

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

ROYCE MANDRELL BURRUSS,

Defendant-Appellee.

UNPUBLISHED

November 18, 2008

No. 281039

Monroe Circuit Court

LC No. 07-035927-FH

Before: Servitto, P.J., and Donofrio and Fort Hood, JJ.

PER CURIAM.

Defendant was charged with possession with intent to deliver 50 or more but less than 450 grams of cocaine, MCL 333.7401(2)(a)(iii), and possession with intent to deliver marijuana, MCL 333.7401(2)(d)(iii). The drugs were seized from defendant's car following a traffic stop. Defendant moved to suppress the evidence, challenging the validity of the stop. The trial court granted the motion and dismissed the charges. The prosecutor now appeals as of right. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

This Court reviews a trial court's factual findings at a suppression hearing for clear error, but reviews the ultimate ruling on a motion to suppress de novo. *People v Davis*, 250 Mich App 357, 362; 649 NW2d 94 (2002). The trial court's factual findings are clearly erroneous if, after review of the entire record, this Court is left with a definite and firm conviction that a mistake has been made. *People v Givans*, 227 Mich App 113, 119; 575 NW2d 84 (1997).

"In order to effectuate a valid traffic stop, a police officer must have an articulable and reasonable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law." *People v Williams*, 236 Mich App 610, 612; 601 NW2d 138 (1999) (footnote omitted). Thus, on reasonable grounds shown, an officer may stop and inspect a vehicle for an equipment violation. *Id.*; MCL 257.683(2). Likewise, an officer may stop a vehicle if he has probable cause to believe that a traffic violation has occurred or was occurring. *Davis, supra* at 363; *Whren v United States*, 517 US 806, 810; 116 S Ct 1769; 135 L Ed 2d 89 (1996). An actual violation of the vehicle code need not be proved; all that is required is that the officer have a reasonable suspicion that a violation may have occurred. *People v Fisher*, 463 Mich 881, 881-882; 617 NW2d 37 (2000) (Corrigan, J., concurring).

A person is prohibited from driving a vehicle with "[a] dangling ornament or other suspended object that obstructs the vision of the driver of the vehicle, except as authorized by

law.” MCL 257.709(1)(c). The officer had reasonable suspicion to believe that defendant’s vehicle was in violation of this statute; he observed two air fresheners dangling from the rearview mirror. However, vehicles registered in another state are not subject to this regulation, MCL 257.709(3)(d). The prosecutor admits that defendant’s car had valid Ohio license plates, but contends that the stop was proper to make sure that the car was validly registered in that state. However, there was no evidence that the officer had any reason to believe that the displayed license plate was invalid. He did not run a LEIN check before he initiated the stop and did not identify any other defect or irregularity suggesting that the plate was not valid. Therefore, the dangling ornaments, which would constitute a violation of § 709 for a vehicle registered in Michigan, did not create reasonable suspicion for stopping a vehicle registered in another state and the trial court did not err in granting defendant’s motion to suppress.

Affirmed.

/s/ Deborah A. Servitto

/s/ Pat M. Donofrio

/s/ Karen M. Fort Hood