

SUPREME COURT OF THE STATE OF DELAWARE

Banks v. State

Banks · No. No. 102, 2025 · Decided December 23, 2025

SUMMARY

The Delaware Supreme Court affirmed the denial of Charquan Banks’s motion to suppress evidence obtained after an investigatory stop. The Court held that Banks’s operation of an electric bicycle on a Wilmington sidewalk violated a city ordinance and supplied reasonable articulable suspicion, even though the officer mistakenly identified a different legal provision as the basis for the stop.

CASE DETAILS

COURT	Supreme Court of the State of Delaware
WRITING FOR THE COURT	Justice Valihura; Justice Traynor; Justice Legrow
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	December 23, 2025
DOCKET	No. 102, 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court's denial of Banks's motion to suppress evidence obtained after an investigatory stop.
STANDARD OF REVIEW	The denial of a motion to suppress based on an allegedly illegal stop is reviewed de novo, while the reviewing court considers whether the totality of the circumstances, in light of the trial judge's factual findings, supports reasonable and articulable suspicion for the stop.
PRECEDENTIAL VALUE	Published Delaware Supreme Court opinion
PARTIES	Charquan Banks v. State of Delaware

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- municipal law
- appellate procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- municipal law
- search and seizure

QUESTIONS PRESENTED

1. Whether the investigatory stop was supported by reasonable articulable suspicion when Banks was riding an electric bicycle on a Wilmington sidewalk in violation of a city ordinance.
2. Whether an officer's mistaken identification of the particular legal provision prohibiting the conduct invalidated the stop.

HOLDINGS

1. Banks's violation of Wilmington City Ordinance Section 37-329 supplied reasonable articulable suspicion to justify a brief investigatory stop.
2. A stop remains lawful when the facts known to a reasonable officer objectively support suspicion that the observed conduct is unlawful, even if the officer mistakenly identifies the particular code provision that prohibits the conduct.

KEY QUOTATIONS

“A stop is lawful if the facts known to a reasonable officer support suspicion that the observed conduct is unlawful; it does not depend on the officer’s ability to cite the correct code provision in the moment.” ((3))

FACTUAL BACKGROUND

Banks was operating an electric bicycle on a sidewalk in Wilmington. The officers attempted to stop him, but he ignored their commands and ultimately discarded a cross-body bag containing marijuana and a firearm. The officer believed Banks was violating a state bicycle restriction, although the conduct was actually prohibited by Wilmington City Ordinance Section 37-329.

PROCEDURAL HISTORY

The Superior Court denied Banks's motion to suppress, concluding that the officer had reasonable articulable suspicion to stop him because he was riding a bicycle on a sidewalk in violation of a Wilmington ordinance and because his movements suggested that he might be carrying a concealed firearm. Banks appealed. The Delaware Supreme Court affirmed on the ordinance-based ground and did not reach the alternative concealed-firearm ground.

DISPOSITION

affirmed

CASES CITED

- West v. State, 143 A.3d 712, 715 (Del. 2016)
- Lopez-Vazquez v. State, 956 A.2d 1280, 1284 (Del. 2008)
- Terry v. Ohio, 392 U.S. 1, 21–22 (1968)
- United States v. Cortez, 449 U.S. 411, 417 (1981)
- Robertson v. State, 596 A.2d 1345, 1350–51 (Del. 1991)
- Heien v. North Carolina, 574 U.S. 54, 61 (2014)

- Jones v. State, 745 A.2d 856, 861 (Del. 1999)
- McDougal v. State, 314 A.3d 1077, 1084–85 (Del. 2024)

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