

COA Opinion: Defendant's purchase of Sudafed and Coleman fuel sufficient to give officer reasonable suspicion that criminal activity was afoot.

15. April 2011 By Layla Kuhl

In *People v Steele*, the Court of Appeals reversed the trial court's suppression of evidence based on the police officer's investigatory stop of defendant's vehicle. The Court determined that defendant's purchase of several packages of sudafed and a gallon of camping fuel gave the officer a reasonable suspicion that criminal activity was afoot and that the officer was not required to give defendant his *Miranda* rights prior to the roadside questioning.

Defendant purchased several packages of Sudafed and a gallon of Coleman fuel at Meijer. Meijer's loss prevention officer alerted the police. Police Officer Doxtader stopped defendant's vehicle. Officer Doxtader questioned defendant, and defendant revealed that there was methamphetamine in the car, that he uses and/or cooks methamphetamine, and that he had methamphetamine components in the vehicle. Officer Doxtader arrested defendant. At the police station Officer Doxtader advised defendant of his *Miranda* rights. Defendant waived his rights and essentially repeated his roadside statements.

The trial court suppressed both the evidence and defendant's statements opining that "the purchase of only one package of Sudafed and camping fuel is not enough to meet the standard of particularized suspicion." The trial court found that the traffic stop was illegal and that the evidence obtained was the fruit of an illegal search. The court also found that defendant was in custody during the roadside stop and should have been *Mirandized*. Finally, the court determined that defendant's statements at the police station were the fruit of an illegal custodial interrogation because "there were no intervening circumstances to purge the taint between the statements made at the side of the road to the statements made in-house."

The Court of Appeals reversed with regard to all of the trial court's findings. The Court determined that the trial court clearly erred when it found that Officer Doxtader had been informed that defendant purchased a *single* box of Sudafed. The evidence indicated that Officer Doxtader had been advised that defendant had purchased "packages" of Sudafed. The Court emphasized the significance of purchasing packages of Sudafed in addition to a gallon of camping fuel, both known precursors to the manufacture of methamphetamine. The Court concluded that this information was a sufficient basis for the investigatory stop and that the trial court erred in granting defendant's motion to suppress the evidence.

With regard to defendant's roadside statements, the Court concluded that defendant was not in custody during the traffic stop and thus no *Miranda* warnings were required. The Court quoted the rationale in *Berkemer v McCarty*, 468 US 420, 440; 104 S Ct 3138; 82 L Ed 2d 317 (1984) as to why a person is not "in custody" during an ordinary traffic stop. Finally, because Officer Doxtader was not required to advise defendant of his *Miranda* rights at the time of the roadside questioning, the trial court's holding that defendant's second statement was subject to suppression due to the taint of his earlier statement was erroneous. The Court went on to state

that even assuming Defendant's initial statements were illegally obtained, the fact that defendant's second confession occurred approximately 45 minutes after the first and because defendant had been given his *Miranda* rights any "taint" from the previous confession was removed.