

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Trent Howard Boyle,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

February 11, 2022

Court of Appeals Case No.
21A-CR-686

Appeal from the Wells Circuit
Court

The Honorable Kenton W.
Kiracofe, Judge

Trial Court Cause No.
90C01-2002-F5-6

May, Judge.

- [1] Trent Howard Boyle appeals following the denial of his motion to suppress. He raises one issue for our review, which we revise and restate as whether the

officers' seizure of Boyle was reasonable under Article I, Section 11 of the Indiana Constitution. We affirm and remand.

Facts and Procedural History

[2] At approximately 11:00 a.m. on February 4, 2020, an anonymous person called 911 and reported that she observed Boyle and an individual identified only as “Megan”¹ “trading off drugs . . . in the parking lot” of a gas station located near the intersection of Main Street and Silver Street in Bluffton, Indiana. (State’s Ex. 1a at 00:26-00:33). The caller explained Boyle handed Megan an unidentified object and Megan gave Boyle cash. The caller also stated that she used to work at the gas station, and she knew drug transactions frequently occurred there. She described Boyle as wearing a tan, camouflage jacket and relayed he was riding his bicycle away from the gas station. The caller called 911 again a short time later and reported Megan had walked down an alley behind the gas station and through the backdoor of a nearby house on Main Street.

[3] Several Bluffton Police Department officers responded to the dispatch regarding the suspected drug transaction, including Sergeant Mike Miller and Officer Greg Steele. The officers quickly found Boyle riding his bicycle southbound in an alleyway behind the gas station. When Boyle turned east out of the alley

¹ The caller stated she did not know Megan’s last name.

onto Townley Street, Officer Steele started to follow Boyle in his patrol vehicle. Sergeant Miller was in a separate patrol vehicle, and he followed behind Officer Steele. Sergeant Miller recorded the subsequent encounter between Boyle and Officer Steele using his dashcam.

[4] Officer Steele came to a stop at Boyle's side near the intersection of Townley Street and Main Street. Boyle took one foot off its pedal and slowly pushed his bicycle toward Officer Steele's vehicle as Officer Steele started to get out of his vehicle. Boyle addressed Officer Steele, "You wanna talk to me?[,]" and Officer Steele responded, "Yes, I do." (Tr. Vol. II at 29-30.) Boyle started to slowly ride away from Officer Steele across Main Street and then began to pick up speed as Officer Steele moved toward him. Boyle navigated around north and southbound traffic as he crossed Main Street and piloted his bicycle into the front yard of a nearby house. Officer Steele commanded Boyle to stop, and once Officer Steele caught up to Boyle, he tackled him.

[5] Sergeant Miller and the other officers on the scene then helped to subdue and handcuff Boyle. Boyle told the officers he had a glass pipe inside his pocket. The officers conducted a pat-down search of Boyle, and they discovered the pipe with residue inside it. Based on his training and experience, Officer Steele recognized the glass pipe as an instrument commonly used to ingest methamphetamine. The officers then transported Boyle to the Bluffton Police

Station. At the station, Boyle agreed to waive his rights pursuant to *Miranda v. Arizona*,² and two Bluffton Police Department detectives interrogated him.³

[6] On February 6, 2020, the State charged Boyle with Level 5 felony dealing in methamphetamine,⁴ Level 6 felony possession of methamphetamine,⁵ and Class C misdemeanor possession of paraphernalia.⁶ On July 31, 2020, Boyle filed a motion to suppress the evidence obtained after the officers seized him. The trial court then held an evidentiary hearing on Boyle’s motion to suppress on November 24, 2020.

[7] On February 5, 2021, the trial court entered an order with findings of fact and conclusions of law denying Boyle’s motion to suppress. The trial court ruled the initial interaction between Boyle and Officer Steele was a consensual police encounter and reasonable suspicion sufficient to justify an investigatory stop arose once Boyle engaged in “headlong flight” by riding away from Officer Steele. (App. Vol. II at 30.) On March 4, 2021, Boyle petitioned for the order denying his motion to suppress to be certified for interlocutory appeal, and the

² 384 U.S. 436, 86 S. Ct. 1602 (1966).

