

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOSEPH BERNARD JACKSON,

Defendant-Appellant.

UNPUBLISHED

October 14, 2026

9:10 AM

No. 370725

Muskegon Circuit Court

LC No. 2021-005147-FH

Before: YOUNG, P.J., and REDFORD and FEENEY, JJ.

PER CURIAM.

Defendant appeals as of right his jury trial convictions for (1) carrying a concealed weapon, MCL 750.227; (2) possession of a controlled substance (cocaine), MCL 333.7403(2)(a)(v), as a second or subsequent offense, MCL 333.7413(2); (3) felon-in-possession of a firearm, MCL 750.224f; (4) possession of methamphetamine, MCL 333.7403(2)(b)(i), as a second or subsequent offense, MCL 333.7413(2); and (5) three counts of felony-firearm as a second offense, MCL 750.227b. The trial court sentenced defendant, as a fourth-offense habitual offender, MCL 769.12, to serve: (1) 34 months to 20 years, (2) 34 months to 8 years, (3) 34 months to 20 years, (4) 34 months to 20 years, and (5) 5 years in prison for each count, respectively.¹ We affirm.

I. FACTS

This case arises out of a traffic stop and subsequent search of: (1) defendant’s person, and (2) the vehicle that defendant was driving.²

In September 2021, Detective Jakob Evans of the Muskegon Police Department initiated a traffic stop after observing defendant make “multiple traffic violations while he was driving”

¹ Defendant’s felony-firearm sentences were to be served consecutive and preceding his possession of a controlled substance, felon-in-possession, and possession of methamphetamine sentences.

² The vehicle that defendant was driving was registered to another individual, but defendant was the sole occupant when it was stopped.

Detective Evans explained the “multiple” traffic violations as follows: (1) a search of the vehicle’s license plate indicated that the vehicle did not have insurance; (2) defendant, who was wearing “a very bright clean white T-shirt,” did not have a seatbelt on; (3) one of the vehicle’s taillights was out; and (4) the vehicle’s window tints appeared to be illegal. Defendant provided his license and proof of registration to Detective Evans, but he indicated that although the vehicle was insured, he did not have proof of its insurance with him. Detective Evans returned to his police cruiser, “ran [defendant’s] license plate and just looked into all this information,” again noting that the vehicle was “not up to date on its insurance.” Detective Evans reapproached defendant and asked him to step out of the vehicle multiple times, which defendant refused to do. Detective Evans called for backup, and after two more officers arrived, he was able to reach into defendant’s window, unlock his car door, get defendant out of the vehicle, place him in handcuffs, and take him into custody.

Detective Evans explained that defendant “was under arrest for no insurance on his vehicle and he was also under arrest for the resisting obstructing of a police officer, so he was brought in front of my vehicle . . . and he was searched.” In defendant’s “front left pocket, [Detective Evans] located a large sandwich baggy that had other sandwich baggies inside of it which contained multiple different kinds of narcotics.”³ Because illegal drugs were found on defendant, officers proceeded to search the vehicle, where a firearm was located.

Defendant testified in his own defense, admitting that he had drugs in his pocket but stating that the firearm belonged to, and was registered by, his fiancé who had a “permit.” Defendant admitted that when he was getting pulled over, he saw his fiancé’s firearm in the backseat, and he threw a hoodie over it.

Defendant was convicted and sentenced, as stated earlier. Defendant now appeals.

II. TRAFFIC STOP—UNREASONABLE SEARCH AND SEIZURE

On appeal, defendant first argues that he was deprived of his Fourth Amendment right to be free from unreasonable search and seizures.⁴ We disagree.

A. PRESERVATION AND STANDARD OF REVIEW

Defendant preserved this issue by raising it in his pre-trial motion to suppress evidence. See *People v Buie*, 298 Mich App 50, 70; 825 NW2d 361 (2012). “This Court reviews for clear error a trial court’s findings of fact made after a suppression hearing, but reviews de novo the ultimate decision on a motion to suppress.” *People v Rodriguez*, 327 Mich App 573, 583; 935 NW2d 51 (2019). “A finding is clearly erroneous if it leaves this Court with a definite and firm conviction that the trial court made a mistake.” *Id.* (quotation marks and citation omitted). “[I]f resolution of a disputed factual question turns on the credibility of witnesses or the weight of the evidence, we will defer to the trial court, which had a superior opportunity to evaluate these

³ It was later determined that the baggies contained “crack cocaine, cocaine in the powder form, and also methamphetamine pills.”

