

# Court of Appeals, State of Michigan

## ORDER

People of MI v Sameer H Mersier

Docket No. 312167

LC No. 12-004676-AR

Christopher M. Murray  
Presiding Judge

Kurtis T. Wilder

Cynthia Diane Stephens  
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the August 14, 2012, order of the Wayne Circuit Court affirming the district court's order of dismissal hereby is REVERSED. The police officer testified that he observed defendant without a seatbelt while driving, a civil traffic infraction. A traffic violation and/or civil infraction witnessed by an officer presents sufficient cause to justify stopping a vehicle and temporarily detaining the driver. See *People v Kazmierczak*, 461 Mich 411, 420 n8; 605 NW2d 667 (2000). Although the district court indicated that the officer stopped defendant for "an unknown reason," the officer clearly testified that he stopped defendant for failing to wear a seatbelt. The officer also testified that defendant appeared nervous and jittery, and was slow to respond to the request for identification. The officer then reasonably inquired whether defendant possessed something that would be a threat to the officers' safety. When defendant nodded and stiffened his body, the officer conducted a patdown search. Officers are permitted to perform a limited patdown search for a weapon where the officer has a reasonable suspicion that the individual is armed and poses a safety risk. *People v Champion*, 452 Mich 92, 99; 549 NW2d 849 (1996). Accordingly, the district court erred in declining to bind over defendant on the charges. The case is REMANDED for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



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

MAY 07 2013

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line. Below the line, the words "Chief Clerk" are printed.

Chief Clerk