

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER LLOYD BRAZELLE,

Defendant-Appellant.

UNPUBLISHED

December 20, 2002

No. 234894

Wayne Circuit Court

LC No. 99-011505-01

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for possession with intent to deliver less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant asserts that the trial court erred in denying his motion to suppress. This Court reviews a trial court's factual findings in a suppression hearing for clear error. *People v Custer*, 465 Mich 319, 325; 630 NW2d 870 (2001). The application of the exclusionary rule to a violation of the Fourth Amendment is a question of law, which is reviewed de novo. *Id.*, 326.

Probable cause for a search exists where a person of reasonable caution would conclude that contraband or evidence of criminal conduct will be found in the place to be searched. *People v Darwich*, 226 Mich App 635, 637; 575 NW2d 44 (1997). A brief on-the-scene detention of an individual is not a violation of the Fourth Amendment if the officer can articulate a reasonable suspicion for the detention. *Custer, supra* at 327.

The officers were legally present in a common area of the house under a valid search warrant. The first officer saw defendant put a plastic object in his pocket. The officer had reason to believe drugs were present in the house based on the search warrant that was issued. Defendant's act of attempting to conceal a plastic bag, which is commonly used for packaging

drugs, gave the officer probable cause to conduct a search. See *People v Champion*, 452 Mich 92, 99; 549 NW2d 849 (1996).

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh