

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MELVIN MAURICE JACKSON,

Defendant-Appellant.

UNPUBLISHED

September 10, 2026

9:55 AM

No. 377747

Berrien Circuit Court

LC No. 2024-048441-FH

Before: LETICA, P.J., and RICK and GARRETT, JJ.

PER CURIAM.

Following a preliminary examination, the district court bound defendant over on one count each of felon in possession of a firearm, MCL 750.224f(6); felon in possession of ammunition, MCL 750.224f(7); carrying a concealed weapon, MCL 750.227; and resisting or obstructing a police officer, MCL 750.81d(1). The district court also bound defendant over on two counts of possession of a firearm during the commission of a felony, MCL 750.227b. Defendant appeals by leave granted¹ the circuit court’s order denying his motion to quash the resisting-or-obstructing charge. He also challenges the admission of an out-of-court statement at the preliminary examination. We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

At approximately 11:15 p.m. on December 7, 2024, Detective Sergeant Nicholas VonKoenig of the Berrien County Sheriff’s Department was patrolling Benton Harbor, Michigan. He was a member of the FBI Safe Streets Task Force. FBI Special Agent Benjamin Glynn advised VonKoenig that he had observed an individual near a liquor store on Pipestone Road. Glynn reported that the individual, later identified as defendant, wore a dark-colored hoodie and ski mask, kept his hands in the front pocket of the hoodie, and had a visible bulge in that area. VonKoenig located an individual matching that description walking across an open field near Union Avenue.

¹ *People v Jackson*, unpublished order of the Court of Appeals, entered January 29, 2026 (Docket No. 377747).

VonKoenig described the area as high-crime and testified that he had previously encountered several individuals there who wore ski masks and dark clothing while unlawfully carrying firearms.

VonKoenig was on patrol with Detective Ian Dodd on the night they encountered defendant. Dodd pulled their marked patrol vehicle to the side of the road so that VonKoenig could attempt to speak with defendant. Dodd had not activated his vehicle's emergency lights nor the siren. Defendant crossed in front of the patrol vehicle. When VonKoenig opened the door in an attempt to speak with him, defendant took off running. VonKoenig yelled at defendant to stop at least once, but defendant did not stop. Defendant continued running, jumped a fence, and escaped after the officers lost sight of him. The officers retraced defendant's path and found two cellular telephones and a Ruger 9-millimeter firearm near the fence. Defendant's name appeared on the back of one of the telephones.

Police arrested defendant on December 19, 2024. During an interview, defendant acknowledged that he was the person who ran from the officers. He stated that he initially believed the patrol vehicle belonged to someone other than the police, but knew the police were pursuing him once the emergency lights and siren were activated. Defendant also stated that he ran because he possessed the firearm.

The district court bound defendant over on the charges earlier described. Defendant moved in the circuit court to quash the resisting-or-obstructing charge, arguing that the officers lacked reasonable suspicion to detain him and therefore did not issue a lawful command to stop. The circuit court denied the motion. It concluded that defendant's flight, considered with the circumstances known to the officers, supported a lawful investigatory stop. This appeal followed.

II. ANALYSIS

A. MOTION TO QUASH

Defendant argues that the circuit court should have quashed the resisting-or-obstructing charge because the officers lacked reasonable suspicion when they ordered him to stop. We disagree.

In *People v Crumbley*, 346 Mich App 144; 11 NW3d 576 (2023), this Court clarified the standard of review applicable to reviewing a circuit court's decision granting or denying a motion to quash a bindover:

In the context of reviewing a district court's bindover decision, the order on appeal is the circuit court's decision denying the motion to quash, which we review *de novo* (i.e., with no deference) because the dispositive question is whether the district court abused its discretion in binding over defendants. Thus, although we give no deference to the circuit court's findings in its review of the district court decision, we give a great deal of deference to the district court's decision, that is, we review that decision for an abuse of discretion. At its core, an abuse of discretion standard acknowledges that there will be circumstances in which there will be no single correct outcome; rather, there will be more than one reasonable and principled outcome. An abuse of discretion occurs when a decision falls

outside the range of reasonable and principled outcomes, and a trial court necessarily abuses its discretion when it makes an error of law. However, [t]o the extent that a lower court's decision on a motion to quash the information is based on an interpretation of the law, appellate review of the interpretation is de novo. [*Id.* (quotation marks and citations omitted).]

“The preliminary examination has a dual function, i.e., to determine whether a felony was committed and whether there is probable cause to believe the defendant committed it.” *People v Yost*, 468 Mich 122, 125-126; 659 NW2d 604 (2003). Probable cause requires evidence of each element of the charged offense or evidence from which those elements may be inferred. *People v Seewald*, 499 Mich 111, 116; 879 NW2d 237 (2016). “If the evidence conflicts or raises a reasonable doubt concerning the defendant’s guilt, the magistrate must let the factfinder at trial resolve those questions of fact. This requires binding the defendant over for trial.” *Hudson*, 241 Mich App at 278.