⁴ Defendant further elaborates on this argument in his Standard 4 brief. See Administrative Order No. 2004-6, 471 Mich ci, cii, Standard 4 (2004).

matters.” *People v Sexton*, 461 Mich 746, 752; 609 NW2d 822 (2000) (quotation marks and citation omitted). “We review constitutional questions de novo.” *People v Sadows*, 283 Mich App 65, 67; 768 NW2d 93 (2009).

B. ANALYSIS

“The Fourth Amendment of the United States Constitution and its counterpart in the Michigan Constitution guarantee the right of persons to be secure against unreasonable searches and seizures.” *People v Kazmierczak*, 461 Mich 411, 417; 605 NW2d 667 (2000). See US Const, Am IV; Const 1963, art 1, § 11. “A traffic stop amounts to a seizure under the Fourth Amendment, and it is justified if the officer has an articulable and reasonable suspicion that a vehicle or one of its occupants is subject to seizure for a violation of law.” *People v Campbell*, 329 Mich App 185, 196; 942 NW2d 51 (2019) (quotation marks and citation omitted). “Whether a reasonable suspicion justifies a traffic stop depends on a commonsense view of the totality of the circumstances.” *Id.* “An officer’s conclusion must be drawn from reasonable inferences based on the facts in light of his training and experience.” *Id.*

“Michigan has recognized that a traffic stop is reasonable as long as the driver is detained only for the purpose of allowing an officer to ask reasonable questions concerning the violation of law and its context for a reasonable period.” *Id.* at 196-197 (quotation marks and citation omitted). “The determination whether a traffic stop is reasonable must necessarily take into account the evolving circumstances with which the officer is faced.” *People v Williams*, 472 Mich 308, 315; 696 NW2d 636 (2005). “[W]hen a traffic stop reveals a new set of circumstances, an officer is justified in extending the detention long enough to resolve the suspicion raised.” *Id.*

In this case, the trial court did not err by finding that the initial traffic stop was a justified, reasonable seizure because before the stop was effectuated, Detective Evans observed the following statutory violations: (1) there was no insurance on the vehicle, in violation of MCL 500.3101(1) and MCL 500.3102(2); (2) defendant was not wearing a seat belt, in violation of MCL 257.710e; (3) one of the vehicle’s taillights was out, in violation of MCL 257.686(2); and (4) the vehicle’s window tints appeared to be illegal, in violation of MCL 257.709. See *Campbell*, 329 Mich App at 196.

“A peace officer, without a warrant, may arrest a person [when] . . . A felony, misdemeanor, or ordinance violation is committed in the peace officer’s presence.” MCL 764.15(1)(a). Although defendant indicated that the vehicle was insured, he did not provide proof of insurance, and the secretary of state’s system did not list any insurance. This Court has previously determined that even though insurance information in the Law Enforcement Information Network is only updated twice a month, “that delayed reporting time frame does not in any way cause an officer’s reliance on the information in making a stop to be unconstitutionally unreasonable.” *People v Mазzie*, 326 Mich App 279, 294; 926 NW2d 359 (2018). Accordingly, because Detective Evans witnessed defendant operating an uninsured vehicle—which constitutes a misdemeanor, under MCL 500.3102(2)—defendant was lawfully arrested in this case. See MCL 764.15(1)(a).

The United States Supreme Court has held that immediately upon arrest, an officer may lawfully search the person of an arrestee and the area within the arrestee’s immediate control

without first procuring a warrant. *Illinois v Lafayette*, 462 US 640, 644-645; 103 S Ct 2605; 77 L Ed 2d 65 (1983). The “search incident to arrest” exception to the warrant requirement further permits police to search a vehicle incident to an arrest when: (1) “the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search,” or (2) “it is reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle.” *Arizona v Gant*, 556 US 332, 343; 129 S Ct 1710; 173 L Ed 2d 485 (2009) (quotation marks and citation omitted). “These exceptions together ensure that officers may search a vehicle when genuine safety or evidentiary concerns encountered during the arrest of a vehicle’s recent occupant justify a search.” *Id.* at 347. Additionally, police may conduct an investigatory search of a vehicle, in accordance with its departmental regulations, that is being impounded following the driver’s valid arrest. See *People v Toohey*, 438 Mich 265, 271-272; 475 NW2d 16 (1991). “Such a search is considered to be an administrative function performed by the police, rather than part of a criminal investigation which the Fourth Amendment was intended to circumscribe.” *Id.*

In this case, defendant’s person was lawfully searched upon his arrest. See *Illinois*, 462 US at 644-645. A baggy containing cocaine and methamphetamine was found in defendant’s front pocket. Detective Evans testified that because illegal drugs were found on defendant, officers proceeded to search the vehicle, where they found a firearm. The vehicle search was lawful because: (1) it was reasonable to believe that evidence relevant to the discovered drugs might be found in the vehicle, see *Arizona*, 556 US at 343; and (2) the vehicle was being impounded following defendant’s valid arrest, see *Toohey*, 438 Mich at 271-272.