³ The trial court did not admit evidence of the substance of the interrogation at the evidentiary hearing on Boyle’s motion to suppress.

⁴ Ind. Code § 35-48-4-1.1.

⁵ Ind. Code § 35-48-4-6.1.

⁶ Ind. Code § 35-48-4-8.3.

trial court certified its order on March 26, 2021. We then accepted jurisdiction over Boyle’s interlocutory appeal.

Discussion and Decision

[8] Our standard of review following the denial of a motion to suppress is well-settled:

We review a trial court’s denial of a defendant’s motion to suppress deferentially, construing conflicting evidence in the light most favorable to the ruling, but we will also consider any substantial and uncontested evidence favorable to the defendant. *Robinson v. State*, 5 N.E.3d 362, 365 (Ind. 2014). We defer to the trial court’s findings of fact unless they are clearly erroneous, and we will not reweigh the evidence. *Id.* When the trial court’s denial of a defendant’s motion to suppress concerns the constitutionality of a search or seizure, however, it presents a question of law, and we address that question *de novo*. *Id.*

Rutledge v. State, 28 N.E.3d 281, 287 (Ind. Ct. App. 2015).

[9] Boyle contends the trial court erred in denying his motion to suppress because he was within his rights to ride away from a consensual police encounter, and therefore, the officers violated Article I, Section 11 of the Indiana Constitution⁷

⁷ Article I, Section 11 of the Indiana Constitution states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon

when they seized him. However, before assessing the reasonableness of the stop under the Indiana Constitution, we first address whether the initial encounter between Officer Steele and Boyle was a consensual encounter,⁸ as the trial court found, or rather was an investigatory stop.

[10] The Fourth Amendment to the United States Constitution protects United States citizens from unreasonable search and seizure, and therefore, the amendment limits the investigative tactics law enforcement may employ. *State v. Calmes*, 894 N.E.2d 199, 202 (Ind. Ct. App. 2008). For instance, before police officers may arrest or detain a suspect for more than a short period of time, they must have probable cause the individual committed a crime. *Id.* Likewise, “pursuant to Fourth Amendment jurisprudence, the police may, without a warrant or probable cause, briefly detain an individual for investigatory purposes if, based upon specific and articulable facts, the officer has a reasonable suspicion that criminal activity has or is about to occur.” *Id.* As our Indiana Supreme Court has observed, “[r]easonable suspicion is a ‘somewhat abstract’ concept that is not readily reduced to a ‘neat set of legal rules.’” *State v. Renzulli*, 958 N.E.2d 1143, 1146 (Ind. 2011) (quoting *U.S. v. Arvizu*, 534 U.S. 266, 274, 122 S. Ct. 744 (2002)). It “entails something more

probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

⁸ A consensual encounter is a “brief and casual” exchange that the citizen remains free to leave. *State v. Calmes*, 894 N.E.2d 199, 202 (Ind. Ct. App. 2008). Fourth Amendment protections do not apply to consensual encounters. *Id.*

than an inchoate and unparticularized suspicion or hunch but considerably less than proof of wrongdoing by a preponderance of the evidence.” *Billingsley v. State*, 980 N.E.2d 402, 408 (Ind. Ct. App. 2012), *trans. denied*.

[11] Here, an anonymous 911 call reporting suspected drug activity peaked the Bluffton Police Department’s interest in Boyle. An informant’s tip may be unreliable or self-serving, especially if given in exchange for money or leniency in a criminal prosecution. *Renzulli*, 958 N.E.2d at 1147. Therefore, a tip does not immediately give rise to reasonable suspicion, and law enforcement officers have a duty to establish the reliability of an informant’s tip by evaluating the underlying facts and circumstances to see if the information is trustworthy. *Id.* Concerned citizen 911 callers “are usually one-time informants, and no basis exists from prior contacts to determine their reliability, such as in the case of an undercover police informant.” *Id.* Nonetheless, we recognize concerned citizen 911 callers “generally come forward with information out of a spirit of good citizenship and a desire to help law enforcement.” *Id.* Thus, such a tip gains indicia of reliability when the citizen accurately relays details that are then quickly corroborated by law enforcement. *Id.* at 1148. For example, in *Renzulli*, a concerned citizen’s report of a suspected drunk driver possessed sufficient indicia of reliability when the informant “provided the color and make of the vehicle, at the location the police arrived, at a time of night with minimal vehicular traffic, and importantly, the police officer arrived almost immediately after the 911 dispatch.” *Id.* Therefore, our Indiana Supreme Court held the

