*If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.*

# STATE OF MICHIGAN

# COURT OF APPEALS

| | |
|---|---|
| PEOPLE OF THE STATE OF MICHIGAN,<br><br>Plaintiff-Appellee, | UNPUBLISHED<br>September 28, 2026<br>10:02 AM |
| v | No. 371913<br>Wayne Circuit Court |
| DEREK LAMAR MURRAY,<br><br>Defendant-Appellant. | LC No. 23-005300-01-FC |

| | |
|---|---|
| PEOPLE OF THE STATE OF MICHIGAN,<br><br>Plaintiff-Appellee, | |
| v | No. 371914<br>Wayne Circuit Court |
| DEREK LAMAR MURRAY,<br><br>Defendant-Appellant. | LC No. 23-005308-01-FC |

AFTER REMAND

Before: CAMERON, P.J., and M. J. KELLY and YOUNG, JJ.

PER CURIAM.

In Docket No. 371913 of these consolidated appeals,[1] defendant appeals by right his jury-trial convictions of assault with intent to commit murder (AWIM), MCL 750.83; assault with a dangerous weapon (felonious assault), MCL 750.82(1); and two counts of possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b(1). In Docket No. 371914,

[1] *People v Murray*, unpublished order of the Court of Appeals, entered August 14, 2024 (Docket Nos. 371913 and 371914).

defendant appeals by right his separate jury-trial convictions for AWIM; first-degree home invasion, MCL 750.110a(2)(a); three counts of felony-firearm; and intentional discharge of a firearm at a dwelling, MCL 750.234b(1).

In our prior opinion, *People v Murray*, unpublished per curiam opinion of the Courts of Appeals, issued February 18, 2026 (Docket Nos. 371913 and 371914), pp 1, 8, we remanded this case to the trial court for an evidentiary hearing to determine whether the good-faith exception to the exclusionary rule applied to permit the use of defendant's tether location data at trial. Having reviewed the trial court's findings of fact and conclusions of law, we affirm.

## I. FACTUAL AND PROCEDURAL BACKGROUND

The facts underlying this appeal were summarized in our prior opinion:

> These appeals arise out of defendant's consolidated jury-trial convictions for separate shootings that took place on September 24, 2023, and October 4, 2023. In March 2023, the relationship between defendant and his live-in girlfriend of 4 years, April Parker, became violent. According to Parker, she called the police on defendant so many times that she began to recognize responding officers. In August 2023, defendant was charged with two misdemeanor domestic violence charges involving Parker and, as a condition of release, he was placed on a tether with electronic monitoring. After his release from custody, defendant resided with his father, whose house was about a five-minute drive from the home defendant formerly shared with Parker, which he was prohibited from visiting.
>
> In the late hours of September 24, 2023, defendant, who still had keys to Parker's home, entered the home without her knowledge and discovered her naked and asleep in bed with Theophilus Watson, a man from the same neighborhood and with whom defendant was familiar. Watson was awakened by a sudden blow to the head, and he saw defendant standing over him holding a handgun. Defendant then shot Watson once in his arm and again in his knee. Watson ran out of the house. As Watson was fleeing, defendant shot at him a third time, narrowly missing his head. Watson lost consciousness after seeking refuge at a neighbor's house, and woke up later that morning in the hospital. A few days later, Watson met with police and identified defendant as his shooter. Data from defendant's tether also showed that defendant was not at his father's home shortly before and after the shooting, and Parker's home fell within the tether's location data available during the time frame of the shooting.
>
> On October 3, 2023, Parker failed to appear in court to testify in the domestic violence case. Therefore, the charges against defendant were dismissed. Defendant did not go to the police station that day to have his tether removed, so it remained attached to his ankle.
>
> The next day, October 4, 2023, Parker was at her home drinking with her friend, Brian Hurst. Shortly after 1:00 a.m., Parker and Hurst were sitting on the couch when the living room window was suddenly shot out. Parker hit the floor,

> and defendant entered the house through the broken window, firing multiple shots. Parker then felt what she believed was a gun pressed against her head. Defendant asked her whether the house's cameras were on, which she denied. Defendant then left and Parker went to check on Hurst, who was bleeding in her living room. Parker retrieved a towel for Hurst, but by then defendant had returned and told her to tell the police that she was robbed. After defendant left, Parker returned to the living to find that Hurst was gone, having stumbled out the front door and around to the side of the house. Parker then called the police, and Hurst was admitted to the hospital to receive treatment for five gunshot wounds. Detroit Police detectives later contacted the Fugitive Apprehension Service Team, who used defendant's tether location to confirm his presence at Parker's home the night of the shooting. Detectives requested an arrest warrant for defendant and a search warrant for his home on Coyle Street based, in part, on that information.
>
> Before trial, defendant moved to suppress his tether location data from the October 4, 2023 shooting on Fourth Amendment grounds. Defendant's motion was denied. He then moved the court for reconsideration, requesting an evidentiary hearing. This motion was also denied, and the tether data was introduced to the jury at trial. Defendant was convicted as noted above. [*Id*. at 2-3.]

On appeal, defendant argued that his tether location data should have been suppressed, and that he was entitled to an evidentiary hearing to determine whether the good-faith exception applied. Because the record was insufficient for us to determine whether the good-faith exception applied, we remanded the case to the trial court for an evidentiary hearing. *Id*. at 4, 6-7. At the hearing, several officers testified regarding the extent of their knowledge about the status and operation of defendant's tether, and the trial court ruled that the good-faith exception applied. The trial court further found that, even if the exception did not apply, any error in admitting the tether location data was harmless beyond a reasonable doubt. We now consider whether the trial court erred in reaching those conclusions.