Accordingly, defendant’s Fourth Amendment rights were not violated, and the trial court did not err by denying defendant’s pre-trial motion to suppress evidence.

III. DOUBLE JEOPARDY

Defendant further argues that separate convictions and sentences for felony-firearm and felon-in-possession violate double jeopardy. We disagree.

A. PRESERVATION AND STANDARD OF REVIEW

Because defendant failed to raise this challenge at trial, it is not preserved for appellate review. See *People v Wilson*, 242 Mich App 350, 359-360; 619 NW2d 413 (2000). Unpreserved arguments are reviewed for plain error affecting substantial rights. *People v Chelmicki*, 305 Mich App 58, 62; 850 NW2d 612 (2014); see *Wilson*, 242 Mich App at 359-360. “To avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the plain error affected substantial rights.” *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). “The third requirement generally requires a showing of prejudice, i.e., that the error affected the outcome of the lower court proceedings.” *Id.*

B. ANALYSIS

Both the United States and Michigan Constitutions protect against double jeopardy. US Const, Am V; Const 1963, art 1, § 15. “The prohibition against double jeopardy protects individuals in three ways: (1) it protects against a second prosecution for the same offense after acquittal; (2) it protects against a second prosecution for the same offense after conviction; and (3)

it protects against multiple punishments for the same offense.” *People v Miller*, 498 Mich 13, 17; 869 NW2d 204 (2015) (quotation marks and citation omitted). “The multiple punishments strand of double jeopardy is designed to ensure that courts confine their sentences to the limits established by the Legislature and therefore acts as a restraint on the prosecutor and the Courts.” *Id.* at 17-18 (quotation marks and citation omitted).

This Court employs the “abstract legal elements test” to determine whether two offenses are classified as the ‘same offense’ for double jeopardy purposes.” *Id.* at 19 (quotation marks omitted). “Under the abstract legal elements test, it is not a violation of double jeopardy to convict a defendant of multiple offenses if each of the offenses for which defendant was convicted has an element that the other does not” *Id.* (quotation marks and citation omitted). In other words, two offenses are considered the same offense “where it is impossible to commit the greater offense without also committing the lesser offense.” *Id.*

“Both our Supreme Court and this Court have decided . . . that separate convictions for the offenses of felony-firearm, under MCL 750.227b, and felon-in-possession, under MCL 750.224f, pass muster under the United States Constitution and the Michigan Constitution of 1963.” *People v Thigpen*, 349 Mich App 437, 453; 27 NW3d 647 (2023), citing *People v Calloway*, 469 Mich 448; 671 NW2d 733 (2003), *People v Mitchell*, 456 Mich 693; 575 NW2d 283 (1998), and *People v Dillard*, 246 Mich App 163; 631 NW2d 755 (2001). “Specifically, the felon-in-possession statute (MCL 750.224f) requires proof that the defendant was a convicted felon at the time he possessed a firearm, whereas the felony-firearm statute (MCL 750.227b) requires proof that the defendant possessed a firearm while he committed a new felony.” *Id.* at 454 (citations omitted). Accordingly, “convictions and sentences for felon-in-possession and felony-firearm do not violate principles of double jeopardy.” *Id.*

“We are bound to follow decisions of the Supreme Court unless those decisions have clearly been overruled or superseded.” *People v Robar*, 321 Mich App 106, 117; 910 NW2d 328 (2017). Likewise, “we are bound to follow rules of law established by published decisions of this Court.” *People v Good*, 346 Mich App 275, 284; 12 NW3d 79 (2023) (quotation marks omitted). Accordingly, defendant has failed to establish that his convictions of both felony-firearm and felon-in-possession violate double-jeopardy protections.

IV. UNREASONABLE AND DISPROPORTIONATE SENTENCES

Defendant further argues that his sentences were unreasonable and disproportionate. We disagree.

A. PRESERVATION AND STANDARD OF REVIEW

A defendant is not required to take any special steps to preserve the argument that a sentence is not proportional. *People v Walden*, 319 Mich App 344, 350; 901 NW2d 142 (2017). “Sentencing decisions are reviewed for an abuse of discretion” *People v Ventour*, 349 Mich App 417, 429; 27 NW3d 660 (2023) (quotation marks and citation omitted). “A trial court abuses its discretion if the imposed sentence is not proportionate to the seriousness of the circumstances surrounding the offense and the offender.” *Id.* (quotation marks and citation omitted).

B. ANALYSIS

On appeal, challenges to within-guidelines sentences are reviewed for reasonableness. *People v Posey*, 512 Mich 317, 326; 1 NW3d 101 (2023) (*Posey I*).

