

# Court of Appeals, State of Michigan

## ORDER

People of MI v Terence Anthony Slack

Docket No. 285425

LC No. 07-023473-01

Michael J. Talbot  
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the April 4, 2008, order of the Wayne County Circuit Court, which granted defendant's motion to suppress his statement to the officer who stopped his vehicle, is REVERSED. It appears that the two bases for the stop were the officer's suspicion that defendant may have been the perpetrator of the unarmed robbery since his vehicle matched the description transmitted over the patrol radio and defendant's erratic driving causing a suspicion that defendant was intoxicated. Therefore, not only could the officer properly ask questions related to whether defendant was drinking, but he could also properly ask a general question as to whether defendant was at the Ram's Horn restaurant earlier to confirm or dispel his suspicions. See *People v Rizzo*, 243 Mich App 151, 156; 622 NW2d 319 (2000) and *People v Chinn*, 141 Mich App 92, 96-97; 366 NW2d 83 (1985). Because the officer was under no obligation to advise defendant of his *Miranda* rights before conducting his brief *Terry* investigation on both suspicions, the trial court erred in suppressing the statement. See *Miranda v Arizona*, 384 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966) and *Terry v Ohio*, 392 US 1; 88 S Ct 1868; 20 L Ed 2d 889 (1968). Accordingly, the matter is REMANDED to the trial court for further proceedings in accordance with this order.

Pursuant to MCR 7.215(F)(2), this Court further directs that this order shall take immediate effect. The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**MAY 28 2008**

Date

*Sandra Schultz Mengel*  
Chief Clerk