MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Jeremy Level Satisfield,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

December 28, 2023

Court of Appeals Case No.
23A-CR-741

Appeal from the
Marion Superior Court

The Honorable
Cynthia L. Oetjen, Judge

Trial Court Cause No.
49D30-2007-MR-22768

Memorandum Decision by Judge Foley
Chief Judge Altice and Judge May concur.

Foley, Judge.

[1] Following a jury trial, Jeremy Level Satisfield ("Satisfield") was convicted of murder,[1] a felony, and unlawful possession of a firearm by a serious violent felon as a Level 4 felony.[2] Satisfield appeals his convictions, presenting one issue for our review: whether the trial court properly admitted evidence of a firearm discovered pursuant to a pat down search of Satisfield's outer clothing. We affirm.

Facts and Procedural History

[2] On June 19, 2020, at around 9:30 p.m., Indianapolis Metropolitan Police Department ("IMPD") officers were dispatched to Brentwood Apartments in response to reports of a homicide. When the IMPD officers arrived, they observed the victim lying face down in the front yard of the apartment complex with multiple fatal gunshot wounds. Detective Erika Jones ("Detective Jones") began the homicide investigation and reviewed security footage that captured a vehicle of interest and its license plate number. Detective Jones requested that other IMPD officers help in locating the vehicle.

[3] On June 23, 2020, three IMPD officers located the vehicle of interest traveling on a roadway and began tailing behind it. The officers observed the vehicle exceed the posted speed limit and abruptly turn after signaling for a turn. The officers conducted a traffic stop. One officer walked to the driver's side of the

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[1] Ind. Code § 35-42-1-1(1).

[2] I.C. § 35-47-4-5(c).

vehicle, and the other two officers—including Officer Michael Pflum ("Officer Pflum")—walked to the front passenger side of the vehicle. The female driver of the vehicle said she had a firearm, located between the driver's seat and the center console. Officer Pflum noticed that the passenger, Satisfield, was "twisting and turning [his] torso" which "heightened [Officer Pflum's] awareness" because through his training and experience, people make those movements when they are trying to hide something. Tr. Vol. III p. 172. Officer Pflum further observed that Satisfield was extremely nervous. Despite knowing that Satisfield was the name of the passenger, Officer Pflum asked him for his name and identification, and Satisfield gave Officer Pflum a false name, and provided a bank card containing the false name. Officer Pflum then noticed an "unnatural bulge in the waistband of [Satisfield's] pants." *Id.* at 174. As a result of these observations, Officer Pflum decided to conduct a pat down search for officer safety. Officer Pflum asked Satisfield to step out of the vehicle and began patting down Satisfield's outer clothing. Officer Pflum "immediately felt the handle of the firearm" when he got to the waistband of Satisfield's pants. The firearm was removed and later processed by a crime scene specialist. Ballistic testing confirmed that the firearm found on Satisfield fired some of the bullets removed from the victim discovered outside of Brentwood Apartments.

[4] The State charged Satisfield with Count 1, murder as a felony. The State later amended the charging information to reflect the joinder of firearm offenses from a separate cause number, resulting in the following charges: Count 2,

unlawful possession of a firearm by a serious violent felon as a Level 4 felony; Count 3, carrying a handgun without a license with a prior conviction as a Level 5 felony; and Count 4, escape as a Level 6 felony. The State later moved to dismiss Counts 3 and 4, and the trial court granted the State's motion. Prior to trial, Satisfield filed a motion to suppress evidence found pursuant to the pat down search of his outer clothing. Satisfield's motion was denied after a hearing on the motion. A jury trial was held, at which Satisfield objected to evidence stemming from the pat down search, arguing the search violated his rights under both the United States Constitution and the Indiana Constitution. *See* Tr. Vol. p. III 133. The jury found Satisfield guilty of murder and Level 4 felony unlawful possession of a firearm by a serious violent felon. The trial court sentenced Satisfield to sixty years for murder and nine years for the firearm count to be served consecutively, resulting in an aggregate sentence of sixty-nine years executed in the Indiana Department of Correction. Satisfield now appeals.

Discussion and Decision

[5] Satisfield appeals following a completed trial, and thus, his appeal is a challenge to the admission of evidence at trial. *See Clark v. State*, 994 N.E.2d 252, 259 (Ind. 2013). Satisfield argues that the trial court abused its discretion when it admitted the firearm found on his person pursuant to a pat down because the search was in violation of both the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Indiana Constitution. The admission or exclusion of evidence is a matter that is generally entrusted to the

discretion of the trial court. *Pribie v. State*, 46 N.E.3d 1241, 1246 (Ind. Ct. App. 2015). We review challenges to the admission of evidence for an abuse of the trial court's discretion, reversing only where the decision is clearly against the logic and effect of the facts and circumstances. *Fansler v. State*, 100 N.E.3d 250, 253 (Ind. 2018). However, "when an appellant's challenge to such a ruling is predicated on an argument that impugns the constitutionality of the search or seizure of evidence, it raises a question of law, and we consider that question de novo." *Guilmette v. State*, 14 N.E.3d 38, 40–41 (Ind. 2014) (citing *Kelly v. State*, 997 N.E.2d 1045, 1050 (Ind. 2013)). Generally, evidence obtained pursuant to an unlawful search must be excluded at trial. *Clark v. State*, 994 N.E.2d 252, 267 (Ind. 2013).