police possessed the requisite degree of reasonable suspicion to initiate a traffic stop. *Id.* at 1149.

[12] In the case at bar, the anonymous caller called 911 contemporaneous with witnessing suspected criminal activity. She specifically identified Boyle by first and last name. She indicated he left the gas station on his bicycle, and he was wearing a tan, camouflage jacket. A short time later, police officers found Boyle wearing a tan jacket and riding his bicycle near the gas station. Both Sergeant Miller and Officer Steele were familiar with Boyle and able to recognize him. Thus, Officer Steele had reasonable suspicion to initiate an investigatory stop of Boyle.⁹ *See Smith v. State*, 121 N.E.3d 669, 675 (Ind. Ct. App. 2019) (holding officers had reasonable suspicion to conduct investigatory stop of a vehicle suspected of being involved in a shooting after confirming details relayed by an anonymous 911 caller like the color, model, unique features, and location of the vehicle), *trans. denied*.

⁹ In finding the initial interaction between Officer Steele and Boyle was a consensual encounter, the trial court emphasized that is not clear exactly what information the 911 dispatcher relayed to the responding officers because the radio call from the 911 dispatcher to the responding officers was not introduced into evidence and Sergeant Miller and Officer Steele provided contradictory testimony regarding the exact details the dispatcher relayed. (App. Vol. II at 19 (“Officer Steele doesn’t recall if he was told the name of the suspect or if he was told the suspect was on a bicycle. Whereas Officer Miller believed he was provided the suspect’s name.”) & 28 (“The Court finds this discrepancy and the lack of evidence regarding what specific information the officers were provided by dispatch at the moment they encountered Boyle significant in what is a very close case.”)). However, we need not resolve the question of exactly what information the dispatcher relayed to the officers because “an investigative stop may be based upon the collective information known to the law enforcement organization as a whole.” *L.W. v. State*, 926 N.E.2d 52, 58 (Ind. Ct. App. 2010), *reh’g denied*. Consequently, we can impute the information the anonymous caller relayed to the 911 dispatcher to the entire police department.

[13] While we reach a different conclusion from the trial court as to the nature of Officer Steele’s initial encounter with Boyle, the stop still must have been reasonable under Article I, Section 11 of the Indiana Constitution. *Marshall v. State*, 117 N.E.3d 1254, 1261-62 (Ind. 2019) (“Indeed, it is well settled that investigative stops, like traffic stops, receive protections under Article 1, Section 11.”), *cert. denied*, 140 S. Ct. 113 (2019). The text of Article I, Section 11 mirrors the Fourth Amendment, but we interpret the provision separately and independently from Fourth Amendment jurisprudence. *State v. Washington*, 898 N.E.2d 1200, 1205-06 (Ind. 2009), *reh’g denied*. Under the Indiana Constitution, “[i]nstead of focusing on the defendant’s reasonable expectation of privacy, we 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.” *Duran v. State*, 930 N.E.2d 10, 17 (Ind. 2010) (quoting *Trimble v. State*, 842 N.E.2d 798, 803 (Ind. 2006), *aff’d on reh’g*, 848 N.E.2d 278 (Ind. 2006)). This test requires us to examine: “‘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.* at 17-18 (quoting *Litchfield v. State*, 824 N.E.2d 356, 361 (Ind. 2005)).

