

DISTRICT OF COLUMBIA COURT OF APPEALS

Ellison v. United States

Ellison · No. 19-CF-462 · Decided October 1, 2020

SUMMARY

The District of Columbia Court of Appeals affirmed the denial of Rashad Ellison’s motion to suppress cocaine recovered after police observed an apparent hand-to-hand drug transaction. The court held that recovery of crack cocaine from the presumed buyer, combined with the observed transaction, supplied probable cause to arrest Ellison under the collective knowledge doctrine. It also held that Ellison’s three-minute pre-arrest detention was a reasonable Terry stop.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Deahl, Associate Judge; Beckwith, Associate Judge; Fisher, Senior Judge
JURISDICTION	District of Columbia
DECIDED	October 1, 2020
DOCKET	19-CF-462
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a motion to suppress narcotics recovered during searches following an investigatory detention and arrest. Ellison entered conditional guilty pleas, reserving his right to appeal the suppression ruling.
STANDARD OF REVIEW	The court viewed the facts and reasonable inferences in the light most favorable to the government, reviewed factual findings for clear error, and reviewed Fourth Amendment legal conclusions de novo.
PRECEDENTIAL VALUE	Published opinion; precedential value subject to formal revision.
PARTIES	Rashad Ellison v. United States

TOPICS

- fourth amendment
- search and seizure
- probable cause
- suppression of evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether officers had probable cause to arrest Ellison, thereby supporting the on-scene and stationhouse searches as searches incident to arrest.
2. Whether the collective knowledge doctrine permitted the court to consider the buyer's recovered crack cocaine in determining probable cause even though the arresting officer's personal awareness of that recovery was not established.
3. Whether Ellison's approximately three-minute pre-probable-cause detention was an unlawfully prolonged Terry stop.

HOLDINGS

1. The recovery of crack cocaine from the buyer, combined with the observed hand-to-hand transaction between the buyer and Ellison, supplied probable cause to arrest Ellison. Because the searches were conducted incident to that arrest and the government's sequencing argument was unrefuted, the searches were supported by the Fourth Amendment search-incident-to-arrest exception.
2. On these facts, the collective knowledge doctrine permitted the court to impute to the arresting officer the directing officer's later-acquired knowledge that crack cocaine had been recovered from the buyer.
3. Ellison's approximately three-minute detention before probable cause accrued was reasonable under Terry and did not exceed the permissible scope of an investigatory stop.

KEY QUOTATIONS

"neither probable cause to search, nor probable cause to arrest, by itself justifies a search." (9)

"The recovery of crack from the buyer when coupled with the hand-to-hand transaction supplied probable cause to arrest Mr. Ellison, the observed seller." (12)

"It is not the case, as the government suggests, that any officer's knowledge is imputable to all others investigating the same crime, without limitation." (15)

"The three-minute duration of the Terry stop fits within the time period this court has allowed for investigative stops, on similar facts." (19)

FACTUAL BACKGROUND

Police observed Ellison exchange a small item retrieved from his waistband for cash in an apparent hand-to-hand drug transaction. Officers detained and frisked him, then stopped the presumed buyer and recovered a small bag of crack cocaine from the buyer. After approximately three minutes of detention, officers conducted a more intrusive on-scene search of Ellison, formally arrested him, transported him to a police station, and recovered forty-six small bags of crack cocaine during a strip search.

PROCEDURAL HISTORY

After police observed what they believed was a hand-to-hand narcotics transaction, detained and searched Ellison, and later recovered forty-six bags of crack cocaine during a stationhouse strip search, Ellison moved to suppress the narcotics. The Superior Court denied the motion, finding reasonable articulable suspicion for the initial Terry detention and probable cause to search once crack cocaine was recovered from the presumed buyer. Ellison entered conditional guilty pleas to distribution and possession with intent to distribute cocaine and appealed.

DISPOSITION

affirmed

CASES CITED

- Terry v. Ohio, 392 U.S. 1 (1968)
- United States v. Taylor, 49 A.3d 818, 821 (D.C. 2012)
- Basnueva v. United States, 874 A.2d 363, 369 (D.C. 2005)
- Dunaway v. New York, 442 U.S. 200, 213-14 (1979)
- Knowles v. Iowa, 525 U.S. 113, 115-18 (1998)
- Coolidge v. New Hampshire, 403 U.S. 443, 454-55 (1971)
- Katz v. United States, 389 U.S. 347, 357 (1967)
- Rawlings v. Kentucky, 448 U.S. 98, 100 (1980)
- United States v. Robinson, 414 U.S. 218, 235 (1973)
- Logan v. United States, 147 A.3d 292, 297 (D.C. 2016)
- Towles v. United States, 115 A.3d 1222, 1228 (D.C. 2015)
- Jackson v. United States, 157 A.3d 1259, 1264 (D.C. 2017)
- Peterkin v. United States, 281 A.2d 567, 568 (D.C. 1971)
- Lucas v. United States, 256 A.2d 574, 575 (D.C. 1969)
- Shelton v. United States, 929 A.2d 420, 425 (D.C. 2007)
- Jefferson v. United States, 906 A.2d 885, 886-90 (D.C. 2006)
- Coles v. United States, 682 A.2d 167, 168 (D.C. 1996)
- Young v. United States, 56 A.3d 1184, 1192-93 (D.C. 2012)
- Whiteley v. Warden, 401 U.S. 560, 568 (1971)
- Smith v. United States, 358 F.2d 833, 835 (D.C. Cir. 1966)
- Parsons v. United States, 15 A.3d 276, 279 (D.C. 2011)
- Prince v. United States, 825 A.2d 928, 932-33 (D.C. 2003)
- In re M.E.B., 638 A.2d 1123, 1132-33 (D.C. 1993)
- Haywood v. United States, 584 A.2d 552, 557 (D.C. 1990)
- Tetaz v. District of Columbia, 976 A.2d 907, 914 n.7 (D.C. 2009)
- Bryant v. United States, 599 A.2d 1107, 1112 n.9 (D.C. 1991)

- United States v. Hensley, 469 U.S. 221, 232-33 (1985)
- Adams v. Williams, 407 U.S. 143, 146 (1972)
- United States v. Place, 462 U.S. 696, 709 (1983)
- In re D.M., 94 A.3d 760, 765-66 (D.C. 2014)
- Florida v. Royer, 460 U.S. 491, 499 (1983)
- Speight v. United States, 671 A.2d 442, 449 (D.C. 1996)
- Turner v. United States, 623 A.2d 1170, 1173-74 (D.C. 1993)
- In re A.J., 63 A.3d 562, 567 (D.C. 2013)
- United States v. Sharpe, 470 U.S. 675, 685 (1985)

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