

Court of Appeals, State of Michigan

ORDER

People of MI v Geoffrey Omar Respress

Docket No. 344572

LC No. 17-007692-01-AR

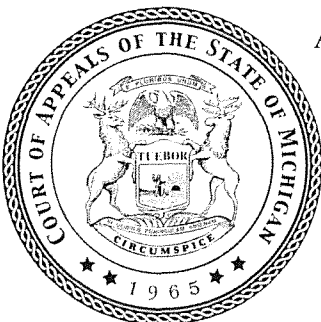
Christopher M. Murray
Presiding Judge

Michael J. Riordan

Anica Letica
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the circuit court's June 18, 2018 order affirming the district court's order dismissing the matter is REVERSED, and the matter is REMANDED to the district court for further proceedings. The district court concluded that the police officers illegally seized defendant and illegally searched his vehicle, thereby discovering a handgun that is essential to all of the criminal charges against defendant. The district court dismissed the charges because it suppressed the handgun. This was erroneous. The officers did not seize defendant until after the handgun was discovered. See *People v Jenkins*, 472 Mich 26, 32-33; 691 NW2d 759 (2005). And as defendant acknowledges, the handgun was lawfully obtained by police because it was in plain view, the officers were lawfully in a position to see the weapon when it was discovered, and the weapon was obviously incriminatory. *People v Galloway*, 259 Mich App 634, 639; 675 NW2d 883 (2003). The matter is remanded to the district court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2). We do not retain jurisdiction.



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

NOV 13 2018

Date

Chief Clerk