

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WARNER BERNARD CRIDER,

Defendant-Appellant.

UNPUBLISHED

June 17, 2004

No. 245900

Jackson Circuit Court

LC No. 01-005892-FH

Before: Neff, P.J., and Zahra and Murray, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial convictions for felonious assault, MCL 750.82, and felony-firearm, MCL 750.227b. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court erred in admitting evidence obtained as a result of police monitoring of a police station phone conversation. During a break in his interrogation, defendant made a phone call on his cell phone from the interview room. Surveillance of the room captured defendant's conversation regarding a weapon, leading to its subsequent seizure by police. A sign in the lobby of the police station advised that the premises were under audio surveillance.

Fourth Amendment interests are implicated when the government infringes upon an individual's justifiable or legitimate expectation of privacy. *Katz v United States*, 389 US 347; 88 S Ct 507; 19 L Ed 2d (1967); *People v Collins*, 438 Mich 8, 18; 475 NW2d 684 (1991). Where a sign indicates that conversations are recorded, an individual only has a limited expectation of privacy, and the recording does not violate the individual's constitutional rights. *People v DeGeer*, 140 Mich App 46; 363 NW2d 37 (1985). Defendant had no justifiable or legitimate expectation of privacy in the police department interview room. The trial court properly admitted the evidence.

Affirmed.

/s/ Janet T. Neff

/s/ Brian K. Zahra

/s/ Christopher M. Murray