Order

Michigan Supreme Court
Lansing, Michigan

June 12, 2026

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

SC: 168594
COA: 369698
Kent CC: 23-002460-FH, 23-002461-FC

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

CRAIG LAMONT BUGGS, JR.,
Defendant-Appellant.

On May 6, 2026, the Court heard oral argument on the application for leave to appeal the April 28, 2025 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

THOMAS, J. (*concurring in part and dissenting in part*).

In this interlocutory appeal, defendant seeks to exclude from his upcoming trial evidence obtained from the searches of two residences. He argues that these searches violated the Fourth Amendment of the United States Constitution and Article 1, § 11 of the Michigan Constitution because they were not supported by probable cause to believe that evidence of suspected drug trafficking would be discovered in those residences. I disagree with the lower courts that there was probable cause to issue warrants to search *both* residences; I conclude that probable cause was lacking as to one of them. However, I agree with the Court of Appeals that under current law defendant's motion to suppress fails under the good-faith exception to the exclusionary rule.[1]

[1] See *People v Goldston*, 470 Mich 523, 526 (2004) (holding that the exclusionary rule does not apply to evidence uncovered due to a Fourth Amendment violation if officers conducted a search "in objective, good-faith reliance on a search warrant"), citing *United States v Leon*, 468 US 897 (1984); see also *People v Lewis*, 511 Mich 1105, 1116-1117 (2024) (CAVANAGH, J., dissenting) (proposing that this Court adopt the "minimally sufficient nexus" test when assessing the applicability of the good-faith exception in this context).

Notwithstanding my agreement with the denial of defendant's motion, I dissent from the Court's decision to deny leave to appeal. This Court retains the discretion to resolve a Fourth Amendment question even if the good-faith exception to the exclusionary rule applies. See *United States v Leon*, 468 US 897, 925 (1984). The exercise of this discretion is especially important "[i]f the resolution of a particular Fourth Amendment question is necessary to guide future action by law enforcement officers and magistrates[.]" *Id*.[2] Such guidance is necessary here. The United States Supreme Court has never addressed the circumstances under which there is probable cause to search a residence connected to a suspected drug trafficker, and there is minimal Michigan caselaw addressing that issue. Moreover, this case indicates an overly permissive view of when such searches comply with the Fourth Amendment.

It is well established that a search only satisfies the Fourth Amendment if there is a sufficient nexus between the alleged criminal behavior and the place sought to be searched.[3] Establishing probable cause to believe that criminal activity is taking place does not provide the government carte blanche to search every place that the suspect has ever been; there must be probable cause that evidence related to the specific criminal activity alleged will be discovered at a particular location.[4] Adherence to the nexus requirement is especially important for private residences, as "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." *Payton v New York*, 445 US 573, 585 (1980) (quotation marks and citation omitted).[5]

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[2] See also *id*. at 924 (noting that application of the good-faith exception does not "preclude review of the constitutionality of the search or seizure, deny needed guidance from the courts, or freeze Fourth Amendment law in its present state").

[3] See, e.g., *People v Hughes*, 506 Mich 512, 538-539 (2020), citing *Warden, Md Penitentiary v Hayden*, 387 US 294, 307 (1967).

[4] See, e.g., *People v Franklin*, 500 Mich 92, 101 (2017) ("A magistrate shall only issue a search warrant when he or she finds that 'there is a fair probability that contraband or evidence of a crime will be found *in a particular place*.' "), quoting *Illinois v Gates*, 462 US 213, 238 (1983) (emphasis added); *Zurcher v Stanford Daily*, 436 US 547, 556 (1978) ("The critical element in a reasonable search is not that the owner of the property is suspected of crime but that there is reasonable cause to believe that the specific 'things' to be searched for and seized are located on the property to which entry is sought.").

[5] See also, e.g., *Florida v Jardines*, 569 US 1, 6 (2013) ("[W]hen it comes to the Fourth Amendment, the home is first among equals."); *Minnesota v Olson*, 495 US 91, 95-100 (1990) (recognizing that overnight guests at a home have standing to raise a challenge under the Fourth Amendment).

The nexus inquiry is inherently fact-specific and defies rigid bright-line rules.[6] But extensive caselaw from the United States Court of Appeals for the Sixth Circuit is instructive and provides some general guidelines for assessing whether there is a sufficient nexus between drug activity and a residence.[7] For example, the Sixth Circuit has held there is a sufficient nexus if a warrant affidavit establishes a direct connection between drug dealing and a residence[8] or, absent such evidence, if the suspect permanently resides at a location and is engaged in a continual ongoing drug operation involving large amounts of drugs.[9] On the other end of the spectrum, the Sixth Circuit has recognized that there is an insufficient nexus if there is evidence of only drug *use* (but not the *sale* of drugs) or evidence of only one drug transaction that did not occur at or near the residence.[10] The Sixth Circuit has also recognized that one's status as a drug dealer does not, standing alone,

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[6] See, e.g., *Florida v Harris*, 568 US 237, 244 (2013) (rejecting "rigid rules, bright-line tests, and mechanistic inquiries in favor of a more flexible, all-things-considered approach" when assessing if there was probable cause to issue a warrant).

[7] While Michigan courts are not bound by decisions of lower federal courts, such decisions can be considered persuasive. See *Abela v Gen Motors Corp*, 469 Mich 603, 606-607 (2004). Given the lack of binding authority addressing this topic, I find it appropriate to look to Sixth Circuit decisions for guidance. That said, I do not purport to endorse all aspects of the decisions referenced in this statement. Rather, I use them to illustrate general considerations for assessing whether there is a sufficient nexus between illegal drug activity and a residence.

[8] Such direct evidence might include that the suspect sold drugs out of the residence; transported drugs or other contraband into or out of that residence; or left the residence, traveled directly to a different location to sell drugs, and then returned to that residence after the sale without any intervening stops. See, e.g., *United States v Sanders*, 106 F4th 455, 462 (CA 6, 2024) (an *en banc* decision citing numerous other Sixth Circuit decisions).

[9] See, e.g., *United States v Sheckles*, 996 F3d 330, 342 (CA 6, 2021); *United States v Gunter*, 551 F3d 472, 480-481 (CA 6, 2009); *United States v McCoy*, 905 F3d 409, 418 (CA 6, 2018); *United States v Miggins*, 302 F3d 384, 393 (CA 6, 2002).

[10] See, e.g., *United States v Brown*, 828 F3d 375, 383-384 (CA 6, 2016); *United States v McPhearson*, 469 F3d 518, 524-525 (CA 6, 2006); *Sheckles*, 996 F3d at 342; *McCoy*, 905 F3d at 418 n 5.

provide a sufficient basis to search that person's residence[11] and that a nexus may be lacking if there is insufficient evidence that a suspected drug dealer lived at the residence.[12]

The general principle reflected in these decisions is that the Fourth Amendment requires a connection between illegal drug activity and a residence that is "specific and concrete, not vague or generalized." *United States v Brown*, 828 F3d 375, 382 (CA 6, 2016) (quotation marks and citation omitted).[13] While probable cause that a suspect is engaged in drug dealing *supports* a search of a residence connected to that suspect, it is not per se sufficient in every case. It is not always appropriate to infer that somebody who has sold drugs stores incriminating evidence at their own residence, let alone another person's residence that the suspect only visits.[14] Instead, the nexus inquiry requires a more nuanced consideration of the *precise* nature of both (1) a suspect's alleged drug-trafficking activity, and (2) a suspect's relationship to the residence.

In this case, officers sought and obtained search warrants for two residences in the Grand Rapids area: an apartment on Logan Street and a house on Prospect Avenue. There is no dispute that the warrant affidavits established probable cause to believe that defendant was engaged in drug dealing, and the affidavits did not allege that narcotics sales occurred at either residence. The affidavits also indicated that defendant had some connection to

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[11] See, e.g., *Brown*, 828 F3d at 383; *United States v Simmons*, 129 F4th 382, 387 (CA 6, 2025).

[12] See, e.g., *Sanders*, 106 F4th at 466; *United States v Reed*, 993 F3d 441, 449 (CA 6, 2021); *Simmons*, 129 F4th at 387.

[13] See also *United States v Burrell*, 114 F4th 537, 551 (CA 6, 2024) (quoting the same language from *Brown*); *United States v Carpenter*, 360 F3d 591, 595 (CA 6, 2004) (finding the connection between drug activity and a residence "too vague, generalized, and insubstantial to establish probable cause").

[14] This is true even if the affidavit contains an assertion based on an officer's training and experience that drug dealers often store incriminating evidence at a residence. While this is relevant to the probable-cause inquiry, it is not sufficient on its own absent evidence tying that generalized opinion to the specific suspect, offense, or residence at issue. See *Brown*, 828 F3d at 382 ("The connection between the residence and the evidence of criminal activity must be specific and concrete, not vague or *generalized*.") (emphasis added; quotation marks and citation omitted); see also *Lewis*, 511 Mich at 1113 (CAVANAGH, J., dissenting) ("That some drug dealers operate in a particular manner does not mean that *this* alleged drug dealer operates in a particular manner. There must be a connection between the generalizations [based on officer training and experience] and the investigation at hand; otherwise the probable-cause inquiry collapses into a mere hunch on the part of the investigating officer.").

both residences, but that he was not the primary occupant at either location. The question is whether the affidavits were sufficient to establish probable cause that evidence of defendant's suspected drug dealing would be discovered in these residences.

I agree with the lower courts that there was a sufficient nexus to support a search warrant for the Logan Street apartment. While defendant was not named on the apartment's lease, there was evidence that he frequently resided there during the one-year period before the warrant affidavit was sworn.[15] Moreover, the warrant affidavit alleges that defendant sold heroin to a confidential informant five times over a four-month period, suggesting that he had an ongoing narcotics operation. Finally, the affidavit indicates that, one week before the affidavit was sworn, a police officer observed defendant travel directly from that apartment to a controlled drug buy and then return to that apartment immediately after completing the drug sale. Viewed together, these assertions established probable cause to believe that evidence of defendant's suspected drug trafficking would be discovered in that apartment.

However, I disagree with the lower courts that there was a sufficient nexus to support a search warrant for the house on Prospect Avenue. The warrant affidavit for that location includes no allegation of a direct connection between defendant's alleged drug dealing and that house, and there was no evidence that defendant resided there. The only evidence tying the house to defendant and his alleged drug dealing was that (1) two vehicles he used for drug transactions were registered to that address, (2) one of those vehicles was parked at the house continuously for 30 days leading up to the swearing of the warrant, and (3) during that same 30-day period, defendant would drive his other vehicle to that house most days for several hours in the early afternoon and leave in the late afternoon. In essence, the affidavit established only that defendant frequently visited this house and that the vehicles he used for drug transactions had innocuous connections to it. While the affidavit indicated that defendant sold narcotics and had some connection to the Prospect Avenue house, it failed to provide a meaningful link between defendant's drug dealing and this location to support probable cause to believe that evidence of drug trafficking would be discovered in that house.

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[15] The assistant manager of the apartment complex told an officer that defendant had been "staying" at the apartment "on and off for about a year" and that he had seen defendant at the complex as recently as a week before the affidavit was sworn. Additionally, an officer observed one of defendant's vehicles parked near the apartment complex almost every night for the 30 days preceding the swearing of the affidavit and observed defendant access the apartment building door with a "scan" access card one week before the warrant was sought.

While my disagreement with the lower courts on this point does not affect how I would resolve defendant's motion to suppress, this does not change the reality that the search of the Prospect Avenue home violated the Fourth Amendment. When performing their gatekeeping role under the Fourth Amendment, magistrates should avoid an uncritical approach that assumes officers can lawfully search any residence with some connection to a person suspected of illegal drug activities. I believe that crucial guidance in this area is necessary to ensure compliance with the Fourth Amendment and that this case offers the Court a good opportunity to provide such guidance. Thus, I respectfully dissent from the Court's denial order.

CAVANAGH, C.J., joins the statement of THOMAS, J.

HOOD, J., did not participate because he was on the Court of Appeals panel.

I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 12, 2026

Clerk