

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LLOYD DALE JACKSON,

Defendant-Appellant.

UNPUBLISHED

June 6, 2000

No. 218642

Ottawa Circuit Court

LC No. 98-021656-FH

Before: Hoekstra, P.J., and Holbrook, Jr. and Zahra, JJ.

MEMORANDUM.

Defendant appeals as of right his conviction after a jury trial for driving under the influence of intoxicating liquor, third offense, MCL 257.625; MSA 9.2325. We affirm.

Defendant asserts that the trial court erred in denying his motion to suppress evidence obtained as a result of an illegal traffic stop. We disagree.

The Fourth Amendment of the United States Constitution and Const 1963, art 1, § 11 grant individuals the right to be secure against unreasonable searches and seizures. *In re Forfeiture of \$176,598*, 443 Mich 261, 264-265; 505 NW2d 201 (1993). Brief investigative stops short of arrest are permitted when officers have a reasonable suspicion of ongoing criminal activity. *People v Peebles*, 216 Mich App 661, 664; 550 NW2d 589 (1996). Where officers observe a defendant committing a traffic offense, they have probable cause to make a traffic stop. *People v Haney*, 192 Mich App 207, 210; 480 NW2d 322 (1991). Where officers have probable cause to believe the defendant committed an offense, and an arrest is authorized by law, a stop is necessarily reasonable under the Fourth Amendment. *Id.*

The officer's testimony established that defendant committed a traffic violation in his presence, and there was probable cause to make a traffic stop. Defendant has failed to show that the court clearly erred in denying his motion. *Peebles, supra*.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Donald E. Holbrook, Jr.

/s/ Brian K. Zahra