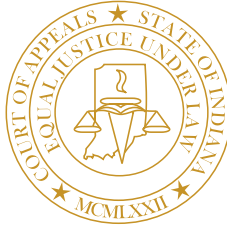


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

Jarod M. Ayers,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

August 12, 2025

Court of Appeals Case No.
24A-CR-1307

Appeal from the Marion Superior Court

The Honorable Marie Kern, Judge
The Honorable Kevin Snyder, Magistrate

Trial Court Cause No.
49D28-2304-F4-9412

Memorandum Decision by Judge Pyle
Judges Weissmann and Felix concur.

Pyle, Judge.

Statement of the Case

[1] Jarod M. Ayers (“Ayers”) appeals, following a bench trial, his conviction for Level 4 felony unlawful possession of a firearm by a serious violent felon.¹ Ayers argues that the trial court abused its discretion when it admitted: (1) evidence obtained following his detention; and (2) a deputy’s testimony regarding the operability of a revolver found in Ayers’ back pocket. Concluding that the trial court did not abuse its discretion, we affirm the trial court’s judgment.

[2] We affirm.

Issue

1. Whether the trial court abused its discretion when it admitted evidence obtained after Ayers’ detention.
2. Whether the trial court abused its discretion when it admitted a deputy’s testimony regarding the operability of the revolver.

Facts

[3] In March 2023, Marion County Sheriff’s Department Deputy Chad Meeks (“Deputy Meeks”), Marion County Sheriff’s Department Deputy Corey Maguire (“Deputy Maguire”), and a third deputy traveled to a Rybolt Avenue address in Marion County to serve an arrest warrant for a John Wade. When

¹ INDIANA CODE § 35-47-4-5.

the deputies arrived, Deputy Meeks walked to the alley behind the house, and the other two deputies approached the house from the front. The deputies observed a silver BMW (“the BMW”) parked in the driveway, and Deputy Maguire “ran the plate” on the BMW. (Tr. Vol. 2 at 96). After checking the license plate, Deputy Maguire learned that the plate had been issued to a Nissan car. Deputy Maguire and the other deputy approached the BMW and noticed “a busted back [half-moon shaped] window on the passenger side[.]” (Tr. Vol. 2 at 96).

[4] Deputy Maguire approached the BMW on the driver’s side, and the other deputy approached the BMW on the passenger’s side. Ayers was in the driver’s seat of the BMW. Ayers and the other passenger were “constantly moving around[.]” were “having a hard time focusing[.]” and were not “keep[ing] their hands where [the deputies] could see them.” (Tr. Vol. 2 at 97). The deputies told Ayers and the other passenger “at least three” times to keep their hands where the deputies could see them. (Tr. Vol. 2 at 97). When asked for his identification, Ayers gave a false name to the deputies. When Deputy Meeks saw the other deputies approaching the BMW, he walked up to the front of the BMW and read the VIN on the front windshield. When Deputy Meeks radioed in the VIN, the deputies determined that the BMW had been reported stolen.

[5] The deputies ordered Ayers and the other passenger out of the car. Deputy Maguire saw a “revolver” (“the revolver”) in Ayres’ back pocket, placed Ayers in handcuffs, and searched him. (Tr. Vol. 2 at 99). During the search, Deputy

Maguire removed the revolver from Ayers' back pocket. During a search of the car, Deputy Meeks found an Uzi, a shotgun, and ammunition.

[6] The State charged Ayers with Level 4 felony unlawful possession of a firearm by a serious violent felon.² In that charging information, the State specified that the firearm that they alleged that Ayers had possessed was “a handgun[.]” (App. Vol. 2 at 22).

[7] In January 2024, Ayers filed a motion to suppress, wherein he argued that his detention and search “were in contravention of Article I, Section 11 of the Indiana Constitution and the 4th Amendment of the U.S. Constitution.” (App. Vol. 2 at 79). In February 2024, the trial court held a suppression hearing. During the hearing, Deputy Maguire testified that the BMW's broken window indicated that “[i]t could be a stolen vehicle.” (Tr. Vol. 2 at 37). Deputy Maguire also testified that Ayers had given him a “fake name . . . a couple of times.” (Tr. Vol. 2 at 40). Deputy Maguire further testified that one of the names Ayers had given him was a “common alias” for Ayers and that Ayers “had warrants” for his arrest. (Tr. Vol. 2 at 40). The State argued that the deputies had reasonable suspicion to detain and search Ayers. Ayers, however, argued that there was no reasonable suspicion to support an investigatory detention. The trial court denied Ayers' motion to suppress.

² The State also charged Ayers with two additional counts of Level 4 felony unlawful possession of a firearm by a serious violent felon, Level 5 felony possession of a machine gun, and Class A misdemeanor giving a false identity. The State dismissed these additional charges at the start of Ayers' bench trial.

[8] In April 2024, the trial court held a bench trial. At the start of the bench trial, Ayers' counsel and the trial court had the following exchange:

[AYERS' COUNSEL]: Judge, I would just like to show for the record that we do have a continuing objection to the –

THE COURT: Denial of the motion to suppress?

[AYERS' COUNSEL]: Correct.

THE COURT: All right.

[AYERS' COUNSEL]: And I'll be making a record as such, but we would at this time, move to incorporate the testimony and arguments from the [suppression] hearing[.]

THE COURT: Okay, so incorporated.

(Tr. Vol. 2 at 78-79).

[9] During Deputy Meeks' testimony, the following exchange occurred:

[Deputy Meeks]: . . . Deputy Maguire was the one that was interacting with [Ayers] and he's the one that said something about a gun, so then my attention was turned to [Ayers].

[The State]: And what did you see after you heard that?

[Deputy Meeks]: Um, once Deputy Maguire had [Ayers] handcuffed, I looked in the back pocket and saw the gun in the back pocket.

[The State]: And can you describe what kind of gun you saw?

[Deputy Meeks]: It was a metal revolver. It was hard to tell while it was in the pocket, but you could tell it was a revolver because of the cylinder and the holes in the cylinder.

[The State]: And did you collect that firearm or did someone else collect the firearm?

[Deputy Meeks]: I did not, Deputy Maguire did.

(Tr. Vol. 2 at 88). Ayers did not object to Deputy Meeks' testimony or note his continuing objection at that time. When the State asked Deputy Meeks about the search of the BMW, Ayers objected. As a basis for the objection, Ayers renewed his motion to suppress, and the trial court overruled the objection.

[10] Deputy Maguire also testified at the bench trial, and the State asked Deputy Maguire about getting Ayers out of the BMW. Ayers objected based on his motion to suppress, specifically arguing that he was objecting to the detention being unlawful. The trial court overruled Ayers' objection. During Deputy Maguire's testimony, the State elicited testimony about the revolver as follows:

[The State]: After [Ayers] is out of the [BMW], d[id] you observe anything about [Ayers]?

[Deputy Maguire]: In his back left pocket he had a revolver.

[The State]: And can you kind of describe the revolver?

[Deputy Maguire]: . . . it's like a silver revolver with no - it's like missing grip. Like the grips are gone. I just saw the frame.

[The State]: And what did you do after seeing this revolver?

[Deputy Maguire]: I got [Ayers] in cuffs as quick as I could and then removed the revolver from his pocket.

[The State]: . . . so, did you collect the revolver?

[Deputy Maguire]: I did, yeah.

(Tr. Vol. 2 at 98-99). Ayers did not object to Deputy Maguire's testimony or note his continuing objection at that time.

[11] Also, during Detective Maguire's testimony, the State moved to admit the revolver as State's Exhibit 1. Ayers objected based on his prior motion to suppress, and the trial court admitted the revolver over Ayer's objection. When the State asked Deputy Maguire if he could see a firing pin on the revolver, Deputy Maguire responded, "I do." (Tr. Vol. 2 at 102). Ayers then objected and argued that Deputy Maguire could not testify about the revolver because the State had not laid a foundation that Deputy Maguire "ha[d] any specialized knowledge on firearms or the construction of firearms." (Tr. Vol. 2 at 102). The trial court sustained the objection and allowed the State to lay a foundation. Deputy Maguire testified at length about his experience and training with firearms. Thereafter, Ayers further argued that he did not believe that Deputy Maguire had the "personalized knowledge" regarding whether the revolver was operable and further noted that there was "an entire arm of the Crime Lab" that specialized in making such determinations. (Tr. Vol. 2 at 104).

[12] When the State again asked Deputy Maguire if he could see a firing pin on the revolver, Ayers objected for the same reason as above. The trial court overruled Ayers' objection. Deputy Maguire demonstrated where the firing pin was on

the revolver and explained how it was used to fire a projectile. The State moved to admit the .32 caliber ammunition found in the BMW, and Ayers objected based on his prior suppression motion and because it had been found during the search of the BMW. The trial court overruled Ayers' objection and admitted the .32 caliber ammunition. Deputy Maguire testified that the revolver used the same caliber of ammunition.

[13] On cross-examination, Ayers asked Deputy Maguire about the revolver. Specifically, Ayers asked Deputy Maguire if the revolver was missing any parts. Deputy Maguire responded, "[i]t [wa]s missing a part of the handle, the sister grip, yes." (Tr. Vol. 2 at 114). When Ayers asked Deputy Maguire if the revolver was also missing a hammer, he responded, "[y]es." (Tr. Vol. 2 at 114). Ayers also asked Deputy Maguire if the hammer was the part of the gun that strikes the firing pin, and Deputy Maguire responded, "[t]he hammer strikes the firing pin, yes." (Tr. Vol. 2 at 114).

[14] The trial court asked Deputy Maguire if the revolver still had a firing pin when it was missing a hammer, and Deputy Maguire responded, "[t]hat is correct." (Tr. Vol. 2 at 116). When the State asked Deputy Maguire if another object besides a hammer could be used to strike the firing pin, Ayers objected on the same grounds as above. The trial court overruled his objection, and Deputy Maguire responded, "[t]heoretically, yeah you could shove something in there to shoot the firing pin forward." (Tr. Vol. 2 at 117). On recross examination, Ayers asked Deputy Maguire if he had ever tried to or seen anyone try to strike a firing pin without a hammer, and he replied that he had not.

[15] After the State had rested, Ayers moved for a dismissal of the case under Indiana Trial Rule 41(B). Ayers argued that the State had not proven that the revolver was a firearm under INDIANA CODE § 35-47-1-5 because the revolver was inoperable. The State, however, argued that the revolver fell under the statute's definition of a firearm. The State specifically argued that it did not need to prove the "operability" of the revolver and cited *Manley v. State*, 656 N.E.2d 277, 279 (Ind. Ct. App. 1995) for the proposition that proving the revolver "was designed to expel a projectile by means of an explosion [wa]s sufficient[.]" (Tr. Vol. 2 at 125). The State further argued that, just because the revolver was missing a piece, did not mean that it was not designed to fire a projectile by means of an explosion. The trial court denied Ayers' motion. The trial court explained its decision by citing to *Sanders v. State*, No. 02A03-0611-CR-554, 2007 WL 2056861 at *1, (Ind. Ct. App. July 18, 2007), a memorandum opinion issued by our Court that held that a broken shotgun that the defendant had just purchased for \$10 still met the statutory definition of a firearm.

[16] At the conclusion of the bench trial, the trial court found Ayers guilty of Level 4 felony unlawful possession of a firearm by a serious violent felon. At Ayers' sentencing hearing, the trial court sentenced Ayers to six (6) years executed at the Indiana Department of Correction.

[17] Ayers now appeals.

Decision

[18] Ayers argues that the trial court abused its discretion when it admitted: (1) “incriminating information about Ayers” obtained by the deputies during Ayers’ detention; and (2) Deputy Maguire’s testimony regarding the operability of the revolver. (Ayer’s Br. 13). We address each argument in turn.

