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STATE OF MICHIGAN
IN THE SUPREME COURT

People of the State of Michigan,

Plaintiff-Appellee,

v.

Matthew Scott Duff,

Defendant-Appellant.

Supreme Court
No. 163961

Court of Appeals
No. 354406

Circuit Court
No. 2018-267140-FH

Filed under AO 2019-6

Plaintiff-Appellee's Answer

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COUNTER-STATEMENT OF JURISDICTION

The People charged Defendant with the offense of operating while intoxicated—third offense, MCL 257.625(1), (9) and/or (11). The circuit judge suppressed evidence and dismissed the case. The People filed an appeal of right in the Court of Appeals, which reversed the circuit court's suppression and dismissal orders. *People v Duff*, unpublished opinion per curiam of the Court of Appeals, issued November 23, 2021 (Docket No. 354406) (Def's Application, pp 55-59/113).

Defendant's application to this Court followed. The Court ordered the People to respond to Defendant's application. *People v Duff*, __ Mich __, __ NW2d __ (2022) (docket event No. 40). The People do not dispute that this Court has jurisdiction over Defendant's appeal. See MCR 7.303(B); MCL 600.215; MICH CONST art VI, § 4.

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COUNTER-STATEMENT OF QUESTION PRESENTED

I. Did sheriff's deputies seize Defendant when they observed him in his vehicle exhibiting signs of intoxication? Is a person seized when officers park near an already parked vehicle without activating flashing lights or sirens and without drawing their weapons, and approach on foot?

The People answer, "No."

Defendant contends the answer should be, "Yes."

The Court of Appeals answered, "No."

The circuit judge answered, "Yes."

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SUMMARY OF THE ARGUMENT

Defendant told police officers he had been driving and was resting when they encountered him, sitting in his vehicle in the parking lot of a Pontiac elementary school at 10 p.m. on a Sunday evening. 5/31/2018 Tr, p 7. It turned out he was resting because he had too much to drink, as the later investigation would reveal his blood-alcohol content was .339 percent, four times the legal limit. *Id.* at 17.

Defendant, seeking to suppress all evidence of his drunk-driving offense — his admission to driving, his blood results and his poor performance on field sobriety tasks — argues that police unlawfully seized him when they parked nearby, approached his parked vehicle on foot and observed him sitting in the driver's seat with bloodshot and glossy eyes indicative of intoxication. 10/2/2018 Tr, pp 19, 29. But they neither used physical force nor made a "show of authority" when they aproached Defendant's vehicle on foot, without having activated their sirens or flashing lights, and without drawing their weapons. See 10/2/2018 Tr, pp 16-17. Moreover, there is no indication they raised their voices or ordered Defendant to "halt" or "stay where you are."

In other words, the police did not seize Defendant when they first encountered him. "[T]he safeguards of the Fourth Amendment, with respect to police/citizen contact, vest only after a citizen has been seized.'" *O'Malley v City of Flint*, 652 F3d 662, 668 (6th Cir 2011) (quoting *Smoak v Hall*, 460 F3d 768, 778 (6th Cir 2006)). A seizure requires "an intentional acquisition of physical control." *Brower v County of Inyo*, 489 US 593, 596; 109 S Ct 1378; 103 L Ed 2d 628 (1989). And the U.S. Supreme Court has been clear that a seizure occurs "when the officer, *by means of physical force or show of authority*, terminates or restrains his freedom of movement." *Brendlin v California*, 551 US 249, 254; 127 S Ct 2400; 168 L Ed 2d 132 (2007) (cleaned up, emphasis added).

Here, the deputies made no "show of authority" and used no physical force when they approached Defendant on foot and observed him with bloodshot and glassy eyes. Because the Fourth Amendment's protection is only triggered when a person is seized, the Court of Appeals properly reversed the circuit judge's suppression of evidence and dismissal of

Defendant's third-offense drunk-driving charge. This Court should deny leave.

