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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED October 02, 2026 1:55 PM
v	No. 377890 Eaton Circuit Court
NICHOLAS ALLEN MADDEN, Defendant-Appellant.	LC No. 25-020133-FH

Before: MARIANI, P.J., and O'BRIEN and WALLACE, JJ.

O'BRIEN, J. (*concurring*).

I concur with the result reached by the majority opinion.

"The touchstone of the Fourth Amendment is reasonableness." *People v Hammerlund*, 504 Mich 442, 451; 939 NW2d 129 (2019). "Because of endless variations in the facts and circumstances implicating the Fourth Amendment, reasonableness is a fact-intensive inquiry that does not lend itself to resolution through the application of bright-line rules." *People v Williams*, 472 Mich 308, 314; 696 NW2d 636 (2005) (quotation marks and citations omitted). See also *People v Mead*, 503 Mich 205, 212; 931 NW2d 557 (2019) ("The Fourth Amendment demands nothing more or less than reasonableness. And reasonableness does not lend itself to bright-line rules.").

Defendant here asks this Court to announce a bright-line rule. He concedes that the officer who pulled him over had reasonable suspicion to conduct a *Terry*[1] stop when she initiated the seizure in the public roadway.[2] But because defendant continued driving and entered the curtilage of his home before submitting to the officer's show of authority, he was seized within the curtilage of his home. Defendant contends that this Court should announce a bright-line rule that, the

[1] *Terry v Ohio*, 392 US 1, 88 S Ct 1868, 20 L Ed 889 (1968).

[2] Defendant writes in his brief on appeal that the officer did not have probable cause for an arrest but "had reasonable suspicion satisfying a stop pursuant to *Terry v Ohio*, 392 US 1, 88 S Ct 1868, 20 L Ed 889 (1968)."

moment that an individual enters the curtilage of their home, an officer needs probable cause to seize them. The majority opinion is right to reject defendant's invitation to announce such a rule. There are, of course, variations of facts in which an officer's conduct of following an individual into the curtilage of their home and seizing them is unreasonable and thus violates the Fourth Amendment, even if the officer had reasonable suspicion to stop the individual before they entered the curtilage of their home. But that is not the case here because, under the facts of this case, the officer's conduct was reasonable.

In general, "[a] lawful roadside stop begins when a vehicle is pulled over for investigation of a traffic violation," and the "seizure . . . remains reasonable[] for the duration of the stop." *Arizona v Johnson*, 555 US 323, 333; 129 S Ct 781; 172 L Ed 2d 694 (2009). See also *People v Lyons*, ___ Mich App ___; ___ NW3d ___ (2025) (Docket No. 370840); slip op at 3. As the majority opinion recounts, the officer here began a lawful roadside stop well outside the curtilage of defendant's home by illuminating the overhead lights of her police vehicle on the public roadway. Defendant had ample opportunity to pull over on the public roadway, but he instead ignored the flashing lights of the officer's car and continued driving until he reached the curtilage of his home. The officer then followed defendant and continued the traffic stop that was initiated on the public roadway inside the curtilage of defendant's home. Under these facts, I agree with the majority opinion that the officer's conduct was reasonable, and as our Supreme Court has explained, "[t]he Fourth Amendment demands nothing more or less than reasonableness." *Mead*, 503 Mich at 212.[3]

I therefore conclude that the seizure in this case did not violate defendant's Fourth Amendment rights, even though the seizure occurred in the curtilage of defendant's home and the officer only had reasonable suspicion.

/s/ Colleen A. O'Brien

[3] I also have concerns about the perverse incentives that defendant's proposed bright-line rule would create. To hold that the standard that an officer needs to complete an-already-initiated traffic stop changes from reasonable suspicion to probable cause the moment that an individual drives their vehicle into the curtilage of their home incentivizes drivers to ignore clear commands to pull over.

Additionally, I question the practicality of defendant's proposed rule. Certainly, someone who pulls into the curtilage of a stranger's home does not have a reasonable expectation of privacy there. Yet, any time that a traffic stop is initiated near a home, the vehicle can simply pull into the curtilage of that home. How is the stopping officer to then know whether the vehicle is pulling into the curtilage of a home that the individual has (or does not have) an expectation of privacy in? This is merely one reason that defendant's bright-line is unworkable, and all those reasons stem from the fact that "reasonableness does not lend itself to bright-line rules." *Mead*, 503 Mich at 212.