1. Detention

[19] Ayers first argues that the deputies did not have reasonable suspicion, and therefore, any evidence found as a result of his detention should have been suppressed. Specifically, Ayers sets forth the “incriminating evidence” as being: (1) the police learning that the BMW was stolen after running the VIN; and (2) Ayers’ identity and that he had an active arrest warrant. (Ayer’s Br. 13). Ayers argues that “[t]hese are both facts that, had Ayers been allowed to leave the scene, the [deputies] would not have discovered [them][.]” (Ayers’ Br. 13). Ayers concedes that the detention led to the deputies finding probable cause, but he centers his challenge to the admission of the “incriminating evidence” being improper based on his argument that the detention was unlawful. (Ayers’ Br. 13). The crux of Ayers’ argument is that the deputies did not have reasonable suspicion to detain him. Ayers further argues that, because

incriminating evidence stemmed from this detention, any evidence discovered after the detention should be inadmissible.³ We disagree.

[20] We review the admission of evidence for an abuse of discretion, which occurs only when the admission is clearly against the logic and effect of the facts and circumstances and the error affects a party's substantial rights. *Clark v. State*, 994 N.E.2d 252, 260 (Ind. 2013). "However, when a party argues the admission of evidence constituted a constitutional violation, we apply a de novo standard of review." *Miller v. State*, 201 N.E.3d 683, 687 (Ind. Ct. App. 2022), *trans. denied*.

A. Fourth Amendment

[21] Ayers challenges the admission of evidence found after deputies detained him under the Fourth Amendment of the United States Constitution, which provides that:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and

³ We note that, in Ayers' appellate brief, he did not specifically state that the trial court had improperly admitted the revolver or testimony about the revolver. In his reply brief, he asserts that he was raising an appellate challenge to "all evidence" because that was the term he had used in his motion to suppress. (Ayers' Reply Br. 4). We further note that, in response to the State's argument that Ayers had not objected to the deputies' testimony that Ayers had a revolver in his back pocket, Ayres argued in his reply brief that his assertion of a continuing objection at the beginning of the trial had prophylactically covered his objection to all evidence during the trial. We need not address the parties' arguments about whether some of the evidence was waived or constituted harmless error because we will address Ayers' challenge to the admission of all evidence, including the revolver and testimony about Ayers' possession of the revolver, on the merits.

particularly describing the place to be searched, and the persons or things to be seized.

U.S. CONST. AMEND. IV.

[22] “The fundamental purpose of the Fourth Amendment to the United States Constitution is to protect the legitimate expectations of privacy that citizens possess in their persons, their homes, and their belongings.” *Taylor v. State*, 842 N.E.2d 327, 330 (Ind. 2006). This protection has been “extended to the states through the Fourteenth Amendment.” *Bradley v. State*, 54 N.E.3d 996, 999 (Ind. 2016). “As a deterrent mechanism, evidence obtained in violation of this rule is generally not admissible in a prosecution against the victim of the unlawful search or seizure absent evidence of a recognized exception.” *Clark v. State*, 994 N.E.2d 252, 260 (Ind. 2013). “When a search is conducted without a warrant, the State has the burden of proving that an exception to the warrant requirement existed at the time of the search.” *Bradley*, 54 N.E.3d at 999 (cleaned up)

[23] One exception to the warrant requirement is a *Terry* stop. It “permits an officer to stop and briefly detain a person for investigative purposes if the officer has a reasonable suspicion supported by articulable facts that criminal activity may be afoot, even if the officer lacks probable cause.” *Robinson v. State*, 5 N.E.3d 362, 367 (Ind. 2014) (cleaned up). Such a stop ““must be justified by some objective manifestation that the person stopped is, or is about to be, engaged in criminal activity. ”” *Armfield v. State*, 918 N.E.2d 316, 319 (Ind. 2009) (quoting *United States v Cortez*, 449 U.S. 411, 417 (1981)). Reasonable suspicion requires more

than mere hunches or unparticularized suspicions. *Terry v. Ohio*, 392 U.S. 1, 30 (1968). “In assessing the whole picture, we must examine the facts as known to the officer at the moment of the stop.” *Clark*, 994 N.E.2d at 264.