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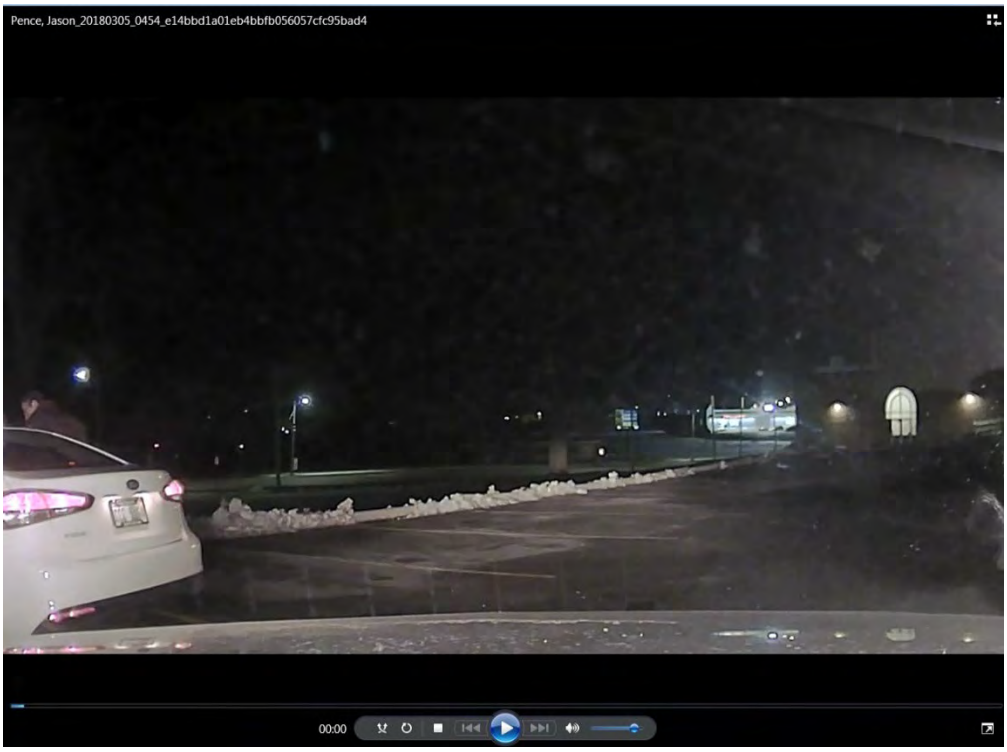
COUNTER-STATEMENT OF FACTS

The People charged Defendant with the offense of operating while intoxicated—third offense, MCL 257.625(1), (9), for his conduct on March 4, 2018, in Oakland County. A preliminary examination and evidentiary hearing occurred on May 31 and October 2, 2018, respectively.



A screenshot from the deputy's in-car video recording. People's Ex 1, at 00:00.

Deputy Jason Pence of the Oakland County Sheriff's Office was on routine patrol in Pontiac on Sunday, March 4, 2018, at 10:09 p.m. 10/2/2018 Tr, p 10. While traveling westbound on Montcalm Street, he observed a vehicle parked in the parking lot of Whitman Elementary School. *Id.* at 11. He did not know if there was criminal wrongdoing or if the motorist was having a medical emergency. *Id.* at 17, 27. The vehicle was the only one in the lot, was two or three spaces away from the front

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entrance and its engine was running. *Id.* at 12, 14, 15. The school was closed. *Id.* at 12. Pence could tell the car was occupied because the interior lights were on. *Id.* at 13.

As he entered the lot himself, Pence called out a suspicious vehicle to dispatch. *Id.* at 26. Pence testified he parked the nose of his patrol vehicle at a 45-degree angle pointing at the driver-side rear bumper of the suspect vehicle, about 10 feet away. *Id.* at 16. If the suspect car had tried to move directly to its rear, it would have struck the patrol vehicle. *Id.* at 28. However, if the driver turned the wheel as he backed out, he could have cleared the deputy's vehicle and exited the parking lot. *Id.* at 32-33.[1] Pence did not activate his siren or his overhead lights, but did point a spotlight at the suspect vehicle for his and his colleague's safety. *Id.* at 16.

