

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RAJA DUNN,

Defendant-Appellant.

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UNPUBLISHED

January 24, 2003

No. 234907

Wayne Circuit Court

LC No. 00-009948

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

PER CURIAM.

Defendant appeals as of right his jury-trial conviction of possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant moved to suppress the cocaine evidence on the ground that the police seized the cocaine after entering his home without a warrant and searching the residence. At a suppression hearing two police officers testified that they were patrolling an apartment complex on bicycles when they observed defendant and a woman standing on a porch smoking marijuana. The officers identified themselves and approached the residence. Defendant dropped a clear plastic bag containing what appeared to be cocaine on the porch and ran inside the residence. The officers pursued defendant into the residence, searched him, found nothing, and arrested him. A search of the residence revealed only marijuana in an ashtray.

A neighbor testified that she was across the street from defendant's residence when she saw two police officers enter defendant's residence. She denied that defendant was standing on the porch when the police arrived. Defendant's girlfriend testified that she and defendant were inside the residence smoking marijuana when the police knocked on the door. When defendant answered the door the police rushed inside and threw defendant onto the floor. The police searched the residence and found a bag of marijuana on a table. She denied that she saw any other drugs.

Defendant's cousin testified that defendant was staying at her residence. She stated that when she went to the police station after defendant was arrested the police showed her narcotics that they said were found in the residence. Defendant testified that he was with his girlfriend in the residence when the police knocked on the door. He asserted that as he started to open the door the police rushed in and threw him to the floor. The police searched the residence and

found a bag of marijuana. Defendant denied that he was standing on the porch smoking marijuana when the police arrived.

The trial court denied defendant's motion to suppress the evidence. The court found that the testimony of the police officers was credible, and found as fact that defendant and his girlfriend were on the porch of the residence smoking marijuana, and that defendant dropped a bag of cocaine and ran into the residence when the police arrived. The court concluded that the police were entitled to seize the cocaine abandoned by defendant as he ran into the residence. The jury found defendant guilty of possession of less than twenty-five grams of cocaine.

We review a trial court's findings of fact on a motion to suppress for clear error, and review the ultimate decision de novo. *People v Darwich*, 226 Mich App 635, 637; 575 NW2d 44 (1997).

Both the United States and Michigan Constitutions guarantee the right against unreasonable searches and seizures. US Const, Am IV; Const 1963, art 1, § 11. The lawfulness of a search or seizure depends on its reasonableness. Generally, a search conducted without a warrant is unreasonable unless the police have probable cause and the circumstances establish an exception to the warrant requirement. A police officer may enter a dwelling without a warrant if he has probable cause to believe that a crime was recently committed on the premises, and probable cause to believe that the premises contain evidence of the crime or the perpetrator of the crime. The police must establish the existence of an actual emergency on the basis of specific and objective facts indicating that immediate action is necessary to: (1) prevent the imminent destruction of evidence; (2) protect police officers or others; or (3) prevent the escape of a suspect. *People v Snider*, 239 Mich App 393, 406-408; 608 NW2d 502 (2000).

Defendant argues that the trial court erred in denying his motion to suppress the cocaine seized at the time of his arrest. We disagree, conclude the trial court did not err in denying defendant's motion to suppress, and affirm defendant's conviction of possession of less than twenty-five grams of cocaine. At the suppression hearing the police officers testified that they observed defendant and a woman smoking marijuana on a porch, and as they approached the porch defendant dropped a clear bag containing what appeared to be cocaine and fled into the residence. The trial court was entitled to find this testimony more credible than that offered by the defense witnesses. The trial court's finding that defendant dropped the bag on the porch and fled into the residence was not clearly erroneous. MCR 2.613(C). The police did not require a warrant to seize the bag after defendant abandoned it. *People v Mamon*, 435 Mich 1, 6-7; 457 NW2d 623 (1990); *People v Zahn*, 234 Mich App 438, 448; 594 NW2d 120 (1999). Seeing defendant drop the bag gave the officers probable cause to believe that defendant recently committed the offense of possession of cocaine. The trial court did not err by denying defendant's motion to suppress the evidence.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Richard A. Bandstra  
/s/ Michael J. Talbot