[24] Here, the totality of the evidence reveals that the deputies had reasonable suspicion to detain Ayers. First, the deputies checked the license plate on the BMW and saw that the license plate was registered to a different car. Second, when the deputies approached the BMW, they noticed a broken window on the passenger’s side, which Deputy Maguire testified was a sign that it could be a stolen vehicle. Thus, before the deputies had even spoken to Ayers and the other passenger, the deputies had reasonable suspicion to detain Ayers and the passenger. *See Browder v. State*, 77 N.E.3d 1209, 1216 (Ind. Ct. App. 2017) (holding that an officer had reasonable suspicion to prolong a traffic stop when a defendant’s vehicle’s license plate was registered to a different vehicle and defendant had no proof of a recent sale to corroborate his ownership), *trans. denied*. *See also Smith v. State*, 713 N.E.2d 338, 342 (Ind. Ct. App. 1999) (holding that an officer had reasonable suspicion to stop a car when the car’s license plate did not match the car), *trans. denied*. Further, once the deputies spoke with Ayers and ran the VIN on the BMW, they learned that: (1) Ayers had given them a false name; (2) Ayers had an active arrest warrant; and (3) the BMW had been reported stolen. Ayers, as stated above, concedes that at this point, the deputies had probable cause to arrest him. But, even before this point, the deputies had reasonable suspicion to detain Ayers. Therefore, the

trial court did not abuse its discretion when it admitted the evidence that deputies had discovered after Ayers' detention.⁴

B. Indiana Constitution

[25] Ayers also argues that the officers violated Article 1, Section 11 of the Indiana Constitution, which provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated[.]” IND. CONST. ART. 1, § 11. “The purpose of this section is to protect those areas of life that Hoosiers consider private from unreasonable police activity.” *State v. Washington*, 898 N.E.2d 1200, 1206 (Ind. 2008), *reh’g denied*. Although Article 1, Section 11 of the Indiana Constitution contains language nearly identical to the Fourth Amendment of the United States Constitution, we interpret Article 1, Section 11 independently. *See Shotts v. State*, 925 N.E.2d 719, 726 (Ind. 2010). “[W]e focus on the actions of the police officer[] and employ a totality-of-the-circumstances test to evaluate the reasonableness of the officer’s actions.” *Austin v. State*, 997 N.E.2d 1027, 1034 (Ind. 2013) (cleaned up). The reasonableness of a law enforcement officer’s

⁴ Additionally, Ayers seemingly argues that the detention was unlawful because the deputies could not develop reasonable suspicion to investigate a crime involving him when they were in the process of serving a warrant to a third person for another crime. Specifically, Ayers asserts that the deputies had “leapt to the conclusion that the BMW was stolen even though they were not investigating a report of a stolen vehicle” and were on the property to serve a warrant for a different person. (Ayers’ Br. 12). He suggests that because the deputies were on the property to serve an arrest warrant for a third person, they should not have immediately detained Ayers and the other occupant of the BMW. However, Ayers provides no cogent argument pointing to any relevant cases or authorities that support this claim. Thus, he has waived the argument on appeal. *See* Ind. Appellate Rule 46(A)(8).

search or seizure requires balancing three factors: (1) the degree of concern, suspicion, or knowledge that a violation has occurred; (2) the degree of intrusion the method of the search or seizure imposes on the citizen's ordinary activities; and (3) the extent of law enforcement needs. *Litchfield v. State*, 824 N.E.2d 356, 361 (Ind. 2005).

[26] Here, the deputies had a high degree of concern, suspicion, or knowledge that a violation had occurred. Specifically, the deputies, when approaching the BMW, knew that the BMW's license plate was registered to a Nissan and that the window on the passenger's side of the BMW was broken. The deputies' degree of suspicion only increased when they discovered that Ayers had given them a false name and that the BMW had been reported stolen.

[27] Ayers concedes that "the degree of intrusion was low[.]" (Ayers' Br. 14). Indeed, the deputies approached the BMW and spoke with Ayers. The deputies did not ask Ayers to step out of the BMW until they realized, after running the BMW's VIN, that the BMW had been reported stolen.