MCL 750.81d(1) prohibits a person from resisting or obstructing an individual the person knows or has reason to know is performing duties as a police officer. The prosecution must establish that the defendant resisted, obstructed, opposed, or endangered a police officer; knew or had reason to know that the person was a police officer performing official duties; and resisted or obstructed lawful police conduct. *People v Quinn*, 305 Mich App 484, 491; 853 NW2d 383 (2014); *People v Moreno*, 491 Mich 38, 52; 814 NW2d 624 (2012). The statute defines “obstruct” to include “a knowing failure to comply with a lawful command.” MCL 750.81d(7)(a).

The Fourth Amendment permits an officer to briefly detain a person when the officer has reasonable suspicion that the person is engaged in, or is about to engage in, criminal activity. *People v Prude*, 513 Mich 377, 387; 15 NW3d 249 (2024). A seizure is lawful only if the officer has an “objectively reasonable particularized suspicion that the specific individual being stopped is engaged in wrongdoing.” *Id.* Whether that standard is satisfied depends on the totality of the circumstances known to the officer when the attempted seizure occurred. *Id.*

An officer may approach a person in a public place and attempt to ask questions without implicating the Fourth Amendment. *People v Williams*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 365299); slip op at 4, citing *United States v Drayton*, 536 US 194, 200; 122 S Ct 2105; 153 L Ed 2d 242 (2002). A person may decline to answer and continue on their way. *Florida v Royer*, 460 US 491, 497-498; 103 S Ct 1319; 75 L Ed 2d 229 (1983). But sudden flight is not equivalent to calmly declining an encounter. *Illinois v Wardlow*, 528 US 119, 125; 120 S Ct 673; 145 L Ed 2d 570 (2000).

We need not decide whether the circumstances preceding defendant’s flight, standing alone, established reasonable suspicion. The relevant question is whether reasonable suspicion existed when VonKoenig ordered defendant to stop. We conclude that it did. Before issuing that command, VonKoenig knew that defendant was walking at 11:15 p.m. in an area associated with violent crime. VonKoenig personally observed defendant wearing dark clothing and a ski mask and walking across an open field. He had also received Glynn’s firsthand report that defendant kept his hands in the front pocket of his hoodie and appeared to have a bulge in that area. Defendant then fled as VonKoenig opened the door of a marked patrol vehicle, before VonKoenig

could utter a word. VonKoenig also had encountered several other individuals there who wore ski masks and dark clothing while unlawfully carrying firearms.

Presence in a high-crime area does not, by itself, establish reasonable suspicion. *Prude*, 513 Mich at 388. Nor is wearing a ski mask in December inherently suspicious. But facts that are insufficient separately may establish reasonable suspicion when they “ ‘collectively . . . are greater than the sum of their parts, and build to form the requisite objective basis for the particularized suspicion that criminal wrongdoing is afoot’ ” *Id.* at 392-393, quoting *People v Shabaz*, 424 Mich 42, 60; 378 NW2d 451 (1985).

Glynn’s report also contributed to the officers’ suspicion. Glynn did not describe the shape of the bulge or expressly identify it as a firearm. But he reported that defendant kept his hands in the front pocket of his hoodie and that a visible bulge appeared in the same area. In *Williams*, this Court held that, under Michigan law, “a police officer has reasonable suspicion to approach a person and ask for proof of a CPL after observing a bulge in a person’s clothing indicative of a hidden firearm.” *Williams*, ___ Mich App at ___; slip op at 10. Although the report in this case was less specific than the observation in *Williams*, it is relevant when considered with the other circumstances known to the officers.

Moreover, VonKoenig was not required to have personally observed the bulge. “[A] police officer’s reasonable suspicion may be based on information obtained from another.” *People v Chambers*, 195 Mich App 118, 122; 489 NW2d 168 (1992). Glynn was an identified law-enforcement officer participating in the same patrol and reported his own observation directly to VonKoenig. Thus, Glynn’s report formed part of the circumstances known to VonKoenig when he attempted to detain defendant.

Defendant’s immediate flight provided the final and most significant circumstance. In *Wardlow*, 528 US at 124-125, the United States Supreme Court held that unprovoked flight in an area of expected criminal activity supported reasonable suspicion. Although flight may have an innocent explanation, it is “the consummate act of evasion” and permits officers to briefly investigate the ambiguity. *Id.* at 124-125.

The officers’ initial intent to make consensual contact does not alter the analysis. An officer’s subjective intent does not control whether a stop is objectively reasonable. *People v Dillon*, 296 Mich App 506, 508-509; 822 NW2d 611 (2012). More importantly, circumstances may change while an officer attempts to initiate a consensual encounter. Defendant ran before VonKoenig spoke or commanded him to stop. The officers could consider that conduct when deciding whether an investigatory stop was justified.

Prude does not require a different result. There, the officers told the defendant that he was detained and not free to leave before he drove away. *Prude*, 513 Mich at 383. Because the officers lacked reasonable suspicion when they effected the detention, the defendant’s later flight could not retroactively justify it. *Id.* at 393. Here, defendant fled before any command or detention.

