Order

Michigan Supreme Court
Lansing, Michigan

April 22, 2022

Bridget M. McCormack,
Chief Justice

163710

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 163710
COA: 354414
Oakland CC: 2018-269141-FH

JAY DAVID SOULLIERE,
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the July 29, 2021 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REVERSE the Court of Appeals and REINSTATE the Oakland Circuit Court's order granting defendant's motion to suppress and dismissing the charges. As noted by dissenting Judge SHAPIRO, the record does not support the conclusion that the officers knew that defendant was the driver of the car at the time of the traffic stop. Thus, Detective Bishop's prior knowledge of defendant has no bearing on whether the officers had a reasonable suspicion of criminal activity at the time the stop was made. The majority therefore clearly erred by considering that knowledge in concluding that reasonable suspicion existed. See *People v Champion*, 452 Mich 92, 98 (1996) ("A valid investigatory stop must be justified at its inception . . . ."). Similarly, the majority erred by relying on Deputy Panin's training and experience that hand-to-hand drug transactions were likely transpiring when the owner of the house was present because Panin did not discover that the owner was present at the time of the alleged drug transaction until *after* the traffic stop.

Further, the majority's reliance on the exchange of money in the driveway of a house known as a place where people sold drugs was flawed. As noted by Judge SHAPIRO, Deputy Panin conceded that he did not observe any other activity on that day indicative of drug activity. And despite the claim that it was known as a drug house, probable cause had never been established to search the home.

That leaves Deputy Panin's observation of the passenger in the car giving money to the driver of the car and the driver counting it. Without more, Panin's observation does not support a finding of reasonable suspicion of criminal activity. Deputy Panin did not observe the passenger take anything from the driver in return for the money. His observation therefore amounts to nothing "more than an inchoate or unparticularized suspicion or 'hunch,' " *Champion*, 452 Mich at 98, and the trial court did not err by granting defendant's motion to suppress and dismissing the charges.

ZAHRA, J., would grant leave to appeal.

VIVIANO, J. (*dissenting*).

The majority here holds that where an experienced police officer sees what he believes to be a hand-to-hand transaction of methamphetamine at an address known to be used for illicit drug activity, there is no reasonable suspicion to conduct a brief investigatory stop of the vehicle in which the transaction occurred. Because I believe the majority misapplies the standard governing such a stop and misconstrues the factors supporting the police officers' reasonable suspicion at the time of the stop, I dissent.

Police officers may conduct an investigatory stop of a vehicle if the totality of the circumstances "yield[s] a particular suspicion that the individual being investigated has been, is, or is about to be engaged in criminal activity. . . . That suspicion must be reasonable and articulable . . . ." *People v Nelson*, 443 Mich 626, 632 (1993). Moreover, "[a] stop of a motor vehicle for investigatory purposes may be based upon fewer facts than those necessary to support a finding of reasonableness where both a stop and a search [are] conducted by the police." *People v Whalen*, 390 Mich 672, 682 (1973).[1]

The initial problem with the majority's approach is that it examines the evidence seriatim rather than as a whole. "Whether an officer has a reasonable suspicion to make such an investigatory stop is determined case by case, on the basis of an analysis of the totality of the facts and circumstances." *People v Jenkins*, 472 Mich 26, 32 (2005). It is the "totality of the circumstances as understood and interpreted by law enforcement officers, not legal scholars, [which] must yield a particular suspicion that the individual being investigated has been, is, or is about to be engaged in criminal activity." *Nelson*, 442 Mich at 632. "[F]actors that in isolation appear innocent may, in combination, provide a police officer with reasonable suspicion to justify an investigative stop." *People v Oliver*, 464 Mich 184, 193 (2001). Thus, it is not enough to analyze each piece of evidence in isolation as the majority does here.

