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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED September 11, 2026 1:21 PM
v	No. 375981 Kalamazoo Circuit Court
JALEN CHRISTOPHER GAMBLE, Defendant-Appellant.	LC No. 2024-001808-FH

Before: WALLACE, P.J., and CAMERON and KOROBKIN, JJ.

PER CURIAM.

Defendant was bound over on one count of carrying a concealed weapon, MCL 750.227; one count of felon in possession of a firearm, MCL 750.224f(6); and one count of carrying a firearm during the commission of a felony, MCL 750.227b. Defendant now appeals as on leave granted[1] the trial court's order denying his motion to suppress evidence from the search and seizure that resulted in his arrest. For the reasons set forth in this opinion, we affirm.

I. FACTUAL AND PROCEDURAL HISTORY

On October 27, 2024, multiple people arrived at Bronson Hospital in Kalamazoo, Michigan "with gunshot wounds." One of the victims reported that 1126 West Paterson Street in Kalamazoo was the scene of the shooting. This information was relayed over the police radio via dispatch "somewhere between like a 15, 20-minute window" between the shooting victims arriving at the hospital and Sergeant Brett Bylsma of the Kalamazoo Department of Public Safety (KDPS) responding to that address at approximately 2:45 a.m. The address led him to a closed-down, former laundromat that was known by officers as a location for partying and illegal gambling in a high crime area. As he drove west on West Paterson Street past the laundromat, Sgt. Bylsma observed "the southeastern door had what appeared to be a cell phone flashlight illuminating inside of it. And I could see it moving around as if it was being held on hand. It was consistent with someone holding it in their hand in terms of height." He saw defendant wearing a brown

[1] *People v Gamble*, ___ Mich ___; 32 NW3d 459 (2026).

workwear-style coat, standing next to an empty, wall-mounted former pay telephone cabinet at the front corner of the laundromat right next to its southeastern door. He observed that defendant was "looking around," turning his upper body and head back and forth to scan the parking lot and east and west on West Paterson Street, and that he was the only person who was standing near the laundromat parking lot at that time. After Sgt. Bylsma passed the laundromat, he turned left on a side street and then left again into a large church parking lot across the street from the laundromat, whereupon he then saw defendant walk west from the laundromat and stop and appear to be talking to someone that might be in or near a small white sport utility vehicle parked at the curb just west of the house next door to the laundromat. Based on these observations, Sgt. Bylsma was suspicious that the man in the brown coat "was acting as sort of lookout." He then relayed the information over police radio to responding officers, saying

> something to the effect of that a black male in a brown coat was standing at the corner of the building. I believe that I had passed along that I saw what I thought was a cell phone flashlight inside of the building. Then explained that the gentleman I saw is now walking westbound on Paterson. And then I instructed Officer Mesman to make contact with that gentleman for the basis of the shooting investigation that we were there for.

Sgt. Bylsma further testified that by "to make contact with," he meant for Officer Mesman to detain and question him and "ultimately I told him that if he needed to, he can *Terry* pat that gentleman."[2]

Officer Caleb Mesman of the KDPS testified that, prior to his arrival at the scene, he received instructions from Sgt. Bylsma to speak with defendant. Upon his arrival, Officer Mesman left his marked patrol vehicle, walked up to defendant who was speaking with one or more occupants of a white SUV stopped at the curb, and said to defendant, "Hey, how's it going man, hey we heard that there was maybe a shooting over here, do you know anything about that?" Defendant responded, "No, not from us, we just got up here." Officer Mesman then asked defendant for identification. Defendant immediately appeared to become agitated and said, "I didn't do nothing." Officer Mesman then told defendant, "You're not leaving," and "We can do this easy or we can do this difficult." Defendant continued to state, "I didn't do nothing, I didn't do nothing, sir." Officer Mesman then grabbed defendant's arm and told him, "You're being detained, okay?" Officer Mesman repeatedly stated that they were investigating a shooting, to which defendant responded, "That ain't got nothing to do with me." Defendant was then handcuffed and walked over to Officer Mesman's patrol vehicle parked on the street in front of the laundromat.