The proper inquiry when reviewing a sentence for reasonableness is whether the trial court abused its discretion by violating the “principle of proportionality” set forth in *People v Milbourn*, 435 Mich 630, 636; 461 NW2d 1 (1990), “which requires sentences imposed by the trial court to be proportionate to the seriousness of the circumstances surrounding the offense and the offender.” [*People v Posey*, 349 Mich App 199, 203-204; 27 NW3d 137 (2023) (quotation marks and citation omitted) (*Posey II*).]

“An appropriate sentence should give consideration to the reformation of the offender, the protection of society, the discipline of the offender, and the deterrence of others from committing the same offense.” *People v Boykin*, 510 Mich 171, 183; 987 NW2d 58 (2022). “The key test is whether the sentence is proportionate to the seriousness of the matter.” *Posey II*, 349 Mich App at 204. When a defendant challenges a within-guidelines sentence, there is a presumption of proportionality “through which the defendant bears the burden of demonstrating that their within-guidelines sentence is unreasonable or disproportionate” *Posey I*, 512 Mich at 359. “[T]o overcome the presumption that the sentence is proportionate, a defendant must present unusual circumstances that would render the presumptively proportionate sentence disproportionate.” *People v Bowling*, 299 Mich App 552, 558; 830 NW2d 800 (2013) (quotation marks and citation omitted).

In this case, defendant broadly asserts that his sentences are disproportionate, without any specification as to *which* sentences are disproportionate. “A proportionality challenge to a given sentence must be based on the individual term imposed and not on the cumulative effect of multiple sentences. The combined term is not itself subject to a proportionality review.” *People v Wisniewski*, ___ Mich App ___, ___; ___ NW3d ___ (2025) (Docket No. 361978); slip op at 24 n 17 (quotation marks and citations omitted). Regardless, reviewing defendant’s within-guidelines sentences individually, defendant has failed to present this Court with any compelling argument to overcome the presumption of proportionality.

Defendant argues that the trial court did not take into account that defendant had an “almost [nonexistent] criminal record” and “was essentially self-medicating his mental health issues and [had] no father figure while growing up or any form of current family support other than rare contact.” These arguments are unpersuasive.

Defendant’s assertion that he had an “almost [nonexistent] criminal record” is undermined by the fact that he had eight prior felony convictions, three prior adult misdemeanors, and two juvenile adjudications. Notably, at sentencing, defendant told the trial court that he had not “been in trouble in 10 years,” which the trial court found to be “a lie” because defendant was convicted of other charges in 2015, was released from prison in 2020, and “got this offense in September of 2021.” Accordingly, the trial court stated that the only reason that defendant had been out of trouble during that time was that he was “on bond or locked up.”

Additionally, defendant’s presentence investigation report specifically stated that defendant: (1) was “raised by his mother and . . . had little contact with his father,” (2) “does not

have contact with most of his family . . . [but] he does have rare contact with his sister,” and (3) had unmedicated bipolar disorder and attention deficit disorder. Accordingly, the trial court was aware of the information that defendant now asserts it failed to consider, aside from the claim that defendant was “self-medicating” with the substances found on him.

When crafting defendant’s sentences, the trial court properly considered defendant’s: (1) extensive criminal history, (2) misrepresentation about his ability to stay crime-free, (3) lack of accountability, and (4) failure to appear for his first and second scheduled sentencing hearings. The trial court specifically explained how defendant’s misconduct between the jury trial and sentencing hearing influenced its sentencing decision:

You know, typically, you [k]now, just so you understand my sentence, typically I’m in the jury trial, otherwise I kind of look at the middle of the guidelines and kind of go from there. This is not a particularly egregious case, so I—you know, my thinking at the time was let’s put you at the middle. But Mr. Jackson, you’ve been doing this long enough. If you miss a court date, you come down, you’re given a new court date.

Now, I don’t know how [defense counsel’s] office communicated with you, but you know something is going on and you don’t show up because you don’t want to face the music. Well, the Court needs to respond to that, and so I’m not at the middle of the guidelines anymore because I need to respond to that.

Accordingly, the trial court sentenced defendant within the recommended guidelines range on each count.⁵ Those sentences carry the presumption of proportionality, and defendant has failed to demonstrate any unusual circumstances that would render them unreasonable or disproportionate. See *Posey I*, 512 Mich at 359; *Bowling*, 299 Mich App at 558.

Affirmed.

/s/ Adrienne N. Young
/s/ James Robert Redford
/s/ Kathleen A. Feeney

⁵ Defendant’s second-offense felony-firearm sentences were statutorily mandated at 5 years imprisonment. See MCL 750.227b(1).