

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

V

DAVID J. SOKOLOWSKI,

Defendant-Appellant.

UNPUBLISHED

July 5, 2002

No. 230509

Wayne Circuit Court

LC No. 00-004121

Before: Hood, P.J., and Saad and E. M. Thomas,* JJ.

MEMORANDUM.

Defendant appeals as of right his convictions of operating a motor vehicle under the influence of intoxicating liquor (OUIL), third offense, MCL 257.625(1)(8)(c), and driving while license suspended, second offense, MCL 257.904(1)(3)(b), entered after a bench trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant challenged the legality of the stop of his vehicle, and moved to suppress all evidence. The trial court conducted a combined suppression hearing and bench trial. The evidence showed that a police officer observed defendant drive his vehicle at a speed that exceeded the posted limit and swerve his vehicle at the last minute to avoid two patrol units that had stopped to conduct a traffic stop. The officer stopped defendant's vehicle. Defendant failed several field sobriety tests, and was arrested for OUIL and driving with a suspended license. The trial court denied defendant's motion to suppress the evidence and found him guilty as charged. The trial court found that the officer had a reasonable suspicion that defendant had committed traffic violations; thus, the stop of defendant's vehicle was warranted under the circumstances.

We review a trial court's findings of fact on a motion to suppress for clear error, and review the ultimate decision de novo. *People v Darwich*, 226 Mich App 635, 637; 575 NW2d 44 (1997).

An investigatory stop must result from a particularized suspicion, based on an objective manifestation under the totality of the circumstances, that the person stopped has been, is, or is about to be involved in criminal activity. *People v Shabaz*, 424 Mich 42, 54; 378 NW2d 451 (1985). A hunch is not sufficient to give rise to a reasonable suspicion. *People v LoCicero (After Remand)*, 453 Mich 496, 505; 556 NW2d 498 (1996).

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

Reckless driving and speeding are statutory violations. MCL 257.626; MCL 257.627. Probable cause to believe that a traffic violation has occurred justifies the stop of a vehicle. *People v Kazmierczak*, 461 Mich 411, 420 n 8; 605 NW2d 667 (2000).

Defendant argues that the trial court erred by denying his motion to suppress the evidence gathered after the stop of his vehicle. We disagree, and affirm the denial of the motion to suppress evidence and defendant's convictions. The evidence established that the officer observed defendant's vehicle traveling at a speed in excess of the posted limit. Defendant's vehicle approached several parked vehicles without slowing, and only avoided those vehicles by swerving at the last minute. Defendant's vehicle came within several feet of hitting the parked vehicles. Defendant did not commit an isolated infraction. The officer had a reasonable and articulable suspicion, based on his personal observation of defendant's driving, that defendant had committed two simultaneous statutory traffic violations. The ensuing traffic stop was valid. See *People v Williams*, 236 Mich App 610, 612; 601 NW2d 138 (1999).

Affirmed.

/s/ Harold Hood
/s/ Henry William Saad
/s/ Edward M. Thomas