

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 183091

JAMES R. KAUFMAN,

Barry Circuit Court

LC No. 94-000128-FH

Defendant-Appellant.

Before: Hood, P.J., and Saad and T.S. Eveland,* JJ.

SAAD, J (dissenting).

I respectfully dissent.

Because *People v Talley*, 410 Mich 378, 382, 391 n 3; 301 NW2d 809 (1981), upon which the majority relies to hold that a hearing was required, is inapposite and because the uncontroverted facts clearly establish uncoerced consent to search the premises, the trial court properly refused to suppress the evidence and, accordingly, I would affirm the conviction.

/s/ Henry William Saad

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