Pence approached the driver's-side side door. Defendant's window was down and Pence observed that "his eyes were bloodshot and glossy which, with my experience, tends to lean towards someone that had been drinking that night." *Id.* at 19, 29. The deputy had been a police officer for 23 years before the incident. *Id.* at 10. As he spoke with Defendant, the deputy observed that Defendant was slurring his words and an odor of alcohol was emanating "out of * * * the vehicle and out of him." *Id.* at 19-20. The deputy asked for the driver's registration, driver's license and proof of insurance. *Id.* at 30.

Defendant was slurring his words, his hands were shaking and he had a difficult time removing his driver's license from his wallet. 5/31/2018 Tr, pp 7, 33. It took about 20 seconds for Defendant to "fumble" through the wallet to produce the license. *Id.* at 35. Defendant told the deputy that he had been drinking that night, that he had pulled over and he was resting in the parking lot. *Id.* at 7.

The deputy asked Defendant to exit the vehicle to perform field sobriety tasks, but first requested Defendant consent to a search of his vehicle. *Id.* at 35. Defendant did consent and Pence found nothing of note

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[1] The deputy testified that if the motorist had begun to back out of the parking space, "he would have been able to leave, but I would have then activated my emergency lights and sirens." *Id.* at 35.

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in the vehicle. *Id.* at 36. He then asked Defendant to recite the alphabet, and the driver did so, but slurred his speech and missed a letter. *Id.* After receiving directions to count backward from 75 to 59, Defendant stopped at 60 rather than 59. *Id.* While performing the heel-to-toe evaluation, Defendant took one step and then fell off the line while taking his second step. *Id.* at 9. Defendant was unable to perform the one-leg stand because "as soon [as] he lifted his leg he wasn't able to gain his balance." *Id.* at 9. The deputy then placed Defendant under arrest. *Id.* at 9-10. After the arrest, Defendant consented to a blood draw at McLaren Oakland Hospital. *Id.* at 15. The result of the blood draw was .339 percent. *Id.* at 17.

The circuit judge held an evidentiary hearing at which she admitted two items — People's Exhibits 1 and 2 — and took Pence's tesimony. The denied Defendant's motion to suppress evidence.

Defendant filed a delayed interlocutory application for leave to appeal the circuit judge's decision in the Court of Appeals, which denied leave. *People* v *Duff*, unpublished order of the Court of Appeals, issued March 27, 2019 (Docket No. 347603) (Defendant's application, p 103/113). Thereafter, Defendant appealed to this Court, which, on October 29, 2019, remanded the case

> to the Oakland Circuit Court for reconsideration of the defendant's motion to suppress. On remand, the circuit court shall determine when the defendant was first seized for Fourth Amendment purposes. See *People v Jenkins*, 472 Mich 26, 32; 691 N2d 759 (2005) ('A 'seizure' within the meaning of the Fourth Amendment occurs only if, in view of all the circumstances, a reasonable person would have believed that he was not free to leave.'). This is the relevant point in time for assessing whether the deputies had probable cause to justify an arrest or a reasonable suspicion of criminal activity to justify a stop under *Terry v Ohio*, 392 US 1; 88 S Ct 1868; 20 L Ed 2d 889 (1968).

People v Duff, 504 Mich 995, 995; 934 NW2d 214 (2019).

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The circuit judge held no hearing pursuant to the remand order until March 4, 2020. When the parties appeared, the judge appeared confused as to why the parties were there and had to be reminded by the parties of this Court's remand order. 3/4/2020 Tr, pp 3-4. Neither party presented any additional evidence or testimony at the hearing; there was only argument.

The circuit court said it would issue an opinion by March 12. *Id.* at 20. The court issued a three-page opinion on July 15, 2020. The circuit judge opined that, after observing Defendant's vehicle:

> Deputy Pence proceeded to park his patrol car 10 feet away, at a 45-degree angle behind the defendant's vehicle and activated his spotlight pointing at the driver (pg. 16). The Deputy testified that if Mr. Duff were to back his vehicle straight out, he would have hit the officer's car (pg. 28). The defendant's only means to exit is driving over the grass in front of him (status conference 3/4/2020). Under those circumstances, a reasonable person would have believed that he or she was not free to leave; thus constituting a seizure.

