

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK
III OR IN EXAMPLIFY ANSWER SCREEN 9**

Michigan State Police officer Smith was on routine patrol on westbound Interstate 96 at 11:00 p.m. on Saturday night. He received a radio dispatch of an anonymous person reporting erratic driving on eastbound I-96, about a mile from his location, heading directly toward him. The caller reported:

"A black pickup truck with a red tail gate bearing partial Michigan license plate "RO 2," with two occupants is traveling at a high rate of speed on eastbound 96. The pickup was in the far left lane, sped up onto the bumper of the car in front of it (tailgated very close) to make the car in front of it change lanes and get out of the way. The car did not move quickly so the pickup abruptly changed lanes without signaling, crossed all 3 lanes of traffic to pass the traffic and is darting in and out of traffic without signaling, coming dangerously close to the other traffic."

Smith saw a black pickup coming towards him and exit on Main Street. Smith also exited I-96. The pickup turned into a large parking lot of a popular bar. The parking lot was full and contained many pickup trucks. Smith drove around and saw a black pickup with a red tailgate, two occupants and a Michigan license plate which read in part "RQ 2" driving in the lot. Smith did not see the driver commit any driving infraction or do anything illegal. He stopped the pickup and approached the driver's side, the driver, Don Davis, produced his license and registration. Smith asked Don if he was on I-96. Don simply replied, "I'm late for work." Smith handed the license and registration back to Don, looked past Don into the cab of the truck and saw a small zip lock baggie with several small white rocks that he recognized as crack cocaine, and a gun. Smith seized the bag and arrested Don for possession of the gun and suspected crack cocaine.

Don contends Smith did not see him do anything wrong and Smith could not stop him.

1. Did Officer Smith properly stop Davis? Discuss the applicable law and explain how it applies.

2. Were the gun and rocks properly seized by Officer Smith? Discuss the law that applies and conclude.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III*****
OR IN EXAMPLIFY ANSWER SCREEN 9**