A. Fourth Amendment

[6] The Fourth Amendment to the United States Constitution protects citizens against unreasonable searches and seizures by generally prohibiting them without a warrant supported by probable cause. U.S. Const. amend. IV. "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).

[7] Under *Terry v. Ohio*, 392 U.S. 1, 21 (1968), an officer may "stop and briefly detain a person for investigative purposes," so long as the officer can "point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." *Kelly*, 997 N.E.2d at 1051 (internal citations omitted). "A Terry stop, thus, is permissible without a warrant or probable cause if the officer has reasonable suspicion to justify the stop." *Id.* A *Terry* stop also permits:

> A reasonable search for weapons for the protection of the police officer, where he has reason to believe that he is dealing with an armed person, and the officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger.

A.M. v. State, 891 N.E.2d 146, 149 (Ind. Ct. App. 2008) (internal quotations and citations omitted). Under those circumstances, a police officer may conduct a carefully limited search of the outer clothing of the suspect in an attempt to discover weapons that might be used to harm the officer. *Id.*

[8] In claiming that his Fourth Amendment rights against unreasonable search and seizure was violated, Satisfield does not challenge the lawfulness of the traffic stop that led to his detention. Instead, Satisfield contends that Officer Pflum "had no particularized facts that Satisfield was armed and presently dangerous"

when he conducted a pat down search of Satisfield's outer clothing. Appellant's Br. p. 13. However, the record before us reveals otherwise.

[9] Satisfield was a passenger in a vehicle identified as a vehicle of interest in connection to a homicide that was under investigation. Three police officers tailed the vehicle and conducted a traffic stop. The driver of the vehicle informed the police officers that she had a firearm, located between the driver's seat and the center console. Officer Pflum noticed that Satisfield was "twisting and turning [his] torso" which "heightened [Officer Pflum's] awareness" because through his training and experience, people make those movements when they are "trying to hide things . . . they don't want officers to see." Tr. Vol. III p. 172. Officer Pflum further observed that Satisfield's "heart was beating so fast . . . [which made Satisfield's] shirt mov[e] more than normal" and that Satisfield's hands were shaking. *Id.* at 173. Despite knowing whom he was looking at, Officer Pflum asked Satisfield for his name, and Satisfield gave him a false name, accompanied by a bank card containing the false name. Officer Pflum then noticed an "unnatural bulge in the waistband of [Satisfield's] pants." *Id.* at 174. As a result, Officer Pflum asked Satisfield to step out of the vehicle and proceeded to pat down Satisfield's outer clothing for officer safety. Officer Pflum "immediately felt the handle of the firearm" when he got to the waistband of Satisfield's pants. *Id.*

[10] It was reasonable for Officer Pflum to suspect that Satisfield was armed and that Officer Pflum's safety—and that of the other officers—was in danger given that Satisfield: was a passenger in the vehicle of interest in a homicide

investigation where the driver indicated a firearm was located between the driver's seat and the console; attempted to conceal something from officers by twisting and turning his torso; was extremely nervous such that his heartbeat could be observed through his shirt; lied regarding his identity; presented a bank card with a false identification; and had an unnatural bulge in the waistband of his pants. Under those circumstances, Officer Pflum was justified in conducting a pat down of Satisfield's outer clothing in an attempt to discover weapons that might be used to harm him or the other officers. *See Johnson v. State*, 157 N.E.3d 1199, 1206 (Ind. 2020) (officer's pat down of defendant did not violate the Fourth Amendment because "[a]ll information available to [the officer] suggested that [the defendant] . . . was trying to sell drugs—a crime for which [the defendant] could possibly be armed—to strangers on a casino floor."), *cert. denied*. Therefore, the pat down of Satisfield's outer clothing did not constitute an impermissible search under the Fourth Amendment.

