

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JAMES EARL JEWELL,

Defendant-Appellee.

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UNPUBLISHED

March 2, 2004

No. 244026

Isabella Circuit Court

LC No. 02-000554-FH

Before: Schuette, P.J., and Meter and Owens, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order granting defendant's motion to suppress and dismissing charges. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

I. FACTS

Defendant was a passenger in an automobile stopped after the driver weaved in and out of her lane. The officer asked defendant to step out of the car; he then asked defendant if he had any weapons. Defendant told the officer he had a knife in his pocket and while the officer was retrieving the knife from defendant's pocket, he discovered a marijuana pipe in the same pocket. The officer asked defendant where the rest of the marijuana was and defendant told him it was in his shirt pocket. The officer reached in to defendant's shirt pocket and retrieved the marijuana. The circuit court granted defendant's motion to suppress, finding that the search was improper. The question presented in this case is whether the officer had the authority to order defendant out of the car under the circumstances of this case. We find that he did.

II. STANDARD OF REVIEW

This Court's review of a lower court's factual findings in a suppression hearing is limited to clear error and those findings will be affirmed unless this Court is left with a definite and firm conviction that a mistake was made. *People v Davis*, 250 Mich App 357, 362; 649 NW2d 94 (2002). We review de novo the lower court's ultimate ruling on the motion to suppress. *Id.*

### III. ANALYSIS

During a routine traffic stop, a police officer may request a driver to step out of the vehicle. *Pennsylvania v Mimms*, 434 US 106; 98 S Ct 330; 54 L Ed 2d 331 (1977). The same provisions that apply to drivers also apply to passengers. *Maryland v Wilson*, 519 US 408, 414; 117 S Ct 882; 137 L Ed 2d 41 (1997); *People v Martinez*, 187 Mich App 160, 167; 466 NW2d 380 (1991), remanded on other grounds, 439 Mich 986 (1992).

Here, the officer ordered the passenger out of the car, which was a permissible act for the purpose of insuring the officer's safety. *Wilson, supra*, 413-414. The officer testified that he had not decided whether to issue a citation at the time he ordered defendant out of the car. Detaining the occupants of a motor vehicle while awaiting the results of a LEIN check is a minimal invasion in light of the substantial state interests involved. *Davis, supra*, 367-368. The circuit court erred in granting the motion to suppress.

Reversed.

/s/ Bill Schuette  
/s/ Patrick M. Meter  
/s/ Donald S. Owens