

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

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DESHAWN ANTONIO ANDERSON,

Defendant-Appellant.

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UNPUBLISHED

July 23, 2002

No. 229664

Calhoun Circuit Court

LC No. 00-001533-FH

Before: Talbot, P.J., and Cooper and D. P. Ryan\*, JJ.

PER CURIAM.

Defendant appeals as of right his conviction of resisting and obstructing a police officer who was making an arrest, MCL 750.479, entered after a jury trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was charged with possession of less than twenty-five grams of cocaine, MCL 333.7403(2)(a)(v), and resisting and obstructing a police officer who was making an arrest. Evidence produced at trial established that the police were notified that defendant, a possible suspect with an outstanding arrest warrant, was present in a mall. The police consulted the in-car computer and the LEIN system, and determined that the warrant existed. Three officers located defendant in the rest room of the movie theatre. Evidence showed that when the officers informed defendant that he was under arrest, he became aggressive and engaged the officers in a physical altercation. During the altercation the officers saw defendant discard a plastic baggie containing a white powdery substance later determined to be cocaine.

Defendant moved for a directed verdict on the charge of resisting and obstructing a police officer who was making an arrest on the ground that the prosecution failed to establish that a valid warrant existed. The trial court denied the motion.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999). We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). A trier of fact may make reasonable

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

inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

If the evidence is insufficient to support a conviction, due process requires that the trial court direct a verdict of acquittal. MCR 6.419(A); *People v Lemmon*, 456 Mich 625, 633-634; 576 NW2d 129 (1998). When ruling on a motion for a directed verdict, the trial court must consider the evidence presented by the prosecutor and determine whether a rational trier of fact could find that the elements of the charged offense were proven beyond a reasonable doubt. *People v Mayhew*, 236 Mich App 112, 124; 600 NW2d 370 (1999). Questions regarding the credibility of witnesses are to be left to the trier of fact. *People v Pena*, 224 Mich App 650, 659; 569 NW2d 871 (1997), modified in part on other grounds 457 Mich 885 (1998). We review a trial court's ruling on a motion for a directed verdict de novo. *Mayhew, supra*.

The elements of the offense of resisting and obstructing a police officer who was making an arrest are: (1) that the defendant resisted an officer of the law who was making an arrest; (2) that the person the defendant resisted was an officer of the law; (3) that the defendant knew that the person was an officer of the law; (4) that the defendant knew that the officer was making an arrest; (5) that the defendant intended to resist the officer; and (6) that the arrest the defendant resisted was legal. CJI2d 13.1. An arrest is legal if it is made by an officer who is relying on an arrest warrant issued by a court. CJI2d 13.5. The jury must determine whether an arrest is legal. *People v Reed*, 43 Mich App 51, 53; 203 NW2d 756 (1972).

Defendant argues that insufficient evidence was presented to support his conviction of resisting and obstructing a police officer who was making an arrest, and that the trial court erred by denying his motion for a directed verdict on that charge.<sup>1</sup> We disagree and affirm. "An arrest is legal if an officer has reasonable cause to believe that a crime was committed by the defendant." *People v Freeman*, 240 Mich App 235, 236; 612 NW2d 824 (2000). Reasonable cause exists when there is enough information to lead an ordinarily careful person to believe that the defendant committed a crime. *Id.* In this case, the officers' reliance on the LEIN was sufficient to establish the existence of a warrant for defendant's arrest. The existence of the warrant gave the officers reasonable cause to believe that defendant committed the crime. An arrest is legal under such circumstances. See *id.* at 236-237. The trial court did not err by denying defendant's motion for a directed verdict, *Mayhew, supra*, and the evidence, viewed in a light most favorable to the prosecution, supported defendant's conviction of resisting and obstructing a police officer who was making an arrest. *Wolfe, supra; Reed, supra*.

Affirmed.

/s/ Michael J. Talbot

/s/ Jessica R. Cooper

/s/ Daniel P. Ryan

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<sup>1</sup> Defendant does not challenge his conviction of possession of less than twenty-five grams of cocaine.