

Court of Appeals, State of Michigan

ORDER

People of MI v Kevin Hardy

Docket No. 319456

LC No. 13-003643-AR

Karen M. Fort Hood
Presiding Judge

Kurtis T. Wilder

Kirsten Frank Kelly
Judges

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the April 5, 2013 order dismissing the charge against defendant is REVERSED and this matter is REMANDED to the district court for further proceedings consistent with this order. The district court abused its discretion in declining to bind defendant over for trial. *People v Redden*, 290 Mich App 65, 83; 799 NW2d 184 (2010). Defendant, the passenger in the vehicle, did not have standing to contest the search of the vehicle. *People v Earl*, 297 Mich App 104, 108; 822 NW2d 271 (2012). Further, there is no evidence to suggest the stop was illegal. The officer's observation of defendant's movements in the car, together with the discovery of the gun under the seat on which he was sitting, constitutes sufficient evidence to support probable cause to believe that defendant committed the offense of carrying a concealed weapon. *Redden*, supra., *People v Nimeth*, 236 Mich App 616, 622; 601 NW2d 393 (1999); *People v Emery*, 150 Mich App 657, 667; 389 NW2d 472 (1986).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUN 03 2014

Date


Chief Clerk