

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARHON LONDON JONES,

Defendant-Appellant.

UNPUBLISHED

June 22, 2006

No. 261159

Wayne Circuit Court

LC No. 02-000181-01

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Following a jury trial, defendant was convicted of delivery of 50 or more but less than 225 grams of cocaine, contrary to former MCL 333.7401(2)(a)(iii). He was sentenced to a prison term of 51 months to 20 years. He appeals by right. We affirm.

Defendant argues that the trial court erred in denying his pretrial motion to suppress. His argument focuses on the adequacy of the trial court's findings of fact following an evidentiary hearing that concerned the circumstances of his arrest. According to police officers, defendant was observed engaging in apparent narcotics transactions in a hallway outside his apartment. A police raid crew arrested him in the outside hallway. Defendant's witness testified that the police officers entered defendant's apartment and then searched the apartment without announcing or identifying themselves as police officers. Defendant asserts that the trial court failed to properly assess the officers' credibility, failed to resolve certain discrepancies in their testimony, and that its factual findings were incomplete.

The prosecution correctly observes that the court rules do not require findings of fact with respect to pretrial motions. "Although it is always preferable for purposes of appellate review that a trial court explain its reasoning and state its findings of fact with respect to pretrial motions, the court is not required to do so by court rule." *People v Shields*, 200 Mich App 554, 558; 504 NW2d 711 (1993). See also MCR 2.517(4).

Assuming arguendo that findings of fact were necessary, findings and conclusions regarding contested matters are sufficient if brief, definite, and pertinent, without over-elaboration of detail or particularization of facts. *People v Lewis*, 168 Mich App 255, 268; 423 NW2d 637 (1988). If findings are inadequate, the appropriate remedy is to remand for additional findings. *People v Porter*, 169 Mich App 190, 193; 425 NW2d 514 (1988). However, a remand is not required where "it is manifest that the court was aware of the factual issue, that it resolved

the issue, and that further explication would not facilitate appellate review.” *People v Legg*, 197 Mich App 131, 134-135; 494 NW2d 797 (1992).

In this case, the trial court stated, “And I don’t find, as far as a credibility contest is concerned, that there’s anything about the testimony of those officers that’s not worthy of belief.” It is apparent from the trial court’s statements that the court was aware that the case presented a credibility contest, and that the court resolved the question of credibility in favor of the police officers’ account of the events. Further explication is not warranted.

We affirm.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter