

STATE OF MICHIGAN  
COURT OF APPEALS

---

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JAMES THOMAS WRIGHT, JR.,

Defendant-Appellee.

---

UNPUBLISHED

May 17, 2011

No. 297192

Wayne Circuit Court

LC No. 09-027497-FH

Before: CAVANAGH, P.J., and TALBOT and STEPHENS, JJ.

MEMORANDUM.

Defendant was charged with two counts of possession with intent to deliver 50 or more but less than 450 grams of cocaine, MCL 333.7401(2)(a)(iii), possession with intent to deliver ecstasy, MCL 333.7401(2)(b)(i), possession of ecstasy, MCL 333.7403(2)(b)(i), felon in possession of a firearm, MCL 750.224f, manufacture of marijuana, MCL 333.7401(2)(d)(iii), and possession of a firearm during the commission of a felony, MCL 750.227b. Plaintiff appeals as of right from the trial court's order dismissing the charges pursuant to the prosecutor's motion after the court granted defendant's motion to suppress the evidence. We dismiss this appeal as moot.

Defendant was charged with the drug and firearm offenses after the execution of a search warrant at defendant's home. Defendant moved to suppress the evidence on the ground that the supporting affidavit failed to establish probable cause for the search. See MCL 780.651(1). The trial court agreed that the affidavit failed to establish probable cause to issue a search warrant, and also found that the good-faith exception to the exclusionary rule did not apply, see *People v Goldston*, 470 Mich 523, 541; 682 NW2d 479 (2004). Accordingly, the court suppressed the evidence. The prosecutor then moved to dismiss the charges due to the lack of admissible evidence and the trial court dismissed the case without prejudice.

We agree with defendant that the prosecutor's own action in voluntarily dismissing the charges extinguished any existing controversy between the parties, thereby rendering an appeal moot. See *People v Richmond*, 486 Mich 29, 35-37; 782 NW2d 187 (2010), clarified 486 Mich 1041 (2010). This Court will not decide a moot issue unless it is deemed to be of public significance and is likely to recur while simultaneously likely to evade judicial review. *City of Warren v Detroit*, 261 Mich App 165, 166 n 1; 680 NW2d 57 (2004). The facts of this case, like

those in *Richmond*, do not meet this exception. *Richmond*, 486 Mich at 37. Accordingly, the mootness doctrine precludes review.

Dismissed as moot.

/s/ Mark J. Cavanagh

/s/ Michael J. Talbot

/s/ Cynthia Diane Stephens