

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

STEVEN RAY RICKERT,

Defendant-Appellant.

UNPUBLISHED

March 18, 2003

No. 236170

Ottawa Circuit Court

LC No. 01-024682-FH

Before: O’Connell, P.J., and Fitzgerald and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for manufacture of marijuana, MCL 333.7401(2)(d)(iii). We affirm. This case is being submitted without oral argument pursuant to MCR 7.214(E).

Defendant asserts that the trial court erred in denying his motion to suppress evidence obtained as a result of a search. Defendant argues that the search invaded his privacy and violated his constitutional right to be free from unreasonable searches and seizures. US Const, Am IV; Const 1963, art 1, § 11. “This Court reviews a trial court’s ruling regarding a motion to suppress for clear error.” *People v Stevens (After Remand)*, 460 Mich 626, 631; 597 NW2d 53 (1999). Constitutional questions are questions of law that are reviewed de novo. *People v Sierb*, 456 Mich 519, 522; 581 NW2d 219 (1998).

A police officer testified that he went to defendant’s residence to investigate an anonymous tip that marijuana was being grown there. The officer was walking from the back door to the front door of the building when he looked in a window. Defendant’s curtains were open eight to ten inches, and the officer saw marijuana plants in defendant’s closet.

“In determining whether a person has a legitimate expectation of privacy . . . a two-part inquiry is employed. First, a defendant must demonstrate that, under the totality of the circumstances, there existed a legitimate personal expectation of privacy in the area or object searched. Second, the individual’s expectation must be one that society accepts as reasonable.” *People v Lombardo*, 216 Mich App 500, 504-505; 549 NW2d 596 (1996) (citations omitted).

In this case, the police officer was properly outside defendant’s home, making his observations through defendant’s bedroom window appropriate. *People v Custer (On Remand)*, 248 Mich App 552, 561; 640 NW2d 576 (2001). “Because the blinds were not drawn, defendant

had no actual, subjective expectation of privacy in the contents of the . . . room.” *Id.* The trial court properly denied the motion to suppress.

Affirmed.

/s/ Peter D. O’Connell

/s/ E. Thomas Fitzgerald

/s/ Christopher M. Murray