

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN ex rel
JOHN D. O'HAIR, PROSECUTING ATTORNEY,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 190948
Wayne Circuit Court
LC No. 95-549244

ONE 1991 CADILLAC, \$447 U.S. CURRENCY,
ONE 1994 DODGE RAM VAN
and \$345 U.S. CURRENCY,

Defendants,

and

JAMES PRESTON GOWDER
and REUBEN LOUIS BERRY,

Defendant-Appellants.

Before: Cavanagh, P.J., and Reilly and White, JJ.

WHITE, J. (concurring in part and dissenting in part).

I concur in the conclusion that the warrant regarding the Holcomb address was valid. I do so on the basis that the officers' independent observations, including Harris' interaction with Vaughn and Gowder and eventual purchase of marijuana from Vaughn at the Traverse address, which was an express condition precedent to the execution of the warrant, provided sufficient corroboration of the informant's credibility.

I also agree that there was probable cause to arrest Gowder based on Gowder's participation in the sale of marijuana to Harris, and that the warrant regarding the Iowa address was valid.

Regarding the forfeitures, I agree that the money was properly subject to forfeiture and that the Cadillac was as well. I dissent, however, from the conclusion that the trial court erred in finding a substantial connection between the van and drug trafficking. The court concluded that the observations made upon surveillance of the Holcomb address on September 8 -- the arrival of the van and Berry's entry into the house, followed by the arrival of groups of persons who began to gather and mill about, behavior that is indicative of the arrival of narcotics to a location -- support an inference that the marijuana was transported to the Holcomb address in the van. I do not find this conclusion to be clearly erroneous, and would affirm

/s/ Helene N. White