Def's Application, pp 61-64/113. The circuit judge thereupon granted Defendant's motion to suppress, concluding that there was no reasonable suspicion for the stop. *Id.* Given the suppression and the absence of any remaining evidence, the judge granted Defendant's motion to dismiss. 7/23/2020 Tr, pp 4-5.

The People filed a timely appeal of right. See docket event No. 1. The Court of Appeals reversed. The intermediate appellate court introduced its analysis by observing that "not every interaction with law enforcement constitutes a seizure triggering the Fourth Amendment. An officer may approach a citizen 'on the street or in other public places' and ask the citizen to voluntarily answer questions without violating the Fourth Amendment." *Duff*, unpub op at 3 (Def's Application, p 56/113) (quoting *United States v Drayton*, 536 US 194, 200-01; 122 S Ct 2105; 153 L Ed 2d 242 (2002)).

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The appellate court then noted the circuit judge's factual finding that the patrol vehicle parked 10 feet behind Defendant's vehicle — not directly behind but at a 45-degree angle. *Id.* It then proceeded to find clear error in the circuit judge's conclusion that "defendant's only means to exit [was] driving over the grass in front of him." *Id.* The appellate court found no support for this finding in the record, and noted that the circuit judge based this conclusion on a statement Defendant's attorney made at a status conference, not on any sworn testimony or exhibits:

> This assertion was unsupported by any evidence, however. In fact, the evidence in the record only supports a contrary conclusion. Specifically, Deputy Pence testified, 'If [defendant] would have turned his wheel as he was backing out, he would have cleared my vehicle.' Moreover, being that the only vehicles in the parking lot were defendant's vehicle and Deputy Pence's patrol vehicle, and based on the court's finding that the deputy parked behind defendant's vehicle, 10 feet away and at a 45-degree angle, it seems common sense that defendant would have been able to have clear[ed] the deputy's vehicle if defendant 'turned his wheel as he was backing out.'

Id.

Given its conclusion that the deputies did not block in Defendant, the court then noted that "'unless there is other coercive behavior, a police officer can initiate a consensual encounter by parking his police vehicle in a manner that allows the defendant to leave." *Id.* at 4 (Def's Application, p 57/113) (quoting *United States v Carr*, 674 F3d 570 (6th Cir 2012)). The appellate court concluded there was no such behavior, hence the police did not seize him when they parked 10 feet behind Defendant at a 45-degree angle. *Id.* Thus, the court ruled, after parking behind Defendant, approaching his vehicle and observing indicia consistent with intoxication, the police could properly detain Defendant for further investigation on reasonable suspicion of drunk driving. *Id.* at 4-5.

One panel judge dissented. He argued that under the totality of the circumstances, a reasonable person would not feel free to leave and concluded that Defendant's ability to exit the parking space was of little

relevance to the Fourth Amendment inquiry. *Duff*, slip op at 2-3 (Shapiro, J., dissenting) (Def's Application, pp 57-59/113).

Defendant's application to this Court followed. The Court ordered the People to respond to Defendant's application. *Duff*, __ Mich at __ (docket event No. 40). Additional facts may appear in the Argument portion of this brief.

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ARGUMENT

I. Sheriff's deputies had not seized Defendant when they observed him in his vehicle exhibiting signs of intoxication. A person is not seized when officers park near an already parked vehicle without activating flashing lights or sirens and without drawing their weapons, and approach on foot.

Standard of Review and Issue Preservation

An appellate court reviews de novo a lower court's decision on a motion to suppress evidence on Fourth Amendment grounds. *Jenkins*, 472 Mich at 31. Review of a trial court's findings of fact is for clear error. *Id.* The People do not dispute that Defendant preserved this issue.

