

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

UNPUBLISHED
June 5, 2012

v

ROGER ALLEN WATKINS,

Defendant-Appellee.

No. 303948
Ingham Circuit Court
LC No. 10-951-AR

Before: OWENS, P.J., and TALBOT and METER, JJ.

PER CURIAM.

Plaintiff appeals by leave granted the circuit court's reversal of defendant's district court conviction for possessing a firearm on the Michigan State University (MSU) campus. We affirm the circuit court's reversal of defendant's conviction.

On March 10, 2010, defendant attended a Home and Garden Show at the Pavilion for Agriculture and Livestock Education (Pavilion) located on the MSU campus. Defendant was carrying a 9-millimeter pistol in a shoulder harness, the butt of the gun visible to bystanders. Defendant had been issued a Concealed Pistol License (CPL) by the State of Michigan. MSU Police arrested defendant and seized the pistol and ammunition.

Since defendant had a concealed pistol license, he questioned how his carrying a pistol inside the pavilion was not permitted by state law regarding firearms. The prosecutor then filed a bill of particulars, indicating that the MSU Pavilion was a sports arena under MCL 750.234d, and that read together with MCL 28.425c and MCL 28.425o, defendant was prohibited from openly carrying a pistol at the pavilion.

A bench trial was held in district court on July 22, 2010. Scott Rancour, the manager of the MSU Pavilion, testified that the pavilion contains a 300-seat auditorium, an exhibit area, a show arena, and classrooms. The show arena has an oval-shaped floor, with raised bleachers on one side that can accommodate 2,000 people. Defendant was in the show arena when he was seen carrying his pistol, and an officer approached him there. Rancour testified that the majority of the events at the show arena are competitions involving horses or livestock where prizes are awarded. A diagram of the Pavilion was admitted. The Pavilion is a large building that includes three main facilities: a 300-seat auditorium that serves as a large classroom; a 77,000 square foot Exhibit Area; and a 23,500 square foot show arena. In addition, several classrooms and offices are located along the west side of the show arena. Rancour reviewed several photographs of

signs that were on or near the Pavilion. None of them identified it, or any part of it, as a “sports arena.”

Defendant was convicted of violating MSU Ordinance 18.01 by possessing a firearm on the MSU campus. Defendant was fined and ordered to surrender the firearm and ammunition. Defendant appealed the conviction to the circuit court, which held that “[u]nless MSU refers to the ‘show arena’ within the Pavilion as a ‘sports arena,’ CPL holding guests are without notice that they are in a ‘sports arena’ and therefore, cannot be held responsible for violating laws applicable to a ‘sports arena.’” Accordingly, the circuit court reversed defendant’s conviction. Plaintiff now appeals on leave granted.¹

We conclude that the circuit court properly reversed defendant’s conviction; however our conclusion is based on different grounds than that of the circuit court. We may affirm a trial court's decision where the decision is the right result, albeit for the wrong reason. *Fisher v Blankenship*, 286 Mich App 54, 70; 777 NW2d 469 (2009). Defendant was convicted of violating MSU Ordinance 18.01, which provides that “[e]xcept as permitted by state law regulating firearms, no person shall possess any firearm or weapon anywhere upon property governed by the Board.” The ordinance incorporates, by reference, MCL 750.234d, which provides, in pertinent part:

(1) Except as provided in subsection (2), a person shall not possess a firearm on the premises of any of the following:

* * *

(e) A sports arena.

* * *

(2) This section does not apply to any of the following:

* * *

(c) A person licensed by this state or another state to carry a concealed weapon.

We conclude that the prosecutor failed to establish that the Pavilion was a sports arena under the ordinance that incorporates MCL 750.234d. The name of the building is the “MSU Pavilion for Agriculture and Livestock Education.” The very name of the building indicates that it is utilized for agriculture and livestock education. The Pavilion is located on the grounds of MSU, where the vast majority of buildings are utilized for educational purposes. MSU does not list the

¹ *People v Watkins*, unpublished order of the Court of Appeals, entered November 4, 2011 (Docket No. 303948).

Pavilion among its athletic facilities on its official athletics website.² Furthermore, the building contains much more than just the show arena. There are classrooms, offices, an exhibit area, and an auditorium, which occupy more than three times as much square footage as the show arena. Based on these facts from the record, our conclusion is that the prosecutor failed to prove that the Pavilion is a sports arena. While we agree with the circuit court that defendant's conviction must be reversed, we decline to adopt the circuit court's reasoning that it could not uphold defendant's conviction because defendant did not have notice that the Pavilion was a sports arena.

Affirmed.

/s/ Donald S. Owens
/s/ Michael J. Talbot
/s/ Patrick M. Meter

² (<http://www.msuspartans.com/facilities/maps-directions.html#>) accessed May 18, 2012.