

Court of Appeals, State of Michigan

ORDER

People of MI v Nathan Phillip Ashburn

Docket No. 344170

LC No. 17-005890-FH

Douglas B. Shapiro
Presiding Judge

William B. Murphy

Joel P. Hoekstra
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the decision of the Muskegon Circuit Court, in part, and VACATES that portion of the June 6, 2018 order effectuating that decision. The circuit court erroneously found that a failure to inform the person arrested that there was an outstanding warrant for his arrest, as required by MCL 764.18, rendered the arrest unlawful where the statute does not authorize the imposition of such a severe sanction, *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991), where the failure to strictly comply with such notice provisions generally does not vitiate the validity of the arrest because the failure to inform the arrested individual of the authority or reason for the arrest does not undermine the officer's authority or render the act of arrest illegal, 5 Am Jur 2d, Arrest, § 71, p 773; *People v Johnson*, 115 AD2d 330, 330; 495 NYS2d 847 (1985), and where the defendant is required to be brought promptly before the court for arraignment, where he or she will learn the contents of the arrest warrant, MCR 6.104.

In all other respects the Court DENIES the motion for leave to appeal.

This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUN 11 2018

Date


Chief Clerk