Defendant also relies on *United States v Jeter*, 721 F3d 746, 753-754 (CA 6, 2013), and argues that the officers provoked his flight by approaching him at night. In *Jeter*, the Sixth Circuit recognized that *Wardlow* did not define “unprovoked” flight and suggested that a provoked

encounter might involve “possibly as little as officers merely making contact with the defendant before flight.” *Jeter*, 721 F3d at 753. But the court also observed that the distinction between provoked and unprovoked flight was “not terribly helpful” and identified police fraud or conduct placing a person in reasonable fear of physical harm as circumstances that could establish provocation. *Id.* at 753-754. The court found no provocation even though officers converged on the area with several police vehicles and a helicopter and blocked the defendant’s path because the officers used no fraud and the defendant fled in a manner suggesting an attempt to escape law enforcement. *Id.* at 750, 754.

The officers’ conduct here was substantially less coercive. Dodd pulled the marked patrol vehicle to the side of the road, and VonKoenig merely opened the door. Before defendant ran, the officers did not block his path, speak to him, issue a command, display a weapon, or threaten him. Defendant’s statement that he initially mistook the patrol vehicle for someone else does not compel a different conclusion. Reasonable suspicion is an objective inquiry, and officers do not need to eliminate every innocent explanation for suspicious conduct before briefly investigating. See *Wardlow*, 528 US at 125. At most, defendant’s explanation created a factual question concerning his reason for fleeing. *Jeter* therefore does not undermine the conclusion that the officers could consider defendant’s flight under the totality of the circumstances.

Considering the totality of the circumstances, the officers had reasonable suspicion when they ordered defendant to stop. The command was therefore lawful. Defendant continued running after the emergency lights and siren were activated, and he later acknowledged that he then knew the police were pursuing him. The preliminary-examination evidence consequently supported a reasonable belief that defendant knowingly failed to comply with a lawful police command. The district court did not abuse its discretion by binding defendant over. And the circuit court properly denied the motion to quash.

B. HEARSAY

Defendant next argues that the district court abused its discretion by admitting Glynn’s statement that he observed a bulge in defendant’s hoodie. We disagree.

We review a trial court’s evidentiary decisions for an abuse of discretion. *People v Denson*, 500 Mich 385, 396; 902 NW2d 306 (2017). Whether a rule of evidence precludes admission presents a question of law that we review de novo. *Id.*

Hearsay is an out-of-court statement offered “to prove the truth of the matter asserted in the statement.” MRE 801(c). A statement offered to explain why a police officer acted as the officer did is not hearsay. *People v Chambers*, 277 Mich App 1, 11; 742 NW2d 610 (2007); see also *People v Putman*, 309 Mich App 240, 246-247; 870 NW2d 593 (2015).

At the preliminary examination, VonKoenig testified that Glynn’s report led him to the area and informed his attempt to contact defendant. Defense counsel objected when VonKoenig recounted the report. The district court overruled the objection, explaining that it admitted the statement only to establish that Glynn had provided the information to VonKoenig, not to prove the statement true.

That ruling fell within the range of principled outcomes. Glynn's statement was offered to establish the information communicated to VonKoenig. It served to explain why he located and approached defendant. It was not intended or offered to prove that the bulge in defendant's pocket actually existed. That Glynn's report also bore on whether VonKoenig had reasonable suspicion does not alter the purpose for which it was admitted. Reasonable suspicion depends on the totality of the circumstances known to the officer when the seizure occurs, *Prude*, 513 Mich at 387, and "[a] police officer's reasonable suspicion may be based on information obtained from another[.]" *Chambers*, 195 Mich App at 122. Thus, the relevant fact was that Glynn communicated the information to VonKoenig, making it part of the circumstances known to him when he attempted to detain defendant. The district court was not required to find that the bulge objectively existed before considering the effect of Glynn's report on VonKoenig. Accordingly, the district court did not abuse its discretion by admitting the statement for that limited purpose.

Even if the district court had erred by admitting Glynn's statement, the error does not require reversal because sufficient competent evidence independently supported the bindover. *People v Fiedler*, 194 Mich App 682, 695; 487 NW2d 831 (1992). Without considering Glynn's report, VonKoenig personally observed defendant wearing dark clothing and a ski mask and walking across an open field at approximately 11:15 p.m. in an area he knew to be associated with criminal activity. Defendant then immediately fled as VonKoenig opened the door of a marked patrol vehicle. Under *Wardlow*, the location and defendant's immediate flight permitted a reasonable inference that further investigation was warranted. *Wardlow*, 528 US at 124-125. Any conflict created by defendant's assertion that he initially did not recognize the car as a police patrol vehicle presented a factual question for the factfinder, not a basis for quashing the charge. Accordingly, sufficient competent evidence supported the bindover regardless of Glynn's statement.

Affirmed.

/s/ Anica Letica
/s/ Michelle M. Rick
/s/ Kristina Robinson Garrett