

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DARRELL M. SHAVERS,

Defendant-Appellant.

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UNPUBLISHED

April 6, 2001

No. 220537

Wayne Circuit Court

LC No. 98-013538

Before: Talbot, P.J., and Sawyer and F.L. Borchard\*, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for possession of less than 25 grams of cocaine, MCL 333.7403(2)(a)(v); MSA 14.15(7403)(2)(a)(v). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant asserts that the trial court erred in denying his motion to suppress. Defendant was arrested in an apartment that he formerly occupied with his girlfriend. The landlord testified that he rented the apartment to the girlfriend, and that she had moved out. The landlord changed the locks, but defendant broke into the apartment. Defendant threatened the landlord, and the landlord informed the police that defendant was trespassing and dealing drugs. Police entered the apartment with the landlord's consent and arrested defendant.

Fourth Amendment rights are personal in nature and may only be asserted by one whose protection was infringed by the search and seizure. *People v Smith*, 420 Mich 1, 17; 360 NW2d 841 (1984). Arcane concepts of property law do not control the ability to claim the protections of the Fourth Amendment. *People v Armendarez*, 188 Mich App 61, 71; 468 NW2d 893 (1991). The question is whether defendant's possessory interest is sufficient to give him a privacy interest that allows him to challenge the search. *Id.*

Defendant's standing depends on his status as a tenant. Based on the evidence presented,

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\* Circuit judge, sitting on the Court of Appeals by assignment.

the trial court did not err in finding that defendant was a trespasser, and the landlord had actual authority to allow police to enter the premises.

Affirmed.

/s/ Michael J. Talbot

/s/ David H. Sawyer

/s/ Fred L. Borchard