

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

RICKY M. BELL,

Defendant-Appellee.

UNPUBLISHED

March 31, 1998

No. 198948

Oakland Circuit Court

LC No. 96-145101 FH

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

After a preliminary examination, defendant was bound over to circuit court on charges of carrying a pistol in an automobile, MCL 750.227; MSA 28.424, and possession of marijuana, MCL 333.7403(2)(d); MSA 14.15(7403)(2)(d). The circuit court granted defendant's motion to quash, based on defendant's argument that there was insufficient evidence to support the traffic stop of the vehicle in which defendant was riding. We reverse.

At the preliminary examination, defendant stipulated that the arresting officer was trained in the area of narcotics. The officer testified that he observed defendant as a passenger in an automobile smoking what appeared to be a marijuana cigarette. Defendant held the item between his thumb and forefinger, and took three drags on the cigarette. Each time defendant took a puff, he held in the smoke, then exhaled. The officer testified that he was relatively certain that defendant was smoking marijuana.

A police officer may make a valid investigatory stop if he or she possesses reasonable suspicion that a crime is afoot. *People v Champion*, 452 Mich 92, 98; 549 NW2d 849 (1996). Reasonable suspicion entails something more than a hunch, but less than the level required to establish probable cause. *Id.* A valid stop may be justified by an objective manifestation that the person stopped was engaged in criminal activity, as judged by those engaged in the field of law enforcement when viewed under the totality of the circumstances. *Id.*

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

The circuit court erred in granting the motion to quash. The officer, who was trained in narcotics, testified that he observed defendant smoking an item which appeared to be a marijuana cigarette. The officer reached this conclusion based on the manner in which defendant was smoking the cigarette. The officer had a particular and objective basis for his suspicion of criminal activity. *People v Shabaz*, 424 Mich 42; 378 NW2d 451 (1985).

We reverse.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka