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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	FOR PUBLICATION October 20, 2026 9:25 AM
v	No. 374300 Kent Circuit Court
COLIN GARRET HEYS, Defendant-Appellant.	LC No. 23-011684-FH

Before: SWARTZLE, P.J., and ACKERMAN and TREBILCOCK, JJ.

SWARTZLE, P.J.

Police officers arrested defendant in his home on an arrest warrant after another resident contacted them and allowed them to enter the home. The address on the arrest warrant differed from the location where officers arrested defendant, and defendant argues on appeal that this discrepancy invalidated the warrant as a matter of law. Contrary to defendant's argument, however, an arrest warrant must adequately describe the *person* to be seized, not the location, as well as include an oath or affirmation supporting probable cause. Finding no errors warranting reversal, we affirm defendant's convictions on two counts of resisting and obstructing a police officer.

I. BACKGROUND

On the day of defendant's arrest, another resident of the home where defendant was living contacted the police in order for the police to pick up defendant on an arrest warrant at the home. Four officers, after verifying that there was a warrant for defendant's arrest, proceeded to the home despite the fact that the address did not match the address on the arrest warrant. The resident of the home left the door open for the police officers and informed them that they were allowed to enter. Officers knocked on the door, entered the home, and proceeded upstairs where defendant was purported to be.

Upon entering the bedroom where defendant was located, the officers told defendant to place his hands on his head and that he was under arrest. Defendant told the officers to get out and remained sitting on the bed. Defendant was ultimately tased and carried out of the home after defendant ignored officers' commands, pulled his arms so officers were unable to handcuff him,

and kicked an officer. At one point during the struggle, defendant asked the officers, "[W]hy are you in my house?"

At trial, one of the officers described the procedure for an attempted "warrant pick-up." "We [the police officers], on a temp warrant pick-up[,] we know that we have information that a subject is at a specific location, a specific subject is named, and we verify that there is a valid arrest warrant for that subject." The officer testified that the police were given information that defendant was inside the residence, aware that defendant resided at the residence, and "followed procedures to verify there [was] in fact a warrant." Bodycam footage of the incident was also submitted as evidence.

Defendant moved to dismiss the case, claiming that his arrest was unlawful, but the trial court denied defendant's motion. The trial court also denied defendant's request for a jury instruction on the issue of consent to the officers' entry. The trial court instructed the jury that the prosecutor must prove three elements beyond a reasonable doubt including that the officers "gave the defendant a lawful command, was making a lawful arrest, or was otherwise performing a lawful act." Before the jury began deliberating, a bench conference occurred, and the trial court gave the jury this additional instruction:

> [A]n arrest is legal if it is made by an officer relying on an—on an arrest warrant for the defendant issue [sic] by a court. The prosecutor must prove beyond a reasonable doubt that the arrest was legal. It is up to you to determine whether the officer's actions were legal according to the law as I just described it to you.

The jury convicted defendant of two counts of resisting and obstructing a police officer, MCL 750.81d(1), and the trial court sentenced defendant to 277 days in jail for each conviction.

Defendant now appeals.

II. ANALYSIS

A. SUFFICIENCY OF THE EVIDENCE

Defendant first argues on appeal that there was insufficient evidence to convict, and therefore, his case should have been dismissed. We review de novo claims of insufficient evidence, which requires the Court to "view the evidence in a light most favorable to the prosecution and determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt." *People v Lowrey*, 342 Mich App 99, 122; 993 NW2d 62 (2022). For a motion to dismiss, we review the trial court's decision for an abuse of discretion (an error of law or a decision outside the range of reasonable and principled outcomes) and its findings of facts for clear error (firm conviction that a mistake was made). *People v Caswell*, 336 Mich App 59, 69-70; 969 NW2d 538 (2021).

Under MCL 750.81d, a defendant is guilty of resisting and obstructing a police officer if the defendant (1) assaults, batters, wounds, resists, opposes, endangers, or obstructs an officer, which includes the use or threatened use of force or a knowing failure to comply with an officer's lawful command and (2) knew or had reason to know the officer was performing police duties.

The prosecutor must also establish that the officers acted lawfully. *People v Moreno*, 491 Mich 38, 52; 814 NW2d 624 (2012); *People v Quinn*, 305 Mich App 484, 491; 853 NW2d 383 (2014).

On appeal, defendant does not claim error with the first two elements of resisting and obstructing but instead argues that there was insufficient evidence to prove that the officers were acting lawfully when they arrested defendant. Specifically, defendant asserts the following arguments: the police had no right to remain on the premises because the arrest warrant was not for that address, and the police had no authority to enter defendant's home without a warrant.

Defendant's arguments appear to confuse the requirements and attributes of arrest warrants and search warrants. With a search warrant, the location where the search is sought to be held must be specified and particularly described in the warrant. *People v McGhee*, 255 Mich App 623, 625-626; 662 NW2d 777 (2003). In contrast, an arrest warrant does not require the description of the place to be searched but rather requires a description of the person to be seized and an oath or affirmation supporting probable cause. US Const, Am IV; Const 1963, art 1, § 11; MCL 764.1a; MCL 764.1b. "A facially valid arrest warrant provides the arresting officer with sufficient probable cause to arrest the individual identified in the warrant." *McPhearson v Anderson*, 874 F Supp 2d 573, 580 (ED Va, 2012) (citing *Baker v McCollan*, 443 US 137, 143-144; 99 S Ct 2689; 61 L Ed 2d 433 (1979)). As has been recognized by this Court, "there are no territorial limits in the state on arrest warrants," *People v Rowe*, 95 Mich App 204, 208; 289 NW2d 915 (1980) (citing MCL 764.2 and MCL 767.31), and this would make little sense if a person could be arrested on an arrest warrant only at the address identified in the warrant. Essentially, a search warrant is connected to a place and needs to describe that place; an arrest warrant is attached to a person and needs to describe that person.

The fact that the address listed in the arrest warrant differed from the location where police actually arrested defendant did not affect the requirements of the arrest warrant here, i.e., the description of defendant himself or the support for probable cause. Although the arrest warrant was not admitted into evidence, one officer testified that he followed procedures to verify a valid arrest warrant. See *People v Freeman*, 240 Mich App 235, 236-237; 612 NW2d 824 (2000) ("[T]he arresting officer's reliance on the [law enforcement information network] LEIN information provided reasonable cause."). Thus, based on the evidence presented and defendant's arguments on appeal with respect to the warrant's validity, the different address did not affect the necessary requirements for the arrest warrant and the overall validity of the warrant. See *People v Ulman*, 244 Mich App 500, 509-510; 625 NW2d 429 (2001) ("The invalid portions of an affidavit [for a warrant] may be severed, and the validity of the resultant warrant may be tested by the information remaining in the affidavit.").

The next question is whether the officers had the authority to enter the home given the valid arrest warrant. With a valid arrest warrant, police officers have implicit "limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within." *Payton v New York*, 445 US 573, 603; 100 S Ct 1371; 63 L Ed 2d 639 (1980); see *People v Clement*, 107 Mich App 283, 287-288; 309 NW2d 236 (1981) ("The [United States Supreme Court in *Payton*] also held that . . . where the home to be entered is the suspect's home, only an arrest warrant was necessary."). If the officers are entering the home of a third party, though, then an arrest warrant alone is insufficient; "absent exigent circumstances or consent, a search warrant is needed before

the home of a third party may be searched for a suspect named in an arrest warrant." *Clement*, 107 Mich App at 292.

In this case, a rational jury could find that the officers had authority to enter the home with a valid arrest warrant. Another resident of the home told police that defendant was in the upstairs of the house and gave the officers consent to enter, giving officers a reason to believe that the suspect was within the residence. Further, an officer testified that he was aware that defendant also resided at the home, and defendant claimed that the house where he was arrested was his home. Given that the house was defendant's home and the officers knew defendant was there, the valid arrest warrant gave the officers the implicit authority to enter.

As for defendant's claim that he revoked the consent for the officers to be in the home, his consent does not affect the officers' authority with an arrest warrant to enter defendant's home to arrest defendant. Although consent to search a home may be required when there is an accompanying search after an arrest (absent a search warrant), defendant's consent is not required when officers, with a valid warrant for defendant's arrest, attempt to arrest defendant within his own home. If there was sufficient evidence of probable cause such that a court issued an arrest warrant, then "it is constitutionally reasonable to require [defendant without his consent] to open his doors to the officers of the law." *Payton*, 445 US at 602-603.