Defendant continued to state that he was not involved in anything. Officer Mesman asked defendant if he had any weapons on him, to which defendant responded, "No, you can't search me, I didn't do nothing. Don't search me bro." Officer Mesman testified that he asked defendant "if I could search him first. He said no. I informed him I would be doing a *Terry* pat. As I began to start my *Terry* pat, he was pulling away from me and pinning his waistband against my cruiser," which Officer Mesman described as a "common method" used when an individual is "concealing something that they don't want an officer to find." He testified that as "I was going over the right

[2] A reference to a protective pat-down search pursuant to *Terry v Ohio*, 392 US 1; 88 S Ct 1868; 20 L Ed 2d 889 (1968).

side of the front of his waist, I felt a hard object that I immediately recognized to be the handle of a firearm," which he then retrieved from defendant.

After his bindover from the district court, defendant moved to suppress his "unlawful detainment" and "any fruits arising therefrom." He argued that he was "subjected to an unlawful detainment that led to an unlawful search ultimately resulting in an unlawful arrest." The trial court found that "with regard to reasonable suspicion, I do believe that it is here. I am not going to grant [defendant's] motion to suppress the pat-down that ultimately led to the retrieval of this firearm at this time."

Defendant now appeals.

II. STANDARD OF REVIEW

A trial court's factual findings at a suppression hearing are reviewed by appellate courts for clear error. *People v Williams*, 472 Mich 308, 313; 696 NW2d 636 (2005). "Clear error exists when we are left with a definite and firm conviction that a mistake was made." *People v Abbott*, 330 Mich App 648, 654, 950 NW2d 478 (2019). A trial court's ultimate decision on a motion to suppress is reviewed de novo. *People v Joly*, 336 Mich App 388, 395, 410; 970 NW2d 426 (2021). "To the extent that a trial court's ruling on a motion to suppress involves an interpretation of the law or the application of a constitutional standard to uncontested facts, our review is de novo." *People v Tanner*, 496 Mich 199, 206; 853 NW2d 653 (2014) (quotation marks and citation omitted).

III. REASONABLE SUSPICION AND COLLECTIVE KNOWLEDGE

Defendant argues that his detention was unlawful. He contends that the totality of the circumstances did not support a finding of particularized reasonable suspicion that defendant was engaged in criminal activity. He also argues that, even if the totality of the circumstances *did* support reasonable suspicion that he was engaged in wrongdoing, Sgt. Bylsma did not sufficiently relay his observations to Officer Mesman to support Mesman's detention of defendant. We are not persuaded by these arguments.

The right of persons to be secure against unreasonable searches and seizures is guaranteed by the Fourth Amendment of the United States Constitution as well as Article 1, § 11 of Michigan's 1963 Constitution. "Generally stated, the test for what constitutes a seizure is whether, in view of all the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave." *People v Bolduc (On Remand)*, 263 Mich App 430, 438; 688 NW2d 316 (2004) (quotation marks and citation omitted). "The lawfulness of a search or seizure depends on its reasonableness." *People v Snider*, 239 Mich App 393, 406; 608 NW2d 502 (2000).

" '[A] police officer may in appropriate circumstances and in an appropriate manner approach a person for purposes of investigating possibly criminal behavior even though there is no probable cause to make an arrest.' " *People v Pagano*, 507 Mich 26, 32; 967 NW2d 590 (2021), quoting *Terry v Ohio*, 392 US 1, 22; 88 S Ct 1868; 20 L Ed 2d 889 (1968). "Colloquially, a brief detention of this sort is referred to as a *Terry* stop." *Pagano*, 507 Mich at 32.

> Under *Terry*, an officer can detain a citizen for a brief investigatory stop if the officer has reasonable suspicion that the citizen is engaged in, or is about to be engaged in, criminal activity. While the level of suspicion required for a *Terry* seizure is less than that required for probable cause to arrest, an officer must have more than an inchoate or unparticularized suspicion or hunch. Rather, a *Terry* seizure is only lawful if an officer has an objectively reasonable *particularized* suspicion that the specific individual being stopped is engaged in wrongdoing. Whether this standard is met in a particular case is fact-specific and requires an analysis of the totality of the circumstances known by the officer when the seizure occurred. [*People v Prude*, 513 Mich 377, 387; 15 NW3d 249 (2024) (quotation marks, citations, and brackets omitted).]

