

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT**

**PEOPLE OF THE
STATE OF MICHIGAN,**

Plaintiff,

Vs

Robert Allen Rouse,

Defendant.

**AMMENDMENT TO
DEFENDANT'S MOTION
TO SUPPRESS, SET FOR
HEARING 11/20/09:
SUMMARY OF FACTS
BASED ON
PRELIMINARY
EXAMINATION DATED,
AUGUST 5, 2009**

**No. 09-08335-FH
Hon. Mark A. Trusock**

**SUMMARY OF FACTS BASED ON PRELIMINARY EXAMINATION DATED,
AUGUST 5, 2009**

FACTS

On July 24, 2009, Officer Lowande was on duty working in the south service area. (EXHIBIT A, Officer Lowande Preliminary Examination, pp. 4, 21-22.) Officer Lowande had worked for the Grand Rapids Police Department over a year. (EXHIBIT A, pp. 4, 17.) She went to Franklin Big Save, a party store to see if people would be hangin' out there. (EXHIBIT A, pp. 5, 6-9.) Officer Lowande was sitting in her vehicle and observing the lot of the party store around two in the morning. (EXHIBIT A, pp. 5, 10-13.) She observed a white and a black male

walking south on Division and then stopping in front of Franklin Big Save. (**EXHIBIT A**, pp. 5, 13-15.) She watched them for around seven minutes; she noticed they were watching people go in and out of the store. (**EXHIBIT A**, pp. 5, 19-22.) They were speaking to people but Officer Lowande was unable to hear what they said. (**EXHIBIT A**, pp. 13, 1-8.)

Officer Lowande after seven minutes went to make contact with them, in her vehicle. (**EXHIBIT A**, pp. 6-7, 23-25/2-3.) No known trespassing sign was posted at the property. (**EXHIBIT A**, pp. 12, 5-7.) There is a no-trespassing letter on file with the police department, but some citizens would not be able to have read the letter. (**EXHIBIT A**, pp. 12, 13-15.) They began walking towards Officer Lowande and she told them that they were trespassing, but did not take them into custody; she was trying to smooth them over. (**EXHIBIT A**, pp. 7, 11-15.) The entire time the white male, Robert was cooperative and trying to calm down the black male; and apologizing for his friend. (**EXHIBIT A**, pp. 7, 17.) Officer Lowande then took Robert and he actually just put his hands on the roof of her car. (**EXHIBIT A**, pp. 8, 1-3.) He had a soft splint, because he had hurt himself and had a cast on. (**EXHIBIT A**, pp. 8, 4-7.) It only took Officer Lowande three minutes from the first contact with the individuals until Robert had put his hands on her vehicle. (**EXHIBIT A**, pp. 8, 10-13.) Officer Lowande never told them that they were trespassing, but rather told them pretty much after he was under arrest. (**EXHIBIT A**, pp. 12, 20-24.)

Officer Lowande tell tells Robert that he was under arrest for trespassing, and he told her that he was trespassing but was going to go to the store but it was closed. (**EXHIBIT A**, pp. 8, 15-18.) In this case a citizen would never know if he/she was trespassing (**EXHIBIT A**, pp. 12, 18-19.) He then volunteered that he had a knife on his waistband, which Officer Lowande searched for. (**EXHIBIT A**, pp. 8, 20-23.) The knife was located on a belt with a buckle on the

right side; it was in a sheath that was tucked inside of his pants. (**EXHIBIT A**, pp. 10, 9-12.) It was hooked on his belt. (**EXHIBIT A**, pp. 10, 13.) Officer Lowande *did not think* she could view the hanging sheath. (**EXHIBIT A**, pp. 10, 17-20.) Officer Lowande would assume that the knife was hanging on the outside of his pants. (**EXHIBIT A**, pp. 14/15,24-25/1.) Officer Lowande was *almost positive* that it was tucked inside his pants. (**EXHIBIT A**, pp. 18, 1-2.) Robert was wearing a shirt which was covering his pants at that time also. (**EXHIBIT A**, pp. 18, 20-24.) Officer Lowande then put him under arrest for trespassing. (**EXHIBIT A**, pp. 11, 10-11.)

Respectfully submitted,

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Written by Areg A. Sarkissian, Extern

Date: _____