## II. STANDARDS OF REVIEW

> This Court reviews de novo a trial court's ruling on a motion to suppress. The trial court's factual findings are reviewed for clear error, and the underlying constitutional issues, including whether a Fourth Amendment violation occurred, are reviewed de novo. A factual finding is clearly erroneous if it leaves the Court with a definite and firm conviction that the trial court made a mistake. [*People v Moorman*, 331 Mich App 481, 484-485; 952 NW2d 597 (2020) (quotation marks and citations omitted).]

"A trial court's decision on a motion for new trial is reviewed for an abuse of discretion, which occurs when the trial court renders a decision falling outside the range of principled decisions." *People v Dimambro*, 318 Mich App 204, 212; 897 NW2d 233 (2016) (quotation marks and citation omitted).

## III. ANALYSIS

Neither party provided supplemental briefing to this Court after remand. We therefore must decide whether the good-faith exception applied based solely on the evidentiary hearing transcript and the trial court's resulting order denying defendant's motion to suppress. On that record, we conclude that the trial court did not clearly err by finding that the good-faith exception applied to defendant's tether location data.

Evidence obtained in violation of the Fourth Amendment is generally inadmissible at trial. *Moorman*, 331 Mich App at 485. This exclusionary rule serves to "protect the Fourth Amendment rights of citizens to be free from unreasonable searches and seizures[,]" *People v Hawkins*, 468 Mich 488, 498; 668 NW2d 602 (2003), and to deter police misconduct, *People v Goldston*, 470 Mich 523, 526; 682 NW2d 479 (2004). There are exceptions to the exclusionary rule, see, e.g., *People v LoCicero (After Remand)*, 453 Mich 496, 508-509; 556 NW2d 498 (1996), and the government bears the burden of showing that an exception applies, *People v Cartwright*, 454 Mich 550, 561; 563 NW2d 208 (1997).

Under the good-faith exception, evidence obtained through a defective search warrant is admissible when the executing officer reasonably relied upon the validity of the warrant in objective good faith. *Goldston*, 470 Mich at 525-526, 540-541. In *People v Lucynski*, 514 Mich 888, 890-891; 9 NW3d 327 (2024), our Supreme Court explained:

> Suppression turns on the culpability of the police and the potential of exclusion to deter wrongful police conduct. Therefore, excluding evidence that was obtained as a result of reasonable reliance on a mistake made by a third-party would not necessarily deter police misconduct because there is no culpable or wrongful police conduct to deter. In other words, where the police error was the result of isolated negligence attenuated from the arrest, the exclusionary rule should not apply. [Quotation marks and citations omitted.]

During the evidentiary hearing, responding officers Sergeant Joseph Eason and Officer Cashe Coleman testified about what they learned at the scene of the shooting. Sergeant Eason asked Parker whether defendant's tether was still active, and she reported that defendant had been released from his tether condition the previous day. Parker did not provide any verification of this statement to either Sergeant Eason or Officer Coleman. The officers did not investigate Parker's claim regarding defendant's tether, include her statement in their police reports, or inform any other officers of her claim. Rather, both officers described the scene as "chaotic," and Officer Coleman stated that her first priority was to stop Hurst's bleeding by tying a tourniquet around his leg. Sergeant Eason similarly stated that his priority was to secure the scene and assist Officer Coleman with providing "life-saving" aid to Hurst. Importantly, neither officer performed a search of defendant's tether data.

Detective Eric Carthan, who was in charge of the investigation, testified that he submitted the warrant request for defendant's tether location data. Detective Cathan explained that he was not aware that the case underlying defendant's tether condition had been dismissed before submitting the request to the Wayne County Tether Unit. In fact, Detective Cathan testified that

when he contacted the Wayne County Tether Unit, he was informed that defendant's tether was still active.

Sergeant David Loftis, who was part of the Wayne County Sheriff's Office Fugitive Apprehension Service Team at the time of the shooting, also testified that he searched defendant's tether location data when he responded to the scene. Sergeant Loftis used his phone to confirm that defendant's tether location data placed him at the scene of the shooting. He explained that he typically received notice that an individual was no longer subject to a tether after receiving court paperwork or an e-mail notification. Neither circumstance occurred here. Sergeant Loftis testified that he only learned defendant had been released from his tether condition after defendant was arrested when he verified the dismissal using the 36th District Court's online records.

Relying on this testimony, the trial court did not err by finding that the good-faith exception applied to defendant's tether location data. Although Parker told Sergeant Eason and Officer Coleman that defendant had been released from his tether, neither officer had any verification that Parker's statement was true or additional information indicating that the tether was inactive. Additionally, as the trial court noted, "Officer Coleman and Sergeant Eason were tasked with stabilizing the victim and providing care as needed." Nothing from the record suggests that Officer Coleman's and Sergeant Eason's failure to relay the information from Parker to other officers an attempt to conceal the information; in other words, nothing from the record demonstrates any wrongful police conduct. Rather, the record supports the trial court's finding that their failure to communicate Parker's statement resulted from their immediate need to secure the scene and administer aid to Hurst, who was bleeding after being shot five times.

Moreover, there is no evidence that Detective Carthan, who requested the tether location data, or Sergeant Loftis, who performed the search, knew that defendant's tether condition had been dismissed. Detective Cathan was even told that the tether was still active when he submitted his warrant request to the Wayne County Tether Unit. Sergeant Loftis also confirmed that he did not learn defendant had been released from his tether condition until after defendant's arrest. Because nothing in the record undermines that finding, the trial court did not clearly err by finding that the good-faith exception applied and denying defendant's motions to suppress and for a new trial.[2]

Affirmed.

/s/ Thomas C. Cameron
/s/ Michael J. Kelly
/s/ Adrienne N. Young

[2] Because the good-faith exception applies, we need not address the trial court's alternative harmless-error analysis.