"The subjective intent of the police officer is irrelevant to the validity of the stop." *People v Dillon*, 296 Mich App 506, 509; 822 NW2d 611 (2012). A *Terry* stop or detention typically allows the officer to ask the individual "a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the officer's suspicions. But the detainee is not obliged to respond. And, unless the detainee's answers provide the officer with probable cause to arrest him, he must then be released." *Berkemer v McCarty*, 468 US 420, 439-440; 104 S Ct 3138; 82 L Ed 2d 317 (1984). "The scope of any search or seizure must be limited to that which is necessary to quickly confirm or dispel the officer's suspicion." *People v Barbarich*, 291 Mich App 468, 473; 807 NW2d 56 (2011). The individual "may not be detained even momentarily without reasonable, objective grounds for doing so; and his refusal to listen or answer does not, without more, furnish those grounds." *Florida v Royer*, 460 US 491, 498; 103 S Ct 1319; 75 L Ed 2d 229 (1983).

"An individual's presence in an area of expected criminal activity, standing alone, is not enough to support a reasonable, particularized suspicion that the person is committing a crime." *Illinois v Wardlow*, 528 US 119, 124; 120 S Ct 673; 145 L Ed 2d 570 (2000). However, "officers are not required to ignore the relevant characteristics of a location in determining whether the circumstances are sufficiently suspicious to warrant further investigation." *Id*.

The totality of the circumstances known by Sgt. Bylsma and Officer Mesman at the time of defendant's seizure supports the existence of an "objectively reasonable *particularized* suspicion" that defendant was "engaged in, or about to be engaged in, criminal activity." *Prude*, 513 Mich at 387. Although defendant's presence in the high crime area *alone* was not "enough to support a reasonable, particularized suspicion" that he was engaged in criminal activity, *Wardlow*, 428 US at 124, and neither was his refusal to listen to Officer Mesman or answer Officer Mesman's questions *alone*, see *Royer*, 450 US at 498, several additional factors supported Officer Mesman's detention of defendant.

A shooting was reported to have occurred in the area of the laundromat by one of the shooting victims, approximately 20 minutes before Sgt. Bylsma responded to that location. Defendant was seen standing alone, just outside the door of the closed-down, former laundromat at 2:45 a.m. The laundromat was known by officers as a location for partying and illegal gambling in a high crime area. Defendant was seen scanning the street and parking lot and what looked like a hand-held cell phone flashlight could be seen moving about inside the laundromat through its glass-paned door. Defendant appeared to leave his post at the southeast corner of the laundromat

and walk west on West Paterson Street to speak with the occupants of a small white SUV just past the house next door just after Sgt. Bylsma's marked police vehicle drove past. Sgt. Bylsma was justified in recognizing the "relevant characteristics" of the laundromat, including its reputation for being a problematic hangout in a high crime area and reportedly being the location of the shootings less than an hour earlier, in determining whether the totality of the circumstances of defendant's apparent lookout presence at the corner entrance to the laundromat was "sufficiently suspicious to warrant further investigation." *Wardlow*, 528 US at 124. Such individual factors collectively "build to form the requisite objective basis for the particularized suspicion" that defendant was engaged in criminal activity. *Prude*, 513 Mich at 392-393 (quotation marks and citation omitted).