[14] For the same reasons we determined Officer Steele had reasonable suspicion to conduct an investigatory stop of Boyle at the time of their initial encounter, we also conclude the degree of concern, suspicion, or knowledge that Boyle was involved in criminal activity at that time was high. An anonymous 911 caller

reported Boyle's involvement in a suspected drug transaction, and the police were able to corroborate details provided by the caller, like Boyle's location and mode of transportation. *See Russell v. State*, 993 N.E.2d 1176, 1180 (Ind. Ct. App. 2013) ("For the reasons stated in our analysis of Russell's Fourth Amendment claim, we conclude that the degree of Deputy Hahn's suspicion was reasonably high. He received a concerned citizen tip about a possible intoxicated driver, which, based on corroboration, was sufficiently reliable.") As Boyle's argument does not address the other two *Litchfield* factors and we held the officers possessed a high degree of suspicion of criminal activity to initiate the stop, we may conclude the stop did not violate the Indiana Constitution. *See Billingsley*, 980 N.E.2d at 411 n.2 (Ind. Ct. App. 2012) (investigatory stop did not violate Indiana Constitution when officers possessed a high degree of suspicion to conduct stop and defendant failed to advance an argument as to the other two *Litchfield* factors).

[15] Nonetheless, we note a brief, investigatory stop is typically only a slight intrusion on the citizen's ordinary activities. *Croom v. State*, 996 N.E.2d 436, 442 (Ind. Ct. App. 2013), *reh'g denied, trans. denied*. As the State notes, initially, "the purpose of the stop was to briefly detain Boyle for the purposes of confirming or dispelling their suspicions about whether he was the subject of the earlier 911 call." (Appellee's Br. at 14.) Boyle's decision to ride his bike away from the officers caused them to tackle him and the stop only escalated to an arrest when the officers discovered the glass pipe. Therefore, the degree of intrusion of the stop was minimal. *See C.H. v. State*, 15 N.E.3d 1086, 1093 (Ind.

Ct. App. 2014) (brief detention of juvenile to investigate his involvement in a crime was minimal intrusion), *trans. denied*.

[16] Law enforcement’s need to disrupt the illegal drug trade is significant. *Austin v. State*, 997 N.E.2d 1027, 1036 (Ind. 2013). Drug traffickers “run the gamut from individual operators to large-scale, corporate-like organizations,” and they are “adaptive to changes in law enforcement methods.” *Id.* Therefore, law enforcement has an interest in investigating and interdicting drug dealing operations. *Id.* An anonymous 911 caller reported witnessing a suspected drug deal involving Boyle minutes prior to officers encountering Boyle. Thus, the officers’ need to stop Boyle and investigate the 911 call was great. *See Reagan v. State*, 157 N.E.3d 1266, 1272 (Ind. Ct. App. 2020) (strip search of arrestee was justified because of suspicion she was concealing marijuana and the strong interest of law enforcement in keeping jails free from contraband), *trans. denied*. Consequently, we hold the investigatory stop of Boyle did not violate the Indiana Constitution because it was supported by a high degree of suspicion of criminal activity, the degree of intrusion was minimal, and law enforcement’s need to conduct the stop was great. *See Marshall*, 117 N.E.3d at 1262 (holding traffic stop was reasonable under Indiana Constitution when the level of suspicion that the driver was speeding was high, the degree of intrusion was minimal, and the extent of law enforcement need was great).

Conclusion

[17] The Bluffton Police Department's investigatory stop of Boyle did not violate Article I, Section 11 of the Indiana Constitution. The officers learned from an anonymous 911 caller that Boyle was involved in a suspected drug transaction and the officers apprehended Boyle almost immediately thereafter near where the suspected transaction occurred. Just as the 911 caller reported, Boyle was wearing a tan jacket and riding a bicycle. The degree of concern that Boyle was involved in criminal activity was high, the degree of intrusion of an investigatory stop is minimal, and law enforcement's need to investigate the reported drug dealing activity was great. Therefore, we affirm the trial court's denial of Boyle's motion to suppress and remand for further proceedings consistent with this opinion.

[18] Affirmed and remanded.

Vaidik, J., and Molter, J., concur.