Moreover, the majority's separate analyses of the evidence are flawed. First, the majority says that Deputy Bishop's prior knowledge concerning defendant was irrelevant because the officer did not know that it was defendant they were stopping. That makes sense, but this observation was not critical to the Court of Appeals' analysis and it is not determinative here in light of the other evidence discussed below. The majority's second argument is that Deputy Panin's experience was irrelevant because it was based, in part,

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[1] In this case, the issue is only whether the stop was justified; everything that occurred after the stop is justified as a search incident to arrest because defendant did not have a driver's license. MCL 257.311; MCL 257.901; *People v Chapman*, 425 Mich 245, 250-251 (1986); *United States v Robinson*, 414 US 218, 235 (1973).

on knowing that drug deals were likely occurring when the owner of the home was present.[2] It was error to rely on this, the majority contends, because Panin did not know the owner was part of the transaction until after the stop. That is true, as far as it goes, but it does not go very far here. Deputy Panin's testimony was not simply premised on the owner being present. He testified that he observed "some kind of transaction between the driver and the passenger," followed by the driver's counting money. Based on his training and experience, Deputy Panin believed that he witnessed a hand-to-hand drug transaction. This testimony was independent of whether the owner of the house had been involved in the transaction.

The majority's next argument is that knowledge of the house's use for drug sales was "flawed" because no drug sales were observed that day. But there is no support for the majority's apparent belief that the police must witness the crimes being committed in order to have reasonable suspicion:

> "The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. . . . A brief stop of a suspicious individual, in order to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time." [*Nelson*, 443 Mich at 638, quoting *Adams v Williams*, 407 US 143, 145-146 (1972).]

The question in this case is whether there was reasonable suspicion, not even for a search but merely for an investigatory stop. To the extent the majority holds that the officer must witness an actual crime, the majority has eliminated the concept of reasonable suspicion.[3] Contrary to the majority's unfounded assertion, courts routinely rely on the

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[2] Deputy Panin was trained in narcotics and surveillance and, at the time of the stop, had spent 15 years in the Oakland County Sheriff's Department and 4 years on the Oakland County Narcotics Enforcement Team. During his career, he investigated 500 drug cases and was the officer in charge in half of those cases. At both the preliminary examination and the evidentiary hearing, he was qualified as an expert in street-level drug dealing.

[3] In these circumstances, such a rule is tantamount to requiring there to be probable cause for an arrest. If the much higher standard of probable cause was met, there would be no need for reasonable suspicion allowing a mere investigatory stop. For the same reasons, the majority's gratuitous observation that "probable cause had never been established to search the home" is utterly irrelevant.

fact the location is a known crime area when determining whether there is reasonable suspicion to justify a stop. See, e.g., *People v Champion*, 452 Mich 92, 99 (1996) (finding reasonable suspicion and citing among other factors that "the area was a known drug crime area") (quotation marks and citation omitted).

At this point in the analysis, the majority has eliminated almost all the evidence; the only piece left is Deputy Panin's observation of the money exchange. The majority's final argument is that this evidence alone is insufficient to support reasonable suspicion. But this is not the only evidence supporting reasonable suspicion. As noted, Deputy Panin's testimony that the exchange of money was indicative of a drug transaction was based on his lengthy experience. Cf. *Nelson*, 443 Mich at 636 ("[D]eference should be given to a law enforcement officer of twenty-three years who states that certain behavior by particular individuals exhibits a 'carbon copy' of what the officer would otherwise believe to be a drug purchase."). Moreover, he and Deputy Bishop had received information from various sources that the house in question was being used for drug sales.

This evidence, considered as a whole, gives rise to a reasonable suspicion sufficient to justify a stop. While it is certainly true that the exchange of money outside a house might not otherwise be suspicious to a lawyer or judge, Deputy Panin's testimony indicates that the manner of the exchange here would reasonably raise the suspicions of an experienced police officer. In light of the information the officers received that the house was being used for drug sales, the decision to stop defendant reflects "commonsense judgments and inferences about human behavior." *Jenkins*, 472 Mich at 32 (quotation marks and citations omitted); cf. *Nelson*, 443 Mich at 636-637 (agreeing with a decision holding that a defendant's presence in a high-crime area together with his evasive behavior was sufficient to justify reasonable suspicion supporting a stop).