Discussion

The Court of Appeals did not err in reversing the circuit judge's suppression of evidence and dismissal of the case. Police need only reasonable suspicion or probable cause *when they seize a person*: "Even when law enforcement officers have no basis for suspecting a particular individual, they may pose questions, ask for identification, and request consent to search luggage — provided they do not induce cooperation by coercive means." *Drayton*, 536 US at 200-01. "[I]nterrogation relating to one's identity or a request for identification by the police does not, by itself, constitute a Fourth Amendment seizure." *Immigration & Naturalization Serv v Delgado*, 466 US 210, 216; 104 S Ct 1758; 80 L Ed 2d 247 (1984).

And "'if there is no detention — no seizure within the meaning of the Fourth Amendment — then no constitutional rights have been infringed.'" *People v Anthony*, 327 Mich App 24, 33; 932 NW2d 202 (2019) (quoting *Florida v Royer*, 460 US 491, 498; 103 S Ct 1319; 75 L Ed 2d 229 (1983) (opinion of White, J.)). In other words, "'the safeguards of the Fourth Amendment, with respect to police/citizen contact, vest only after a citizen has been seized.'" *O'Malley*, 652 F3d at (quoting *Smoak*, 460 F3d at 778).

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The uncontested testimony at the evidentiary hearing was that Defendant's car was *parked* (already stopped) when the sheriff's deputy approached Defendant's vehicle and interacted with him. 10/2/2018 Tr, pp 12, 13, 15, 17. During this interaction, the deputies observed Defendant emitting an odor of alcohol, having bloodshot eyes, slurring his words, fumbling through his wallet, sitting behind the wheel of a running vehicle and admitting to having consumed alcohol that evening. 5/31/2018 Tr, pp 7, 20, 33, 35.[5]

None of these observations were the product of an unlawful seizure *because no seizure had occurred*. "The Fourth Amendment is not implicated when a law enforcement officer merely approaches an individual and directs questions to that person." *People v Ward*, 491 Mich 932, 932; 814 NW2d 292 (2012) (citing *Royer*, 460 US at 497-98; *Jenkins*, 472 Mich at 26; and *People v Shankle*, 227 Mich App 690; 577 NW2d 471 (1998)).

Unlike a traffic stop, the police did not divert Defendant from his path of travel by flashing their overhead lights, running their sirens or issuing orders via a loudspeaker. They used no physical force and made no show of authority when they approached his parked vehicle. Thus, there was no seizure when the police observed Defendant with bloodshot and glassy eyes and asked for his identification.

Any (civilian) person could have parked some distance behind Defendant, approached him and observed him from outside his vehicle. Indeed, it is unlikely that Defendant, admittedly resting in his car in the elementary-school parking lot, had any intent to leave the lot. See 5/31/2018 Tr, p 7. See *Delgado*, 466 US at 218 (observing that federal agents' presence at a work site was not a seizure where the employees had their own reasons for remaining at the factory — namely their "voluntary obligations to their employers."); and *Brendlin*, 551 US at 255 (cleaned up) ("[W]hen a person has no desire to leave for reasons

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[5] There is no dispute that the sheriff's deputy seized Defendant when he *later* ordered him out of his parked vehicle to perform field sobriety tasks. *Id.* at 6, 35.

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unrelated to the police presence, the coercive effect of the encounter can be measured better by asking whether a reasonable person would feel free to decline the officers' requests or otherwise terminate the encounter.").

The U.S. Supreme Court has explained that "a person is seized by the police and thus entitled to challenge the government's action under the Fourth Amendment when the officer, *by means of physical force or show of authority*, terminates or restrains his freedom of movement, through means intentionally applied." *Brendlin*, 551 US at 254 (cleaned up, emphasis added). A seizure requires "an intentional acquisition of physical control." *Brower*, 489 US at 596.

> circumstances that might indicate a seizure, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer's request might be compelled. *In the absence of some such evidence, otherwise inoffensive contact between a member of the public and the police cannot, as a matter of law, amount to a seizure of that person*.

United States v Mendenhall, 446 US 544, 554-55; 100 S Ct 1870; 64 L Ed 2d 497 (1980) (cleaned up, emphasis added).

