

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

TERRENCE LYNN PRITCHETT,

Defendant-Appellee.

UNPUBLISHED
October 19, 1999

No. 216475
Oakland Circuit Court
LC No. 98-158765 FH

Before: Whitbeck, P.J., and Saad and Hoekstra, J.J.

PER CURIAM.

The prosecution appeals as of right from the trial court's dismissal of the charges of possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and resisting and obstructing a police officer, MCL 750.479; MSA 28.747, brought against defendant. We reverse.

I

Officer Brian McLaughlin testified that he had been a police officer for eight years. He had purchased drugs on at least forty occasions and was patrolling the area in which defendant was located because it was a known narcotics area. Defendant exchanged eye contact with Officer McLaughlin and gestured that he wanted to make contact. When Officer McLaughlin turned his unmarked vehicle around to make contact, defendant appeared to be selecting a rock of crack cocaine for sale. The sale was not consummated because defendant walked away and entered a vehicle, which drove away. At this time, Officer McLaughlin intended to stop the vehicle and investigate defendant for possible drug activity. As police officers followed the vehicle in which defendant was a passenger, they observed that the vehicle's license plate was displayed in the rear window rather than attached to the rear of the car, in violation of the vehicle code. MCL 257.225(6); MSA 9.1925(6). Police activated their lights to perform a traffic stop, and the vehicle pulled over. Defendant fled from the vehicle and dropped an object, which contained rocks of cocaine. Defendant moved to suppress the evidence, arguing that an illegal stop had occurred because the police lacked reasonable suspicion that criminal activity was afoot. The trial court granted the motion to suppress.

II

The prosecution contends that the trial court erred in suppressing the evidence. We agree. A trial court's findings of fact at an evidentiary hearing are reviewed for clear error. *People v Marsack*, 231 Mich App 364, 372; 586 NW2d 234 (1998). However, we review a trial court's ruling on a motion to suppress evidence de novo for all mixed questions of fact and law and for all pure questions of law. *Id.*

In *Whren v United States*, 517 US 806, 812-813; 116 S Ct 1769; 135 L Ed 2d 89 (1996), the Supreme Court held that the constitutional reasonableness of traffic stops did not depend on the actual motivation of the police officers involved. In other words, a valid search on the basis of a traffic- or automobile-related infraction will not be invalidated because the police had an ulterior motive. *Id.* Here, the search was valid because the police were authorized to stop the automobile because of the improperly displayed license plate, a civil infraction under the motor vehicle code. MCL 257.225(6); MSA 9.1925(6). Accordingly, the police were entitled to stop the vehicle. *Id.* Once the vehicle was stopped, defendant fled and dropped an object containing rocks of crack cocaine. A warrantless seizure of abandoned property does not violate the Fourth Amendment, *People v Sanders*, 193 Mich App 128, 129-130; 483 NW2d 439 (1992), provided the police conduct is proper, *People v Shabaz*, 424 Mich 42, 65-66; 378 NW2d 451 (1985). Here, defendant abandoned the property in the absence of any wrongful detention by the police. *People v Heard*, 178 Mich App 692, 444 NW2d 542 (1989). Accordingly, the trial court erred in suppressing the evidence.

Reversed.

/s/ William C. Whitbeck

/s/ Henry William Saad

/s/ Joel P. Hoekstra