

Court of Appeals, State of Michigan

ORDER

People of the Township of Northville v Adam Dillard

Docket No. 306179

LC No. 10-009855-01

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, the Court orders that the January 31, 2011, order of the Wayne County Circuit Court, which reversed the district court's denial of defendant's motion to suppress, is REVERSED. In denying defendant's motion, the district court found that the police officer properly stopped defendant's vehicle because defendant was weaving and driving on the lane marker, in violation of MCL 257.642(1)(a), and because the officer had a reasonable suspicion that the driver of the vehicle may be intoxicated. Neither finding by the district court was clearly erroneous, and each finding independently justified the stop of defendant's vehicle. See *People v Kazmierczak*, 461 Mich 411, 420 n 8; 605 NW2d 667 (2000) and *People v Hyde*, 285 Mich App 428, 436-437; 775 NW2d 833 (2009), citing *People v Christie (On Remand)*, 206 Mich App 304, 308-309; 520 NW2d 647 (1994). On appeal, the circuit court only addressed the civil infraction, and improperly ruled that the stop was not valid because defendant's vehicle "never left the lane." The district court ruling that the officer had probable cause to believe that defendant violated MCL 257.642(1)(a) was not erroneous. See *People v Davis*, 250 Mich App 357, 359-360, 363; 649 NW2d 94 (2002) (the weaving of the defendant's vehicle within the lane was a violation of MCL 257.642(1)(a)). Moreover, after listening to the officer's testimony that defendant's vehicle was weaving within the lane and touched the lane marker, which is confirmed by the videotape evidence, the district court properly determined that the officer had reasonable suspicion to believe the driver was intoxicated and to stop the vehicle to investigate. *Hyde, supra* and *Christie, supra* ("erratic driving, such as swerving within a lane and driving on the lane markers, can give rise to a reasonable suspicion of intoxication justifying an investigatory stop.") Therefore, the district court did not err in denying defendant's motion to suppress and the circuit court erred in reversing this ruling.

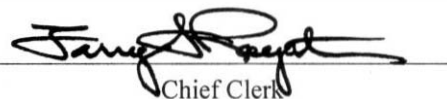
Because the circuit court did not vacate or reverse defendant's conditional guilty-plea conviction and sentence, it appears unnecessary to remand the matter to the district court for further proceedings. This Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 30 2012

Date


Chief Clerk