Here, there was only two sheriff's deputies. They did not physically touch Defendant. They did not draw their weapons. They did not speak loudly or in such a forceful manner as to convey Defendant must remain where he was. They did not activate their sirens or overhead lights. There was no "show of authority."

When "an officer approaches a person and seeks voluntary cooperation through noncoercive questioning, there has been no restraint on the person's liberty and the person is not seized." *Shankle*, 227 Mich App at 693 (cleaned up). Case law is replete with examples of analogous circumstances where no seizure occurred:

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- In *Shankle*, which this Court cited in *Ward,* the Court of Appeals held that a police/driver encounter was consensual and did not implicate the Fourth Amendment where an officer approached a driver sitting in a parked car in a private driveway and requested the driver produce identification. *Id.* at 699.

- The U.S. Supreme Court observed that no Fourth Amendment activity occurred when two detectives approached a passenger in a Miami Airport, identified themselves as officers and asked for a moment to speak with him. *Royer*, 460 US at 493-94, 497.

- This Court held that officers who encountered an individual seated on the steps of the site of a loud party had not seized him for the purposes of the Fourth Amendment when they requested his identification. *Jenkins*, 472 Mich at 28, 33-34. "The Fourth Amendment was not implicated until Officer Spickard actually hindered defendant's attempt to leave the scene, thereby 'seizing' him within the meaning of the Fourth Amendment." *Id.* at 33-34 (emphasis added).

- The U.S. Supreme Court held that police driving alongside a pedestrian who had just run away did not seize the person. *Michigan v Chesternut*, 486 US 567, 569; 108 S Ct 1975; 100 L Ed 2d 565 (1988). "The record does not reflect that the police activated a siren or flashers; or that they commanded respondent to halt, or displayed any weapons; or that they operated the car in an aggressive manner to block respondent's course or otherwise control the direction or speed of his movement. While the very presence of a police car driving parallel to a running pedestrian could be somewhat intimidating, this kind of police presence does not, standing alone, constitute a seizure." *Id.* at 575.

- The Sixth Circuit held that a police officer's parking his car behind a motorist in a residential driveway, approaching the person on foot and asking to speak with him did not constitute a seizure. *O'Malley*, 652 F3d at 665, 669-70.

The *O'Malley* Court contrasted the circumstances in that case with those in which police officers used their vehicles to block in (trap)

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motorists such that they could not exit their parking space. *Id.* at 669 (citing *United States v See*, 574 F3d 309 (6th Cir 2009); and *United States v Gross*, 662 F3d 393 (6th Cir 2011)).

Here, the deputies did not block in Defendant. Indeed, the circuit judge specifically *found* that the deputy "park[ed] his patrol car 10 feet away, at a 45-degree angle behind the defendant's vehicle[.]" Def's Application, p 62/113 (citing 10/2/2018 Tr, p 16). Ten feet is ample clearance to back out a vehicle.[7]

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[7] The circuit judge proceeded to write that, "[t]he defendant's only means to exit is driving over the grass in front of him (status conference 3/4/2020)." Def's Application, p 62/113. But, as the Court of Appeals properly observed, this conclusion was clearly erroneous:

> The trial court cited this statement to 'status conference 3/4/2020,' which was the conference that the court held after the case was remanded from our Supreme Court. No evidence was presented at this hearing—only argument by the parties. It therefore appears that this finding by the trial court was based on defense counsel's argument at the hearing in which he asserted that defendant could only exit the parking lot by driving over the grass in front of him. This assertion was unsupported by any evidence, however. In fact, the evidence in the record only supports a contrary conclusion. Specifically, Deputy Pence testified, 'If [defendant] would have turned his wheel as he was backing out, he would have cleared my vehicle.' Moreover, being that the only vehicles in the parking lot were defendant's vehicle and Deputy Pence's patrol vehicle, and based on the court's finding that the deputy parked behind defendant's vehicle, 10 feet away and at a 45-degree angle, it seems common sense that defendant would have been able to have clear the deputy's vehicle if defendant 'turned his wheel as he was backing out.'