By examining the evidence piece by piece, the majority loads the dice for its conclusion that no piece of evidence alone justified the stop. And in doing so, the majority appears to suggest that to have reasonable suspicion, the officers needed to actually observe the illicit drugs as they were being exchanged. Such a holding would do away with the concept of reasonable suspicion. The Court of Appeals appropriately determined that reasonable suspicion existed in this case. I therefore respectfully dissent and would deny leave.

STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

v

JAY DAVID SOULLIERE,

Defendant-Appellee.

UNPUBLISHED
July 29, 2021

No. 354414
Oakland Circuit Court
LC No. 2018-269141-FH

Before: RIORDAN, P.J., and M. J. KELLY and SHAPIRO, JJ.

PER CURIAM.

The prosecution appeals as of right the trial court's order granting defendant's motion to suppress and dismiss charges. Defendant was charged with possession with intent to deliver methamphetamine, MCL 333.7401(2)(b)(*i*), and possession of alprazolam, MCL 333.7403(2)(b)(*ii*). Defendant filed a motion to suppress evidence obtained following an investigatory stop of defendant by police officers. After an evidentiary hearing, the trial court granted defendant's motion and dismissed the charges. The prosecution now appeals. We reverse and remand to the trial court further proceedings.

I. FACTS

This case arises out of an investigatory stop of defendant on October 24, 2018. Oakland County Sheriff's Office Deputy Scott Panin, who was, at the time of the incident in question, a detective with the Oakland County Narcotics Enforcement Team ("NET"), was conducting surveillance for a particular suspect at 560 Farmdale in Ferndale, Michigan ("Farmdale house"). Deputy Panin was an expert in street-level drug trafficking, based on 16 years of law enforcement experience, four years with NET, extensive drug-related trainings, and hundreds of drug-crime investigations. At approximately 1:00 p.m. on October 24, 2018, Deputy Panin observed a red minivan pull into the driveway of the Farmdale house, followed by a grey sedan that pulled in behind it. Deputy Panin spotted two individuals in the grey sedan, and then observed what appeared to be the passenger handing money to the driver, who appeared to be counting that money. Deputy Panin classified this as a "[hand-to-hand] transaction." The entire encounter between the driver and the passenger lasted for only a couple of minutes—an encounter that

Deputy Panin classified as a "short-term [trafficking] transaction." Deputy Panin relayed his observations to Ferndale Police Department Detective Austin Bishop, and based on the information that Detective Bishop obtained from Deputy Panin, Detective Bishop contacted road patrol officers and requested that they stop the grey sedan, which was later identified as defendant's vehicle. The decision to stop defendant's vehicle was based on what Detective Bishop knew about the Farmdale house, as well as Deputy Panin's experience with drug trafficking, which indicated that what Deputy Panin had observed in the driveway of the Farmdale house was a hand-to-hand drug transaction. Notably, Detective Bishop knew defendant prior to the investigatory stop in question from former narcotics investigations involving defendant and methamphetamine.

II. ANALYSIS

On appeal, the prosecution argues that the trial court erred when it granted defendant's motion to suppress evidence obtained following the investigatory stop of defendant by police officers. Specifically, the prosecution argues that the investigatory stop was supported by reasonable suspicion that defendant was engaging in drug-related criminal activity. We agree.

