

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

SUZANNE ELIZABETH MARBLE,

Defendant-Appellee.

UNPUBLISHED

June 12, 1998

No. 206988

Kalamazoo Circuit Court

LC No. 97-000525 AR

Before: Wahls, P.J., and Jansen and Gage, JJ.

MEMORANDUM.

Plaintiff appeals by leave granted the order of the circuit court reversing defendant's conviction for unlawful blood alcohol level, second offense, MCL 257.625; MSA 9.2325. We reverse. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was stopped by Western Michigan University police officers after she was observed driving in an erratic manner. With her headlights off and her foot on the brake, defendant drove forward three or four feet, then stopped, then rolled forward three or four feet, then stopped. A police officer conferred with a parking employee, who had talked with defendant. The employee told the officer that defendant appeared sick or intoxicated. Based on this information, defendant's car was stopped.

Defendant moved to suppress the evidence, alleging that the stop was improper. The district court denied defendant's motion, but the circuit court reversed on appeal.

The stop of a motor vehicle is reviewed for reasonableness, to be determined by the particular facts and circumstance of each case. *People v Whalen*, 390 Mich 672, 682; 213 NW2d 116 (1973). Fewer foundational facts are necessary to support a finding of reasonableness when a motor vehicle is involved in the stop. *Id.*

Police may properly make an investigative stop of an automobile when there are specific, articulable facts, which along with rational inferences would lead a reasonable officer to believe that a crime has been committed. *People v Estabrooks*, 175 Mich App 532, 535; 438 NW2d 327 (1989). Information supplied by another person may be used to meet the reasonable cause requirement when

there is sufficient indicia of reliability. Factors to be considered are the reliability of the informant, the nature of the information given, and the reasonableness of the suspicion in light of these factors. *Id.*

Here, there was sufficient information provided to support a reasonable suspicion. The officer observed defendant's erratic driving. The officer observed the parking employee speaking with defendant. The employee was in a position to view defendant's condition. The officer spoke directly with the employee, and the information provided was consistent with the officer's observations supporting an inference of reliability. The trial court properly denied defendant's motion, and the circuit court erred in reversing that decision on appeal. *People v Bordeau*, 206 Mich App 89, 92; 520 NW2d 374 (1994).

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Myron H. Wahls

/s/ Kathleen Jansen

/s/ Hilda R. Gage