Collective knowledge can demonstrate probable cause. In *People v Nguyen*, 305 Mich App 740; 854 NW2d 223 (2014), in addressing whether information provided by a confidential informant to police supported the existence of probable cause to arrest the defendant, this Court held: "An arresting officer, or collectively the officers involved in an investigation ('the police team' approach), must possess information demonstrating probable cause to believe that an offense has occurred and that the defendant has committed it." *Id*. at 751. We also find caselaw from multiple federal appellate courts persuasive on this issue.[3] See, e.g., *United States v Lyons*, 687 F3d 754, 765-766 (CA 6, 2012) (holding that the collective knowledge doctrine "impute[s] collective knowledge among multiple law enforcement agencies, even when the evidence demonstrates that the responding officer was wholly unaware of the specific facts that established reasonable suspicion for the stop" and under that doctrine, "an officer may conduct a [traffic] stop based on information obtained by fellow officers"); *United States v Ramirez*, 473 F3d 1026, 1033 (CA 9, 2007) (holding the collective knowledge doctrine applies "where an officer (or team of officers), with direct personal knowledge of *all* the facts necessary to give rise to reasonable suspicion or probable cause, directs or requests that another officer, not previously involved in the investigation, conduct a stop, search, or arrest"). Certainly, this collective knowledge principle of the investigating team of officers can demonstrate reasonable suspicion for a *Terry* stop.

Officer Mesman did not have specific details of the shooting and he did not specifically testify to having received all of the observations Sgt. Bylsma claims he conveyed via police radio to responding officers. However, Officer Mesman was informed, before effectuating defendant's stop, that the shooting had taken place near the laundromat and that defendant was the only individual seen near the laundromat during Sgt. Bylsma's drive-by and observation from the church parking lot across the street. Sgt. Bylsma testified that he radioed his observations of the phone flashlight inside the dark, defunct laundromat and defendant exhibiting the behavior of a lookout to responding officers, and Officer Mesman testified that he received and was acting on Sgt. Bylsma's relayed observations. Sgt. Bylsma and Officer Mesman had collective knowledge of this information. Accordingly, it was reasonable for Officer Mesman to suspect that defendant was involved in criminal activity on the basis of this collective knowledge, and he had reasonable

[3] "While the decisions of lower federal courts and other state courts are not binding on this Court, they may be considered as persuasive authority." *People v Abcumby-Blair*, 335 Mich App 210, 231-232; 966 NW2d 437 (2020).

suspicion to stop defendant to investigate the shooting allegations and his related suspicious behavior.

IV. PAT-DOWN SEARCH

Defendant argues that Officer Mesman's pat down of his person was not justified as part of the *Terry* stop because there was no existing reason to believe that defendant was armed and dangerous.

"[A] search for weapons is reasonable during a *Terry* stop when there is reason to believe that an individual is armed and dangerous." *Johnson v VanderKooi*, 509 Mich 524, 539-540; 983 NW2d 779 (2022). However, the "officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger." *Terry*, 392 US at 27.

For example, in *People v Custer*, 465 Mich 319; 630 NW2d 870 (2001), two police officers were dispatched to a residence to investigate a possible trespass. *Id*. at 323. Upon arrival, they observed a parked vehicle occupied by the defendant and another individual. *Id*. One of the officers placed the other individual in their patrol car after this individual voluntarily removed "a plastic baggie that contained marijuana" from his pocket. *Id*. at 324. The individual then "yelled to defendant, 'don't tell them a f thing.' " *Id*. at 324. One of the officers proceeded to conduct a pat-down search of defendant and felt and removed what "he believed to be a two-by-three-inch card of blotter acid in defendant's front pants pocket." *Id*. He removed the object, placed it on the roof of the vehicle, and, after completing the search of the defendant, he picked the object back up and saw that it was three photographs, turned face down. *Id*. at 322. Turning them over, he saw that they were "three Polaroid photographs that showed [the arrested individual] posed with large quantities of marijuana in the living room of defendant's house." *Id*. at 324. This Court held that "the patdown search of defendant had been legal, but that the officer should not have turned the photographs over to look at their fronts." *Id*. at 325.

Our Supreme Court first held that "after the [then-illegal] marijuana was found, the police properly detained defendant for the purpose of conducting a limited search for weapons on the basis of reasonable suspicion." *Id*. at 327-328. Regarding "whether the patdown search of defendant was invalid under the Fourth Amendment of the United States Constitution and its counterpart in the Michigan Constitution," the Court held that the "relevant inquiry when determining whether the police have properly conducted a patdown search is whether the officer's action was justified at its inception[.]" *Id*. at 329 (quotation marks and citation omitted). The Court further stated:

> The proper focus is on the *actions* of the officer, not his *thoughts*. In the present case, it is irrelevant that the officer was secondarily looking for drugs because the principal purpose of the patdown search of defendant was to ensure that he did not have any weapons. Accordingly, we find that the objective facts that prompted the officer to determine that his safety, and that of his partner, might be at risk, were sufficient to warrant the patdown search of defendant. [*Id*. at 330 (quotation marks and citation omitted).]

