

DISTRICT OF COLUMBIA COURT OF APPEALS

In re T.L.

996 A.2d 805 (D.C. 2010) · No. 06-FS-798 · Decided June 3, 2010

SUMMARY

The District of Columbia Court of Appeals held that a juvenile's loud but peaceful protests and calls for help after an officer unlawfully seized his money did not constitute or threaten a breach of the peace under D.C. Code § 22-1321. The court concluded that the officer lacked probable cause to arrest the juvenile for disorderly conduct, and that the cocaine discovered in the search incident to that arrest was inadmissible. The court reversed the juvenile delinquency adjudications and directed entry of an acquittal on the disorderly conduct charge.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Glickman, Associate Judge; Reid, Associate Judge; Fisher, Associate Judge
JURISDICTION	District of Columbia
DECIDED	June 3, 2010
DOCKET	06-FS-798
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	T.L. appealed a juvenile delinquency adjudication for disorderly conduct and possession of cocaine with intent to distribute. He challenged the denial of his motion to suppress cocaine seized in a search incident to arrest and the denial of his motion for judgment of acquittal on the disorderly conduct charge.
STANDARD OF REVIEW	Statutory construction and whether probable cause existed on historical facts are reviewed de novo. The factual findings underlying the trial court's rulings are recited in the light most favorable to sustaining those rulings.
PRECEDENTIAL VALUE	Published appellate opinion; precedential in the District of Columbia.
PARTIES	T.L. v. District of Columbia

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether T.L.'s loud protestations and calls for his mother, made at night after an officer unjustifiably seized his money, constituted or threatened to occasion a breach of the peace under D.C. Code § 22-1321(3).
2. Whether the police had probable cause to arrest T.L. for disorderly conduct.
3. Whether cocaine discovered in a search incident to T.L.'s unlawful arrest had to be suppressed despite the officer's assertedly reasonable mistake of law.
4. Whether the evidence was sufficient to support T.L.'s disorderly conduct adjudication.

HOLDINGS

1. T.L.'s loud but peaceful protestations and calls for his mother's help, made in response to the officer's unjustified seizure of his money, were reasonable under the circumstances and did not amount to or threaten to occasion a breach of the peace or manifest an intent to provoke one under D.C. Code § 22-1321.
2. Officer Elliott lacked probable cause to arrest T.L. for disorderly conduct because T.L.'s conduct did not constitute or threaten to occasion a breach of the peace.
3. The cocaine discovered in the search incident to T.L.'s unlawful arrest had to be suppressed; an officer's reasonable mistake of law cannot supply the probable cause required for an arrest or create a good-faith exception to the exclusionary rule.
4. The evidence was insufficient to prove disorderly conduct, and T.L. was entitled to acquittal on that charge.

KEY QUOTATIONS

"Regardless of the subsection allegedly violated, however, the introductory "breach of the peace" clause qualifies it and sets forth an essential element of the offense; namely, that the defendant act with intent to provoke a breach of the peace or under circumstances such that one may occur." (810)

"The prohibition is concerned not with the content of the speech, but with its objectively unreasonable volume under the circumstances." (814)

"We hold that T.L.'s loud but peaceful protestations and calls for his mother's help in reaction to Officer Elliott's unjustified seizure of his money were a response to an emergency situation and were not unreasonable under the circumstances." (816)

"Unlike an objectively reasonable mistake of fact (which we do not have in this case), an officer's mistake of law, however reasonable, "cannot provide the objective basis for reasonable suspicion or probable cause"

needed to justify a search or seizure.” (817)

FACTUAL BACKGROUND

Sixteen-year-old T.L. consented to Officer Elliott's search after the officer asked whether he had drugs or guns, but Elliott seized \$974 because T.L. was carrying a large amount of cash in an area known for drug activity. T.L. then loudly protested that the money was his and that he worked at McDonald's, and called for his mother; the commotion drew nearby residents, but T.L. did not urge them to intervene and no one became hostile or violent. Elliott arrested T.L. for disorderly conduct, and a search incident to the arrest discovered cocaine packaged in 24 zip-lock bags.

PROCEDURAL HISTORY

After Officer Elliott arrested T.L. for disorderly conduct following T.L.'s loud protest against the officer's seizure of his money, Officer Johnson searched T.L. and found cocaine. The trial court denied T.L.'s suppression motion, denied his motion for judgment of acquittal, and adjudicated him delinquent on both charges. The District of Columbia Court of Appeals reversed both adjudications, directed entry of acquittal on the disorderly conduct charge, and remanded for further proceedings on the drug charge without use of the suppressed cocaine.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the juvenile delinquency adjudication on both counts. Enter a judgment of acquittal on the disorderly conduct charge. The government may retry the drug possession charge, but it may not use the cocaine seized from T.L. in violation of the Fourth Amendment.

CASES CITED

- Robinson v. United States, 928 A.2d 717, 728 (D.C. 2007)
- Peay v. United States, 597 A.2d 1318, 1320 (D.C. 1991) (en banc)
- District of Columbia v. Jerry M., 717 A.2d 866, 868 (D.C. 1998)
- In re W.H.L., 743 A.2d 1226, 1228-29 (D.C. 2000)
- Martinez v. District of Columbia, 987 A.2d 1199, 1202-04 (D.C. 2010)
- Shepherd v. District of Columbia, 929 A.2d 417, 418-20 (D.C. 2007)
- Williams v. District of Columbia, 136 U.S. App. D.C. 56, 64, 419 F.2d 638, 646 (1969) (en banc)
- Chaplinsky v. New Hampshire, 315 U.S. 568, 572 (1942)
- Cohen v. California, 403 U.S. 15, 20 (1971)
- Gooding v. Wilson, 405 U.S. 518, 524 (1972)
- Gueory v. District of Columbia, 408 A.2d 967, 970 (D.C. 1979)
- City of Houston v. Hill, 482 U.S. 451, 462-63 (1987)

- Norwell v. City of Cincinnati, 414 U.S. 14, 16 (1973)
- Ward v. Rock Against Racism, 491 U.S. 781, 791, 796 (1989)
- Frisby v. Schultz, 487 U.S. 474, 484-85 (1988)
- District of Columbia v. Jordan, 232 A.2d 298, 299 (D.C. 1967)
- Cantwell v. Connecticut, 310 U.S. 296, 308 (1940)
- City of Chicago v. Wender, 46 Ill. 2d 20, 262 N.E.2d 470, 472-73 (1970)
- People v. Albert, 243 Ill. App. 3d 23, 611 N.E.2d 567, 570 (1993)
- Polk v. State, 378 Md. 1, 835 A.2d 575 (2003)
- In re T.T.C., 583 A.2d 986, 990 (D.C. 1990)
- United States v. \$506,231 in U.S. Currency, 125 F.3d 442, 452 (7th Cir. 1997)
- United States v. Baro, 15 F.3d 563, 568 (6th Cir. 1994)
- United States v. \$30,000 in U.S. Currency, 30 F. App'x 473, 482-83 (6th Cir. 2002)
- Ball v. United States, 803 A.2d 971, 980 (D.C. 2002)
- National Association of Postmasters of the U.S. v. Hyatt Regency Washington, 894 A.2d 471, 476 (D.C. 2006)
- United States v. Chanthasouvat, 342 F.3d 1271, 1280 (11th Cir. 2003)
- United States v. Coplin, 463 F.3d 96, 101 (1st Cir. 2006)
- United States v. McDonald, 453 F.3d 958, 961-62 (7th Cir. 2006)
- United States v. Tibbetts, 396 F.3d 1132, 1138 (10th Cir. 2005)
- United States v. Davis, 598 F.3d 1259, 1267 (11th Cir. 2010)
- United States v. Lopez-Soto, 205 F.3d 1101, 1106 (9th Cir. 2000)
- United States v. Debruhl, 993 A.2d 571 (D.C. 2010)

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