B. Article 1, Section 11 of the Indiana Constitution

[11] Satisfield also challenges the pat down under Article 1, Section 11 of the Indiana Constitution. While Article 1, Section 11 appears to mirror the Fourth Amendment, we interpret and apply Article 1, Section 11 independently from the Fourth Amendment jurisprudence. *Taylor v. State*, 842 N.E.2d 327, 334 (Ind. 2006). Article 1, Section 11 provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated." Article 1, Section 11's purpose is to "protect from unreasonable police activity those areas of life that Hoosiers regard as

private." *State v. Washington*, 898 N.E.2d 1200, 1206 (Ind. 2008). "[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) (internal quotation and citation omitted). When examining the reasonableness of the officer's actions, we balance the following 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." *Id.* (quoting *Litchfield v. State*, 824 N.E.2d 356, 361 (Ind. 2005)).

[12] In a brief paragraph regarding Article 1, Section 11, Satisfield essentially claims that the *Litchfield* factors weigh in his favor. First, Satisfield asserts that "[t]he degree of suspicion that Satisfield [had] committed a violation was non-existent given that he was just a passenger in the vehicle and was not a suspect in the murder at the time." Appellant's Br. p. 14. We disagree. The police officers were investigating a homicide when they reviewed security footage that revealed a vehicle of interest that needed to be located. Once the police officers located the vehicle traveling on a roadway, they tailed the vehicle, and observed the vehicle making several traffic violations before conducting a traffic stop. Satisfield was a passenger in the vehicle who attempted to conceal something from the officers by twisting and turning his torso, was acting extremely nervous, lied regarding his identity, presented a bank card with the false identity, and had an unnatural bulge in the waistband of his pants. Officer

Pflum had a high degree of suspicion that a violation had occurred based upon the nature of the traffic stop and Satisfield's actions during the traffic stop. *See Negash v. State*, 113 N.E.3d 1281, 1290 (Ind. Ct. App. 2018) (concluding that the officer had a high degree of suspicion that a violation had occurred because "he was in the process of investigating a report of shots fired with an alleged suspect still at large; the front-seat passenger was acting suspiciously and making furtive gestures; and . . . [the officer] observed a 'huge bulge in [Negash's] right pocket, sticking out, protruding . . . then patted down the outer layer of Negash's clothing[.]'"). Therefore, the first *Litchfield* factor weighs in the State's favor.

[13] Satisfield next contends that "the degree of intrusion was moderate given that law enforcement placed their hands on him and conducted a pat down of his body." Appellant's Br. p. 14. We disagree. After Satisfield lied regarding his identity and Officer Pflum noticed the unnatural bulge in the waistband of Satisfield's pants, Officer Pflum asked Satisfield to exit the vehicle and then proceeded to only pat down Satisfield's outer clothing until he got to Satisfield's waistband where he "immediately felt the handle of the firearm." Tr. Vol. 2 p. 174. Officer Pflum's level of intrusion into Satisfield's ordinary activities and privacy was minimal. *See Bell v. State*, 81 N.E.3d 233, 238 (Ind. Ct. App. 2017) (concluding that the intrusion into the defendant's privacy was minimal because "it was merely an outer clothes pat-down."). Therefore, the second *Litchfield* factor weighs in the State's favor.

[14] Finally, Satisfield argues that "the extent of law enforcement needs was minimal because [Satisfield] was not a suspect and there were no specific

articulable facts that would lead a [reasonable] officer to believe he was armed and dangerous." Appellant's Br. p. 14. Again, we disagree. The extent of law enforcement needs was high because the vehicle in which Satisfield was a passenger was identified as the vehicle of interest during a homicide investigation. When the police officers conducted a traffic stop of the vehicle, the driver informed the officers that she had a firearm which was located in close proximity to Satisfield. Satisfield did not inform the police officers that he had a firearm. Instead, the extremely nervous acting Satisfield attempted to conceal something from officers by twisting and turning his torso, lied regarding his identity, and presented a bank card in support of his lie. Once Officer Pflum noticed the unnatural bulge in the waistband of Satisfield's pants, he asked Satisfield to exit the vehicle and proceeded to pat down Satisfield's outer clothing for officer safety. Officer Pflum immediately felt the handle of the firearm once he patted the area where he saw the unnatural bulge. *See Negash*, 113 N.E.2d at 1290 (concluding that law enforcement needs were high because the police officers were investigating a shooting where an alleged suspect was still at large when they approached a vehicle wherein the front-seat passenger was making suspicious movements and the backseat passenger made a signal that the defendant possessed a firearm). Therefore, the third *Litchfield* factor also weighs in the State's favor.

[15] Under the totality of the circumstances, we conclude that the pat down search was reasonable and did not violate Satisfield's rights under Article 1, Section 11 of the Indiana Constitution.

Conclusion

[16] Based on the foregoing, Officer Pflum's pat down search of Satisfield did not violate Satisfield's rights against unreasonable search under the Fourth Amendment or Article 1, Section 11 of the Indiana Constitution. Therefore, the trial court properly admitted evidence of the firearm discovered pursuant to a pat down search of Satisfield's outer clothing.

[17] Affirmed.

Altice, C.J., and May, J., concur.