJ.

PER CURIAM.

Defendant was convicted of first-degree murder, MCL 750.316; MSA 28.548, and possession of a firearm during the commission of a felony, MCL 750.227b; MSA 28.424(2). For those respective convictions, he was sentenced to mandatory life imprisonment and two years' consecutive imprisonment. He appeals as of right. We affirm.

The trial court did not clearly err in denying defendant's motion to suppress on the ground that his confession was the fruit of an illegal warrantless arrest. *People v Burrell*, 417 Mich 439, 448; 339 NW2d 403 (1983). At the time of defendant's arrest, a witness said that a man named "Fletcher" drove a yellow K-type car like the one used by the shooter in this case. The same witness gave a description of the driver of the car which fit defendant. Another person (not a witness to the crime) said that an unnamed source told him that a "Fletch" who lived on a particular street in Dearborn Heights was involved in the crime. The Dearborn Heights police knew of a "Fletch" who lived on that street and had the use of a yellow K-type car, and the Dearborn Heights police provided the Detroit police with defendant's name as the person using the alias "Fletch" at that address. When the police arrived at the address, defendant and the car were there. These facts were sufficient to create an honest belief in the mind of a reasonable and prudent man that the person arrested committed the felony. *People v Thomas*, 191 Mich App 576; 478 NW2d 712 (1991); *People v O'Neal*, 167 Mich App 274; 421 NW2d 662 (1988).

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

Next, it was appropriate for the trial court to find that defendant's arraignment was not unreasonably delayed in violation of MCL 764.13; MSA 28.871(1) and that his second statement was voluntary. A delay in arraignment is only one factor that should be considered in determining the voluntariness of a confession. *People v Cipriano*, 431 Mich 315, 335; 429 NW2d 781 (1988). Having reviewed the record, we conclude that the trial court did not clearly err in finding that defendant's statement was voluntary. The delay was not unreasonable given that more than one police agency was involved. In addition, defendant was advised of his constitutional rights on more than one occasion and waived them. *People v Haywood*, 209 Mich App 217, 225-226; 530 NW2d 497 (1995). Defendant's reliance on *County of Riverside v McLaughlin*, 500 US 44; 111 S Ct 1661; 114 L Ed 2d 49 (1991), is misplaced. That case did not hold that suppression of a confession is the appropriate remedy for an unreasonable delay. *Powell v Nevada*, 511 US 79; 114 S Ct 1280; 128 L Ed 2d 1, 7 (1994).

Affirmed.

/s/ Marilyn Kelly

/s/ Barbara B. MacKenzie

/s/ J. Richard Ernst