In the present case, Officer Mesman was aware of multiple shooting victims having gone to the hospital and that one of those victims reported that 1126 West Paterson Street in Kalamazoo was the scene of the shooting. He testified that Sgt. Bylsma told him he had seen the man in the brown coat "looking into the building where the shooting had taken place" and Bylsma instructed him to speak with that individual. Further, Sgt. Bylsma testified that he radioed his observations of the phone flashlight inside the dark, defunct laundromat and defendant exhibiting the behavior of a lookout to responding officers, and Officer Mesman testified that he received and was acting on Sgt. Bylsma's relayed observations. Sgt. Bylsma and Officer Mesman had collective knowledge of this information. Further, Sgt. Bylsma testified that he told Officer Mesman that he could *Terry* pat the man in the brown coat, if needed (which was based on Sgt. Bylsma's observations). Accordingly, although Officer Mesman was not "absolutely certain" that defendant was armed, "a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger." *Terry*, 392 US at 27.

Upon arriving at the scene, Officer Mesman approached defendant and asked him whether he knew anything about the shooting that occurred near the laundromat, which defendant denied. After defendant refused to show identification, Officer Mesman detained defendant, handcuffing him and walking him near Officer Mesman's patrol vehicle.[4] Officer Mesman asked defendant if he had any weapons on him, which defendant denied, and Officer Mesman proceeded to pat down defendant's person, during which he found defendant's firearm. Officer Mesman's decision to conduct a pat-down search of defendant's person was "justified at its inception" to ensure that defendant did not have any weapons. *Custer*, 465 Mich at 329-330. Even if a *Terry* stop concludes without the suspect being arrested, that suspect could still "reach into his clothing and retrieve a weapon" when he is released from police control, absent a *Terry* frisk or pat-down search. *Michigan v Long*, 463 US 1032, 1051; 103 S Ct 3469; 77 L Ed 2d 1201 (1983).

Defendant argues that the evidence obtained as a result of Officer Mesman's search must be suppressed pursuant to the exclusionary rule. Generally, evidence seized in violation of the Fourth Amendment prohibition against unreasonable searches and seizures is excluded from use at trial under the exclusionary rule. *People v Goldston*, 470 Mich 523, 528-529; 682 NW2d 479 (2004). However, defendant's firearm was not discovered in a search incident to an unlawful arrest, but rather, during a pat-down search as a component of a *Terry* stop, which is a limited search "to quickly confirm or dispel the officer's suspicion." *Barbarich* , 291 Mich App at 473. "Police officers are permitted to take action in order to ensure their safety during *Terry* stops, and in some instances this can include the use of handcuffs[.]" *People v Maggit*, 319 Mich App 675, 692; 903 NW2d 868 (2017), (citing *Brown v Lewis*, 779 F3d 401, 415 (CA 6, 2015). "The use of guns, handcuffs, and detention in a police cruiser do not automatically transform a *Terry* stop into an arrest, but these displays of force must be warranted by the circumstances." *Brown*, 779 F3d at 415 (quotation marks, citation, and brackets omitted). In light of the chaotic scene in the aftermath of a recent alleged shooting, we find the use of handcuffs to detain and separate defendant from

[4] We note that "[f]ailing to provide identification upon request by a police officer is not itself a crime or statutory offense in Michigan." *People v Murawski*, ___ Mich App ___, ___; ___ NW3d ___ (2023) (Docket No. 365852); slip op at 9. But in the present case, defendant was not arrested based upon his failure to provide identification.

that chaos, until the *Terry* stop and pat down could safely occur, was warranted. Accordingly, defendant is not entitled to suppression of such evidence.

Affirmed.

/s/ Randy J. Wallace
/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin