

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEITH LAVALLE CHAPMAN,

Defendant-Appellant.

UNPUBLISHED

August 17, 2010

No. 291524

Saginaw Circuit Court

LC No. 08-030270-FH

Before: SHAPIRO, P.J., and SAAD and SERVITTO, JJ.

PER CURIAM.

Defendant appeals, by delayed leave granted, his plea-based convictions of possession of a firearm by a felon, MCL 750.224f, and possession of a firearm during the commission of a felony, second offense, MCL 750.227b. The trial court sentenced defendant as a third habitual offender, MCL 769.11, to serve consecutive terms of incarceration of five years in prison for the felony-firearm conviction, and 210 days for the felon in possession conviction. Because defendant consented to the search of his home, there was no Fourth Amendment violation, and we thus affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

This case arises from the discovery of a firearm, along with cocaine and drug-trafficking paraphernalia, in defendant's home. Defendant moved the trial court to suppress that evidence on the ground that the police improperly exploited defendant's status as a probationer and circumvented the warrant requirements of the Fourth Amendment by enlisting the participation of a probation officer, and thus availing themselves of the latter's broader authority to conduct warrantless searches of a probationer's home.

The trial court reviewed the evidence presented at defendant's preliminary examination, made the factual determination that defendant had consented to the search, and, after extensive analysis of the constitutional question, concluded that the police had acted properly in the matter. Defendant then entered into a plea agreement, pursuant to which he retained the option of presenting his constitutional issue to this Court. See MCR 6.301(C)(2); *People v New*, 427 Mich 482, 490-491; 398 NW2d 358 (1986).

We conclude that we need not reach the constitutional question, and affirm on the basis of the trial court's unchallenged finding that defendant consented to the search. See *People v Borchard-Ruhland*, 460 Mich 278, 294; 597 NW2d 1 (1999). Mr. Howell, a supervisor with the Michigan Department of Corrections Probation Office testified that when he and police arrived

at defendant's home and defendant was placed in the back of a police car, he asked defendant for permission to search his home. Mr. Howell testified that defendant gave him consent to search his home.

This Court will not reverse when the trial court reaches the correct result regardless of the reasoning employed. See *Porter v Royal Oak*, 214 Mich App 478, 488; 542 NW2d 905 (1995). We avoid reaching constitutional issues if alternative means are available for deciding a case. See *Stewart v Algonac Savings Bank*, 263 Mich 272, 284; 248 NW 619 (1933); *Rinaldi v Civil Service Comm*, 69 Mich App 58, 69; 244 NW2d 609 (1976) ("We will not undertake a constitutional analysis when we can avoid it.").

Defendant has not challenged on appeal the propriety of the trial court's finding that he consented to the search. Because that finding remains an unchallenged part of the record below, we eschew constitutional analysis and affirm the result below on the ground that the challenged search was rendered constitutionally proper by defendant's consent.

Affirmed.

/s/ Henry William Saad
/s/ Deborah A. Servitto