This Court reviews de novo a trial court's ruling on a suppression motion, *People v Steele*, 292 Mich App 308, 313; 806 NW2d 753 (2011), and its application of Fourth Amendment principles, *People v Jenkins*, 472 Mich 26, 31; 691 NW2d 759 (2005). However, this Court reviews for clear error the trial court's factual findings. *People v Hyde*, 285 Mich App 428, 436; 775 NW2d 833 (2009). "Clear error occurs if the reviewing court is left with a definite and firm conviction that the trial court made a mistake." *People v Johnson*, 502 Mich 541, 565; 918 NW2d 676 (2018) (quotation marks and citation omitted).

The Fourth Amendment of the United States Constitution and the related provision of the Michigan Constitution explicitly protect the right of the people to be free from unreasonable searches and seizures. US Const, Am IV; Const 1963, art 1, § 11. It is well settled that unless a specifically established exception applies, searches and seizures conducted without a warrant are unreasonable per se. *Katz v United States*, 389 US 347, 357; 88 S Ct 507; 19 L Ed 2d 576 (1967). One exception to the general prohibition against warrantless searches and seizures is the so called "*Terry* stop." See *Terry v Ohio*, 392 US 1; 88 S Ct 1868; 20 L Ed 2d 889 (1968). Under *Terry*, "if a police officer has a reasonable, articulable suspicion to believe a person has committed or is committing a crime given the totality of the circumstances, the officer may briefly stop that person for further investigation." *People v Barbarich*, 291 Mich App 468, 473; 807 NW2d 56 (2011). A reasonable suspicion is less than the level of suspicion needed for probable cause, but it requires something more than an inchoate or unparticularized suspicion, i.e., a "hunch." *People v Champion*, 452 Mich 92, 98; 549 NW2d 849 (1996).[1]

[1] The key difference between reasonable suspicion and a "hunch" is that the latter is defined merely by the subjective impressions of the officer. See, e.g., *United States v Thomas*, 211 F3d 1186, 1191 (CA 9, 2000) ("While courts analyze the facts leading to an investigatory stop in light of a trained officer's experience, these facts must be more than the mere subjective impressions of a particular officer. Reasonable suspicion must be based on more than an officer's inchoate and unparticularized suspicion or hunch.") (cleaned up).

An investigatory stop of a motor vehicle may be based upon "fewer facts than those necessary to support a finding of reasonableness where both a stop and a search are conducted by the police." *People v Yeoman*, 218 Mich App 406, 411; 554 NW2d 577 (1996). In determining whether reasonable suspicion existed, this Court should be guided by the principle that "common sense and everyday life experiences predominate over uncompromising standards." *People v Nelson*, 443 Mich 626, 635-636; 505 NW2d 266 (1993). Deference should be given to the common-sense assessment of police officers that criminal activity is afoot, in consideration of the "police officer's experience and the known patterns of certain types of lawbreakers." *People v Rizzo*, 243 Mich App 151, 156; 622 NW2d 319 (2000). However, "an officer testifying that he inferred on the basis of his experience and training is obliged to articulate how the behavior that he observed suggested, in light of his experience and training, an inference of criminal activity." *People v LoCicero (After Remand)*, 453 Mich 496, 505-506; 556 NW2d 498 (1996). If an investigative stop of a motor vehicle is proper, the police officer may detain the vehicle briefly to "make reasonable inquiries aimed at confirming or dispelling his suspicions." *Yeoman*, 218 Mich App at 411. Finally, in situations involving a police team, the knowledge of each officer on the team is imputed to the other officers on the team when conducting a Fourth Amendment analysis. See *United States v Cook*, 277 F3d 82, 86 (CA 1, 2002) ("Here, common sense suggests that, where law enforcement officers are jointly involved in executing an investigative stop, the knowledge of each officer should be imputed to others jointly involved in executing the stop."); *United States v Gillette*, 245 F3d 1032, 1034 (CA 8, 2001) ("Where officers work together on an investigation, we have used the so-called 'collective knowledge' theory to impute the knowledge of one officer to other officers to uphold an otherwise invalid search or seizure.") (internal citation omitted).

Detective Bishop, an expert in street-level drug trafficking, based on two years of NET experience, extensive training, and hundreds of drug-crime investigations, ordered the investigatory stop of defendant's vehicle based on what he knew about the Farmdale house, including the fact that the previous Ferndale Police Department officer who was assigned to NET had open cases and investigations at the Farmdale house dating back to 2014 and 2015, and what he knew about defendant prior to the investigatory stop in question from former narcotics investigations involving defendant and methamphetamine.[2] In addition, Detective Bishop was aware from his own "previous encounters" with the original suspect that drugs may be sold from the Farmdale house. Further, Detective Bishop ordered the investigatory stop based on Deputy Panin's experience with drug trafficking, which confirmed that what he had observed in the driveway of the Farmdale house was a hand-to-hand transaction.

[2] Deputy Panin explained that he relayed the "license plate" of the grey sedan to Detective Bishop when informing Detective Bishop about the suspected drug transaction. This would have connected defendant to the vehicle. Regardless, Detective Bishop's knowledge of defendant is imputed to Deputy Panin, such that Detective Bishop's knowledge is properly considered in the Fourth Amendment analysis. See *Cook*, 277 F3d at 86. Despite the dissent's contention to the contrary, this is an accurate reading of the record as to Detective Bishop's role in the investigatory stop.

Deputy Panin, also an expert in street-level drug trafficking, based on 16 years of law enforcement experience, four years with NET, extensive drug-related trainings, and hundreds of drug-crime investigations, described a hand-to-hand transaction between defendant and the passenger that he believed to be consistent with drug trafficking. Notably, Deputy Panin explained how his previous training and experience led him to the conclusion that the activity he witnessed looked like a drug transaction. Indeed, Deputy Panin's previous training and experience led to his judgment that defendant was engaging in criminal activity. Deputy Panin observed a red minivan pull into the driveway of the Farmdale house, followed by a grey sedan that pulled in behind it. Deputy Panin later discovered that the person in the red minivan owned the Farmdale house. And through his training and experience, Deputy Panin knew that hand-to-hand transactions were likely transpiring when the owner of the house was also there. Further, Deputy Panin believed the encounter between defendant and the passenger to be consistent with drug trafficking because he saw the passenger handing money to defendant, defendant counting that money, followed by defendant pulling out of the driveway and driving off—an encounter that did not last for more than a couple of minutes, which was, based on Deputy Panin's training and experience, a short-term trafficking transaction.

Although Deputy Panin did not actually see the passenger take something in return, the surrounding circumstances—an exchange of money for something within a short timeframe in the driveway of a house known as a place where people sold drugs, movement of defendant's car immediately after the exchange, and the immediate departure of the passenger (i.e., the buyer)—coupled with Detective Bishop's knowledge and experience, support a fair probability that defendant was selling contraband from his vehicle.[3] Therefore, there was reasonable suspicion to investigate further. In other words, giving deference to Deputy Panin's and Detective Bishop's knowledge and experience, defendant's conduct gave rise to more than an unparticularized suspicion that criminal activity was afoot. An apparent exchange in the driveway of a house known for drug sales was sufficient for Deputy Panin, in his 16-year experience as a police officer and detective with the Oakland County Sheriff's Office, to relay his observations to Detective Bishop, who ultimately ordered the investigatory stop based on Deputy Panin's experience with drug trafficking and what Detective Bishop knew about the Farmdale house. Accordingly, the trial court erred by granting defendant's motion to suppress evidence and dismiss charges, and it is reversed.

III. CONCLUSION

[3] Defendant argues that none of these facts, considered individually, were sufficient to support reasonable suspicion. This argument misses the mark. It is elementary that "multiple factors may be taken together to create a reasonable suspicion even where each factor, taken alone, would be insufficient." *United States v George*, 732 F3d 296, 300 (CA 4, 2013). In other words, we consider the "*totality* of the circumstances," not each individual fact, in assessing whether reasonable suspicion existed. See *id*. at 299-300. Courts "will not find reasonable suspicion lacking based merely on a piecemeal refutation of each individual fact and inference." *Id*. at 300 (quotation marks and citations omitted).

Reversed and remanded to the trial court for further proceedings. We do not retain jurisdiction.

/s/ Michael J. Riordan
/s/ Michael J. Kelly

STATE OF MICHIGAN

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Plaintiff-Appellant,

v

JAY DAVID SOULLIERE,

Defendant-Appellee.

UNPUBLISHED
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No. 354414
Oakland Circuit Court
LC No. 2018-269141-FH

Before: RIORDAN, P.J., and M. J. KELLY and SHAPIRO, JJ.

SHAPIRO, J (*dissenting*).

I respectfully dissent. Following a two-day evidentiary hearing, the trial court granted defendant's motion to suppress evidence obtained following an investigatory stop and dismissed the charges. The trial court's decision was proper and I would affirm.

The United States and Michigan Constitutions guarantee the right to be free from unreasonable searches and seizures. US Const, Am IV; Const 1963, art 1, § 11. "Generally, searches or seizures conducted without a warrant are presumptively unreasonable and, therefore, unconstitutional." *People v Barbarich*, 291 Mich App 468, 472; 807 NW2d 56 (2011). One exception to the general prohibition against warrantless searches and seizures is the so called "*Terry* stop." See *People v Pagano*, ___ Mich ___, ___; ___ NW2d ___ (2021) (Docket No. 159981); slip op at 4, citing *Terry v Ohio*, 392 US 1; 88 S Ct 1868; 20 L Ed 2d 889 (1968). Under *Terry*, "if a police officer has a reasonable, articulable suspicion to believe a person has committed or is committing a crime given the totality of the circumstances, the officer may briefly stop that person for further investigation." *Barbarich*, 291 Mich App at 473. A reasonable suspicion is less than the level of suspicion needed for probable cause, but something more than an inchoate or unparticularized suspicion, i.e., a "hunch." *People v Champion*, 452 Mich 92, 98; 549 NW2d 849 (1996).

The trial court correctly determined that the totality of the circumstances at the time of the stop did not give rise to a reasonable suspicion that defendant was engaging in criminal activity. First, the officers were acting on a tip about a different person and a different house. They were not investigating defendant or the house where the alleged drug transaction occurred, i.e., the

Farmdale house; rather, after having no luck at the house they were staking out, they decided to conduct surveillance at the Farmdale home because, per their testimony, it was a "known drug house" that the individual they were looking for had frequented. Detective Bishop testified that he knew "that Oakland County Narcotics, my previous person who was in that from Ferndale had open cases and investigations on that 560 Farmdale address that dated back to 2014 and '15," although probable cause had never been established to search the home. Further, there was no evidence that the person they were looking for ever arrived at the house that day, and Deputy Panin conceded that he did not observe any other activity at the Farmdale house on that day indicative of drug activity. Given that the officers did not have first-hand knowledge or contemporaneous observations of drug activity at the Farmdale house, the location itself provides very weak indicia of criminal activity.

