

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee,

v

WILLIAM JAMES LEMERAND, a/k/a WILLIAM
JOSEPH LERERAND,

Defendant-Appellant.

UNPUBLISHED

July 25, 1997

No. 191108

Delta Circuit Court

LC No. 95-005778 FH

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Defendant appeals by right his jury conviction for possession of less than 25 grams of cocaine and possession of a firearm while ineligible, enhanced by his plea of guilty to being a third offender.

Defendant first contends that the trial court erred in excluding the proffered testimony of Scott Van Effen that a prosecution witness, Jacquie Londo, was seen in circumstances suggesting a romantic involvement with Robert Posenke, who seemed to function as both a government and defense witness. Van Effen's testimony would have impeached Londo's testimony that she was not romantically involved with Posenke; Posenke had claimed such involvement during his testimony. All this was collateral to any issue relating to defendant's guilt or innocence, and the trial court did not abuse its discretion in excluding the evidence as collateral, irrelevant, and immaterial. *People v McGillen #1*, 392 Mich 251; 220 NW2d 677 (1974); *People v Vasher*, 449 Mich 494, 504; 537 NW2d 168 (1995).

Defendant's remaining contention is that the trial court erred in denying his motion to suppress evidence on grounds of illegal search and seizure. However, the initial stop of the vehicle in which Posenke and an initially unknown second person, identified as a result of the jury's verdict as defendant, was prompted by a report of a suspicious vehicle apparently trespassing on rural and remote private property belonging to a sheriff's deputy and occupied at the time by the deputy's wife. The deputy who stopped the vehicle was understandably concerned to determine whether this activity represented a potential threat to the resident deputy or his family, and even without regard to trespass or outdoor

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

urination, a reasonable basis for the investigatory stop of the vehicle existed. *People v Whalen*, 390 Mich 672, 682; 213 NW2d 116 (1973). As the remainder of defendant's Fourth Amendment argument depends on the initial stop of the vehicle being improper, the trial court properly denied the motion to suppress evidence.

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn