

# State of New York Court of Appeals

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## MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 63 SSM 4  
The People &c.,  
Respondent,  
v.  
Kamil Wideman, &c.,  
Appellant.

Submitted by Mitch Kessler, for appellant.  
Submitted by Jamie A. Douthat, for respondent.

### MEMORANDUM:

The order of the Appellate Division should be affirmed.

A determination of reasonable suspicion is a mixed question of law and fact which we review for record support justifying the officer's action (*see People v Parker*, 32 NY3d

49, 55 [2018]). On the unique facts of this case, there is record support for the Appellate Division's finding of reasonable suspicion to conduct the pat frisk for officer safety (*see generally People v Batista*, 88 NY2d 650, 654-655 [1996]).\* Defendant's remaining claim also lacks merit, as he failed to establish that he was prejudiced by the suppression of allegedly material evidence in violation of *Brady v Maryland* (373 US 83 [1963]) (*see e.g. People v Garrett*, 23 NY3d 878, 892 [2014]).

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Garcia, Wilson, Singas, Cannataro and Troutman concur.

Decided May 24, 2022

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\* We have no occasion to consider whether a search for weapons is reasonable when it is solely justified by a missing or endangered person report.