Regardless, it is clear that a finding of reasonable suspicion in this case rests primarily on the alleged hand-to-hand transaction. Located about 200 yards away,[1] Deputy Panin testified that using binoculars he observed an exchange of money between defendant and the passenger of defendant's vehicle after the passenger had exited the vehicle. According to Panin, defendant was the recipient of the money. Panin did not see any drugs or packages being exchanged, but he inferred that the money had been for drugs based on his experience and knowledge of "short term" drug transactions. The problem with Panin's testimony, however, is that it is entirely inconsistent with the physical evidence recovered from defendant's vehicle. That is, no money was found on defendant or in his vehicle following a thorough search despite the fact that defendant had made no stops since he left the Farmdale house. Faced with this conundrum of the non-existent money, the prosecution now suggests that Panin made a mistake and that defendant was actually giving the money to the passenger of his vehicle instead of receiving it. The record cannot support this new assertion, however, because Panin specifically testified that he observed from his distant vantage point "the passenger handing the driver money and . . . the driver, as if they were counting money."[2] In other words, Panin did not observe a quick exchange where he may have mistakenly believed that the driver was the recipient; rather, he purportedly saw the driver, i.e., defendant, counting the money after receiving it from the passenger. Accordingly, the prosecution's alternative theory that the money was going to the passenger has no basis in the record. And, given that no money was found on defendant or in his vehicle after a thorough search, I do not see how Panin's observations that an exchange of money occurred can be deemed credible. To be clear, the officer's claimed observations on which the entire claim of reasonable suspicion rests were

[1] At the preliminary examination, Panin estimated he was located 200 or 250 yards away from defendant's vehicle. At the evidentiary hearing, he estimated he was 125 to 200 yards away.

[2] Panin confirmed this on further questioning, stating that "I saw the driver, what I believed to be, sat and counting the money and then shortly thereafter, the passenger exited the vehicle and went to the house." He similarly testified as follows at the preliminary examination: "The passenger door opened, there was what appeared to be an exchange of words between the driver and the passenger. After a short period of time, I witnessed what I -- what I saw was some kind of transaction between the driver and passenger. And then I witnessed money being counted by the driver." He also testified that the exchange took one to two minutes.

definitively shown to have been either mistaken or invented, and it is difficult to see how these very specific "observations" were simply a mistake.

The majority asserts that Detective Bishop ordered the stop based in part on "what he knew about defendant prior to the investigatory stop in question from former narcotics investigations involving defendant and methamphetamine." This misstates the record. The stop was based solely on Deputy Panin's observations, and there was no testimony that Panin: (1) knew defendant prior to that day; (2) identified defendant as the driver; or (3) relayed to Bishop that defendant was the driver. The majority relies on Panin's testimony that he informed Bishop of the grey sedan's Ohio license plate number and concludes that "[t]his would have connected defendant to the vehicle." However, this conclusion is speculative because the record does not indicate whether the vehicle was registered to defendant or that Bishop ran a license plate check. Accordingly, although Bishop testified that he knew of defendant from prior investigations, the record does not support the conclusion that Bishop knew defendant was the driver at the time he ordered the stop.[3] Thus, based on the record before us, Bishop's prior knowledge of defendant has no bearing on whether the officers had a reasonable suspicion of criminal activity at the time the stop was made. See *Champion*, 452 Mich at 98 ("A valid investigatory stop must be justified at its inception . . . ."). See also *United States v Hollins*, 685 F3d 703, 706 (CA 8, 2012) ("The determination of whether probable cause, or reasonable suspicion, existed is not to be made with the vision of hindsight, but instead by looking to what the officer reasonably knew at the time.") (quotation marks and citation omitted).

In sum, the officers were looking for an individual other than defendant at a home where they observed no drug-related activity. Defendant arrived at the home with a passenger, and one officer believed that he saw the passenger hand defendant money—but no drugs or packages—after leaving the vehicle and entering the house. However, the subsequent stop and search definitively established that defendant had not received any money, i.e., the claimed exchange of money never occurred. Under the totality of the circumstances, I conclude that the trial court correctly granted defendant's motion to suppress evidence and dismiss charges.

/s/ Douglas B. Shapiro

[3] The majority's reliance on the collective knowledge doctrine is misplaced. If Detective Bishop did not know that defendant was the suspect *at the time of the stop*, his prior knowledge of defendant is immaterial for purposes of a determining whether a reasonable suspicion of criminal activity existed. See *United States v Khan*, 937 F3d 1042, 1053 (CA 7, 2019) ("In evaluating [whether collective knowledge exists], we consider all information known to officers at the time of the stop . . . .").