Court of Appeals, State of Michigan

ORDER

PEOPLE OF MI V DAVID ALAN MEDEMA

Docket No. 377843

LC No. 25-017044-FH

Brock A. Swartzle
Presiding Judge

Anica Letica

Philip P. Mariani
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the September 19, 2025 bench ruling of the Oceana Circuit Court is PEREMPTORILY REVERSED. The October 1, 2025 order implementing that ruling is VACATED. The trial court erred as a matter of law when it relied on the automobile exception to the warrant requirement to sustain a search of defendant's body and the interior of his footwear. The exception does not extend to the search of a person found in an automobile. See *Collins v Virginia*, 584 US 586, 595; 138 S Ct 1663; 201 L Ed 2d 9 (2018) ("[T]he scope of the automobile exception extends no further than the automobile itself."); *United States v Di Re*, 332 US 581, 587; 68 S Ct 222; 92 L Ed 210 (1948) ("We are not convinced that a person, by mere presence in a suspected car, loses immunities from search of his person to which he would otherwise be entitled.") This matter is REMANDED to the trial court for reconsideration of the merits of defendant's motion to suppress.

We do not retain jurisdiction. This order has immediate effect. MCR 7.215(F)(2).

Brock A. Swartzle
Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

December 1, 2025
Date

Jerome W. Zimmer Jr.
Chief Clerk