

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ANTHONY KEITH WILLIAMS,

Defendant-Appellee.

UNPUBLISHED

August 6, 2009

No. 282100

Oakland Circuit Court

LC No. 2006-212089-FH

Before: Zahra, P.J., and O’Connell and Fort Hood, JJ.

O’CONNELL, J. (*concurring*).

I concur with the majority opinion. I write separately to articulate why Officer Harshberger had probable cause to make a traffic stop.

As noted by the majority opinion, defendant was traveling on Telegraph Road with a partially obscured license plate. Officer Harshberger could not read the license plate to determine the issuing state. When the police officer, in a marked patrol vehicle, moved closer to defendant’s vehicle, the defendant attempted to evade the police vehicle by making a turn onto Franklin Road. This evasive action alerted the police officer to possible criminal activity. Officer Harshberger then stationed his vehicle at the next intersection and, true to his suspicion, defendant reappeared on Telegraph Road. In my opinion, the combination of the furtive action by defendant and the blocked license plate provided the police officer with probable cause to stop defendant’s vehicle. The fact that the police officer did not consciously recall that defendant failed to use his turn signal does not diminish the fact that defendant’s actions alerted the officer to suspicious conduct which in turn gave the police reasonable cause to suspect criminal activity.

I would reverse the decision of the trial court.

/s/ Peter D. O’Connell