

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PETER N. LAMBERSON,

Defendant-Appellant.

UNPUBLISHED

May 16, 1997

No. 186474

Oakland Circuit Court

LC No. 94-132987 FH

Before: Corrigan, C.J., and Young and M.J. Talbot*, JJ.

MEMORANDUM.

Having been convicted in a bench trial of possession with intent to deliver marijuana, defendant appeals by right, contending the trial court erred in denying his motion to suppress the evidence on Fourth Amendment grounds.

The information supplied to Lieutenant North by a citizen informant, known to Lieutenant North from football coaching and not from criminal involvement, was attended with a presumption of reliability. *People v Powell*, 201 Mich App 516, 523; 506 NW2d 894 (1993). On that basis alone, reasonable cause to stop defendant's vehicle for investigatory purposes was established. *People v Whalen*, 390 Mich 672, 682; 213 NW2d 116 (1973). During the course of that investigation, the smell of freshly burned marijuana, which alone would not have established probable cause, *People v Hilber*, 403 Mich 312; 269 NW2d 159 (1978), when combined with the information from the citizen informant, reasonably established a basis for further investigation, which included ordering defendant to exit from his motor vehicle. At that point, the officer observed narcotic paraphernalia in plain view and had probable cause to arrest defendant for a misdemeanor. *People v Arterberry*, 431 Mich 381; 429 NW2d 574 (1988). The subsequent detailed search of defendant's vehicle was therefore incident to that arrest, and led to the discovery of the marijuana, scale, beeper, and other items forming the basis for the present prosecution, all of which come within the Fourth Amendment exception for warrantless searches incident to arrest. *People v Yeoman*, 218 Mich App 406, 412; 554 NW2d 577 (1996). The trial court accordingly correctly denied defendant's motion to suppress the evidence.

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Maura D. Corrigan
/s/ Robert P. Young, Jr.
/s/ Michael J. Talbot