

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

SEAN SEMAN,

Defendant-Appellee.

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UNPUBLISHED

September 22, 1998

No. 205622

Recorder's Court

LC No. 97-003075

Before: Hood, P.J., and Griffin and O'Connell, JJ.

MEMORANDUM.

The prosecutor appeals as of right from an order entered by the trial court dismissing the charge of carrying a concealed weapon in a motor vehicle, MCL 750.227(2); MSA 28.424(2), then-pending against defendant on the ground that defendant was exempt from prosecution by the "place of business" exception found in the concealed weapon statute. We reverse and remand. This case is being decided without oral argument pursuant to MCR 7.214(E).

Assuming without deciding that a parking lot adjacent to a business establishment can be a "place of business" within the meaning of MCL 750.227(2), defendant failed to carry his burden of demonstrating that he had the requisite possessory interest to bring him within the statutory exception. *People v Brooks*, 87 Mich App 515, 517; 275 NW2d 26 (1978); *People v Gatt*, 77 Mich App 310, 311; 258 NW2d 212 (1977); *People v Clark*, 21 Mich App 712, 716; 176 NW2d 427 (1970). Defendant presented no evidence from which it can be ascertained that he, or anyone else for that matter, held a possessory interest in the parking lot. Moreover, defendant's status as the market's manager does not, in and of itself, confer upon him the requisite possessory interest. *Clark, supra*.

Reversed and remanded for reinstatement of the criminal charge. We do not retain jurisdiction.

/s/ Harold Hood

/s/ Richard Allen Griffin

/s/ Peter D. O'Connell