[28] Finally, we look at the extent of law enforcement needs. In doing so, we look to "the needs of the officers to act in the particular way and at the particular time they did." *Hardin v. State*, 148 N.E.3d 932, 947 (Ind. 2020), *cert. denied*. Here, law enforcement's needs were moderate because the deputies were acting within their responsibility "to deter crime, to intercept criminal activity, and to apprehend its perpetrators." *See Washington*, 898 N.E.2d at 1206. Given the totality of the circumstances, we cannot say that the deputies' detention was

unreasonable under Article 1, Section 11 of the Indiana Constitution.

Accordingly, we find no abuse of the trial court's discretion in its admission of evidence.

2. Deputy Maguire's Testimony

[29] Ayers also challenges the admission of Deputy Maguire's testimony regarding the operability of the revolver. Ayers specifically argues that Deputy Maguire could not testify about whether or not another object could be used instead of a hammer to strike the revolver's firing pin, causing it to fire a projectile. Ayers argues that the trial court abused its discretion when it admitted this portion of Deputy Maguire's testimony. The specific piece of evidence challenged by Ayers was when the State asked Deputy Maguire if another object besides a hammer could be used to strike the firing pin, and Deputy Maguire responded, "[t]heoretically, yeah you could shove something in there to shoot the firing pin forward." (Tr. Vol. 2 at 117).

[30] We need not address Ayers' argument on the merits because we find any potential error to be harmless. Under Indiana Appellate Rule 66(A), an error is harmless "where its probable impact, in light of all the evidence in the case, is sufficiently minor so as not to affect the substantial rights of the parties." Under this probable impact test, Ayers bears the burden of demonstrating how "the error's probable impact undermines confidence in the outcome of the proceeding below." *Hayko v. State*, 211 N.E.3d 483, 492 (Ind. 2023), *reh'g denied, cert. denied*. In determining whether Ayers has met his burden, we

consider the likely impact of improperly admitted evidence on a reasonable, average factfinder considering all evidence in the case. *See id.* If substantial independent evidence of guilt exists and our confidence in the outcome is not undermined, the error is harmless. *Id.*

[31] Here, Deputy Maguire’s statement about whether a different object could be used to strike the firing pin on the revolver does not undermine the outcome of the case. First, Deputy Meeks and Deputy Maguire testified that they had seen Ayers in possession of a revolver in his back pocket, and the State admitted the revolver into evidence. As set forth above, we have determined that the trial court did not abuse its discretion when it admitted the revolver and the deputies’ testimony into evidence. Moreover, Ayers thoroughly cross-examined Deputy Maguire on whether he had used another object besides a hammer to strike a firing pin or had seen someone else do so, and he replied that he had not. The impact of this testimony does not undermine our confidence in the outcome of the case. Therefore, we hold that any error in the admission of this portion of Deputy Maguire’s testimony was harmless.⁵

⁵ In his reply brief, Ayers argues that Deputy Maguire’s testimony regarding whether or not another object could be used to strike the firing pin was not harmless because it was “critical to the State proving one element of the offense.” (Ayers’ Reply Br. 8). Specifically, Ayers argues that this testimony was critical in the trial court’s determination on whether or not the revolver met the statutory definition of a firearm. But, these arguments are more suited to an argument challenging the sufficiency of the evidence supporting Ayers’ conviction, which Ayers did not argue in his brief. Our harmless error inquiry focuses on whether “the error’s probable impact undermines confidence in the outcome of the proceeding below.” *Hayko*, 211 N.E.3d at 492. And, for the reasons stated above, we determined that the challenged evidence did not undermine our confidence in the outcome. Nevertheless, Indiana law defines a firearm as any weapon that is capable of expelling, designed to expel, or is readily capable of being converted to expel a projectile. IND. CODE § 35-47-1-5. The record before us contains sufficient evidence that the gun was at least designed to expel a projectile.

[32] Affirmed.

Weissmann, J., and Felix, J., concur.

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