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The Court of Appeals has previously held that "only if officers completely block a person's parked vehicle with a police vehicle is the person seized." *Anthony*, 327 Mich App at 24 (emphasis added) (citing *Carr*, 674 F3d at 572-73). In *Carr*, the federal circuit court explained:

> Here, the police officers parked their unmarked, black Ford Explorer at an angle in front of Carr's Tahoe. The angle of the police vehicle gave Carr sufficient room to drive either forward or backward out of the carwash bay. Although pulling forward would have required 'some maneuvering' for Carr to get around the Explorer, 'there was enough room that [Carr] could have just merely steered around [the Explorer].' As one of the officers testified, Carr had 'ample room to steer and maneuver around our vehicle.' *Because the police vehicle allowed Carr to exit the carwash, albeit with 'some maneuvering,' Carr's car was not blocked for Fourth Amendment purposes.*

674 F3d at 573 (emphasis added). The deputies clearly did not block in Defendant.[8] "'[U]nless there is other coercive behavior, a police officer

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Duff, slip op at 3 (Def's Application, p 56/113). The appellate court added that the video recording from Pence's patrol vehicle supported its conclusion. *Id.* at 3 n2. The circuit judge did not question the deputy's credibility on this point — see 10/2/2018 Tr, pp 16, 28, 32-33 — or his veracity generally. See *Shankle*, 227 Mich App at 692 n1 ("In concluding that the evidence at issue should be suppressed, the district court did not question the honesty or basic accuracy of Officer Millikin's testimony, but rather accepted his version of events. Accordingly, we accept Officer Millikin's testimony as credible in reviewing the issue before us.").

[8] The deputy testified that if the motorist had begun to back out of the parking space, "*he would have been able to leave*, but I would have *then* activated my emergency lights and sirens." 10/2/2018 Tr, p 35 (emphasis added). But the officer's intent in hypothetical circumstances does not affect the legality of what he did *in the actual circumstances*. The validity of police action "has always been examined under a standard of

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can initiate a consensual encounter by parking his police vehicle in a manner that allows the defendant to leave.'" *Anthony*, 327 Mich App at 39 (quoting *Carr*, 674 F3d at 572-73).

Under Defendant's interpretation of the Fourth Amendment, police officers cannot do what any civilian may do — observe and interact with a parked motorist — unless the officers park a far distance away. This Court should reject an invitation to hold that parking *near* a parked motorist, without activating sirens or flashing lights, and without drawing weapons, is somehow a seizure of the parked motorist.

Police contact only amounts to a seizure if the police "engag[e] in conduct significantly beyond that accepted in social intercourse." *O'Malley*, 652 F3d at 669 (citing LaFave, 4 Search and Seizure, § 9.4 (4ths ed)). Here, where the deputies did not draw guns, did not activate their flashing lights or sirens and did not raise their voice, their actions did not "transform a police-citizen encounter into a seizure requiring some level of objective justification." *Id.*

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objective reasonableness without regard to the underlying intent or motivation of the officers involved." *People v Nguyen*, 305 Mich App 740, 758; 854 NW2d 223 (2014). See also *Ohio v Robinette*, 519 US 33, 38; 117 S Ct 417; 136 L Ed 2d 347 (1996) (cleaned up, emphasis added) (quoting *Whren*, 517 US at 813) ("The fact that [an] officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action. * * * *Subjective intentions play no role in ordinary, probable cause Fourth Amendment analysis.*")

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RELIEF

WHEREFORE, Karen D. McDonald, Prosecuting Attorney in and for the County of Oakland, by Louis F. Meizlish, Assistant Prosecuting Attorney, respectfully requests that this Honorable Court DENY Defendant's application.

Respectfully Submitted,

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Dated: May 31, 2022

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CERTIFICATE OF COMPLIANCE

I hereby certify that this document complies with the formatting rules in Administrative Order No. 2019-6. I certify that this document contains 4,377 countable words. The document is set in Century Schoolbook, and the text is in 12-point type with 17-point line spacing and 12 points of spacing between paragraphs.

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