In any event, defendant's purported revocation of consent was too little, too late. The officers received consent from the other resident of the home to enter. By the time defendant told officers to "get out," the officers had already given defendant lawful commands indicating that defendant was under arrest at that point. Although defendant may be able to revoke consent for a warrantless search, such revocation does not apply retroactively. *People v Powell*, 199 Mich App 492, 499; 502 NW2d 353 (1993). Therefore, there was sufficient evidence that defendant was arrested lawfully.

B. JURY INSTRUCTIONS

Defendant also argues that the trial court erred by not instructing the jury on the issue of consent to the officers' entry into his home, thereby violating defendant's constitutional rights to present a defense. We review for an abuse of discretion "a trial court's determination that a specific instruction is inapplicable given the facts of the case." *People v Hartuniewicz*, 294 Mich App 237, 242; 816 NW2d 442 (2011). We review de novo claims of instructional error and constitutional questions regarding denial of a defendant's right to present a defense; reversal is not required, however, if the jury instructions as a whole "fairly presented the issues to be tried and sufficiently protected the defendant's rights." *People v Kurr*, 253 Mich App 317, 327; 654 NW2d 651 (2002).

Generally, "[j]ury instructions must include all the elements of the charged offense and must not exclude material issues, defenses, and theories if the evidence supports them." *People v Canales*, 243 Mich App 571, 574; 624 NW2d 439 (2000). In the context of a resisting-and-obstructing charge specifically, the trial court must give certain instructions, including that the jury must decide that an officer acted lawfully, as well as details "regarding the applicable law governing the officer's legal authority to act." *People v Carroll*, 514 Mich 851, 851; 8 NW3d 576 (2024); see also *Quinn*, 305 Mich App at 494.

First, with regard to defendant's request for a jury instruction on the right to deny and revoke consent, the trial court did not abuse its discretion when it denied defendant's request. As already discussed, defendant's consent is irrelevant when the officers entered defendant's home with a valid arrest warrant. The trial court properly excluded defendant's purported defense of consent from the jury instructions because the evidence and law did not support such a defense.

Second, the jury instructions fairly presented the issues and did not violate defendant's rights. In this case, the trial court instructed the jury that: (1) an arrest is legal if it is made by an officer relying on a court-issued arrest warrant for the defendant; (2) the prosecutor must prove that the arrest was legal beyond a reasonable doubt; and (3) it was the jury's role to determine whether the officers' conduct was legal according to the law as described to the jurors.

The question is whether the trial court properly provided "a legal framework for assessing whether the officers' actions were lawful." *Carroll*, 514 Mich at 851 (finding that the jury instructions correctly advised that the prosecutor must show that the police were acting lawfully and that the jury was to determine whether the officer's actions were legal but failed to describe the legal standard applicable to the facts). Here, unlike in *Carroll*, the trial court provided some guidance on the arrest's legality: an arrest is legal if it is made by an officer relying on a court-issued arrest warrant for the defendant. This instruction, in conjunction with the officer's testimony concerning the arrest warrant and the home where defendant was arrested, provided a fair presentation of the issue and sufficient legal context for the jury's assessment of the legality of the arrest.

Although the trial court could have provided a more robust legal framework by including further guidance about the arrest warrant's validity and the officer's authority to enter defendant's home, the failure to do so here did not violate defendant's right to present a defense. As already discussed, the arrest warrant was valid, and the officers had authority to enter defendant's home given the testimony about the arrest warrant and the circumstances leading to the officers' entry into defendant's home. Thus, the jury instructions did not result in a violation of defendant's rights that would entitle him to reversal.

III. CONCLUSION

Given the sufficient evidence of defendant's lawful arrest and the trial court's instructions that adequately informed the jury, defendant is not entitled to reversal of his conviction.

Affirmed.

/s/ Brock A. Swartzle
/s/ Matthew S. Ackerman
/s/ Christopher M. Trebilcock