

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,  
  
Plaintiff-Appellant,

UNPUBLISHED  
April 17, 2014

v

RYAN LAMAR KENDRICK,  
  
Defendant-Appellee.

No. 318802  
Jackson Circuit Court  
LC No. 13-004237-FH

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Before: OWENS, P.J., and MURRAY and RIORDAN, JJ.

PER CURIAM.

Plaintiff appeals by leave granted<sup>1</sup> the trial court's order granting defendant's motion to suppress evidence of marihuana found in defendant's home after a search conducted by the police. We reverse.

The following events led the Jackson County Prosecutor to charge defendant with manufacturing between 5 and 45 kilograms of marihuana, MCL 333.7401(2)(d)(iii), and maintaining a drug house, MCL 333.7405(d). Michigan State Police Trooper James Alfred King, Jr. was driving down M-60 on a cold night with three to four inches of snow present on the ground. He saw a vehicle pulled over on the side of the road with its emergency lights on, partially blocking a driveway. Suspecting that the vehicle may have broken down or hit a deer, King pulled up behind the vehicle and stopped to conduct a "motorist assist." He indicated that he wanted to make sure the driver was all right. He noticed that the vehicle was from Indiana and observed a purse in the vehicle. King followed footprints in the snow leading from the vehicle up to the back of defendant's house. As he got closer, King began to smell marihuana. He knocked on the back door multiple times, and defendant eventually opened the door. Defendant's behavior and demeanor, coupled with the very strong scent of marihuana, led King to draft a search warrant. Defendant moved to suppress the evidence found upon execution of the warrant, and the trial court granted the motion. Plaintiff appealed to this Court, arguing that the search was valid under the community-caretaking exception. We agree. We review "de novo the trial court's ultimate decision on a motion to suppress," and its factual findings for clear

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<sup>1</sup> *People v Kendrick*, unpublished order of the Court of Appeals, entered November 27, 2013 (Docket No. 318802).

error. *People v Roberts*, 292 Mich App 492, 502; 808 NW2d 290 (2011).

“Our state and federal constitutions guarantee the right against unreasonable searches and seizures.” *People v Lemons*, 299 Mich App 541, 545; 830 NW2d 794 (2013). Searches without a warrant are unreasonable “subject only to a few specifically established and well-delineated exceptions,” *Katz v United States*, 389 US 347, 357; 88 S Ct 507; 19 L Ed 2d 576 (1967), which includes the community-caretaking exception. “For the community-caretaking exception to apply, the actions of the police must be totally unrelated to the duties of the police to investigate crimes.” *People v Hill*, 299 Mich App 402, 405-406; 829 NW2d 908 (2013). For example, “[r]endering aid to persons in distress.” *Id.* To meet the community-caretaking standard, this Court observed,

The police must be primarily motivated by the perceived need to render assistance or aid and may not do more than is reasonably necessary to determine whether an individual is in need of aid and to provide that assistance. An entering officer is required to possess specific and articulable facts that lead him or her to the conclusion that a person inside a home is in immediate need of aid. “Proof of someone’s needing assistance need not be ‘ironclad,’ only ‘reasonable.’” [*Id.* at 406 (citations omitted).]

Further, this Court has explained that “not all conduct that falls within the police’s community caretaking functions can be judged equally” and as such, “courts must consider the reasons that officers are undertaking their community caretaking functions, as well as the level of intrusion the police make while performing these functions, when determining whether a particular intrusion to perform a community caretaking function is reasonable.” *People v Slaughter*, 489 Mich 302, 315-316; 803 NW2d 171 (2011).

The record reveals that King’s intent was motivated by the perceived need to render aid. While defendant offers speculation that it was not, nothing in the record supports this. Rather, the evidence shows that King observed a vehicle pulled over on the side of the road with its emergency lights on, partially blocking a driveway. Believing that the vehicle had broken down or hit a deer, King stopped to render aid. Although he did not observe any damage to the vehicle or blood, he did notice a purse on the front seat and saw footprints in the freshly-fallen snow leading from the vehicle to defendant’s residence. King merely followed the footprints that led to the back of the residence and knocked on the back door. There is no evidence that he deviated from the footprint trail or attempted to enter the house without permission, and he left his drug-sniffing dog in his vehicle. According to King, once defendant answered the door, the first question he posed was regarding the seemingly disabled vehicle. Accordingly, the record reveals that King had specific and articulable facts that could reasonably lead him to believe that a distressed motorist was in need of assistance and had gone to defendant’s residence looking for that assistance. Additionally, by merely following the footprints to the back door of the residence, King did no more than reasonably necessary to determine whether the motorist needed

assistance.<sup>2</sup>

Moreover, even if we were to conclude that the trooper's actions was not a community-caretaking function, the suppression of the evidence is not warranted because there is nothing in the record to suggest that the trooper acted in bad faith when he approached defendant's residence. See *Hill*, 299 Mich App at 411.

Reversed and remanded for further proceedings. We do not retain jurisdiction.

/s/ Donald S. Owens  
/s/ Christopher M. Murray  
/s/ Michael J. Riordan

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<sup>2</sup> Defendant argues that King's conclusion was not reasonable because MCL 257.698a establishes the fact that emergency lights are not probative of anything other than the presence of a vehicle that is hazardous to other drivers. However, MCL 257.698a states a permissive use for emergency lights and has no bearing on how individuals can reasonably view the use of emergency lights on vehicles.