

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HAROLD LUVERT TOLES,

Defendant-Appellant.

UNPUBLISHED

July 2, 2002

Nos. 231699;231784

Monroe Circuit Court

LC Nos. 00-030350-FH

00-030599-FH

Before: Kelly, P.J., and Murphy and Murray, JJ.

MURPHY, J. (*concurring*).

I concur in affirming because I agree with part IV and V of the majority opinion. The requisite probable cause to believe that defendant was couriering drugs existed to justify stopping the vehicle and the subsequent pat down search was authorized. Accordingly, I do not believe it is necessary to address MCL 257.709(1)(c), or to determine whether a dangling air freshener from the rearview mirror in and of itself constitutes sufficient probable cause.

/s/ William B. Murphy