

COURT OF APPEALS OF MARYLAND

Stokes v. State, 362 Md. 407

765 A.2d 612 (2001) · No. No. 107, Sept. Term, 1998 · Decided January 12, 2001

SUMMARY

The Court of Appeals of Maryland held that a police officer lacked reasonable articulable suspicion to stop and frisk Glen Keith Stokes near the scene of a recently reported robbery based primarily on his race, dark clothing, location, and allegedly hurried conduct. The court concluded that the sparse description did not sufficiently narrow the class of potential suspects and that the search violated the Fourth Amendment. It reversed the denial of Stokes's motion to suppress and held that the seized evidence should have been excluded.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	BELL, Chief Judge; BELL, C.J.; ELDRIDGE, J.; RODOWSKY, J.; CHASANOW, J.; RAKER, J.; WILNER, J.; CATHELL, J.
JURISDICTION	Maryland
DECIDED	January 12, 2001
DOCKET	No. 107, Sept. Term, 1998
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	After the Circuit Court for Montgomery County denied Stokes's motion to suppress the fruits of a pat-down search, he was convicted and sentenced for controlled-dangerous-substance offenses. The Court of Special Appeals affirmed in an unreported opinion. The Court of Appeals of Maryland granted certiorari and reversed.
STANDARD OF REVIEW	The court reviews factual findings on a suppression motion under the clearly erroneous standard but reviews de novo whether, under those facts, reasonable suspicion existed to justify a warrantless search or seizure and independently applies constitutional principles to the facts.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Glen Keith Stokes v. State of Maryland

TOPICS

search and seizure

fourth amendment

suppression of evidence

exclusionary rule

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the officer had reasonable articulable suspicion under the Fourth Amendment to stop and detain Stokes as the possible perpetrator of the nearby robbery.
2. Whether the evidence discovered during the pat-down and ensuing searches had to be suppressed as fruits of an unlawful seizure.

HOLDINGS

1. The stop was unconstitutional because, viewed under the totality of the circumstances, the officer had only an unparticularized hunch that Stokes was the robbery perpetrator. A generic description consisting principally of race and dark clothing, combined with proximity to the crime and hurried driving, did not establish reasonable articulable suspicion.
2. The motion to suppress should have been granted because the pat-down and ensuing searches were fruits of the unlawful stop.

KEY QUOTATIONS

“Viewing the totality of the circumstances, the stop in this case was based on nothing more substantial than a hunch and, thus, the police action exceeded the exception to the probable cause requirement allowed in street confrontations between a citizen and the police investigating observed suspicious behavior.” (362 Md. at 613)

“This Court has consistently held that mere hunches are insufficient to justify an investigatory stop; for such an intrusion, an officer must have “reasonable articulable suspicion.”” (362 Md. at 616)

“Speeding and parking hurriedly, even recklessly, certainly generates a reasonable articulable suspicion that the driver is violating the traffic laws; but, here, such conduct is better characterized as inconsistent with the belief that the driver has committed a robbery thirty minutes earlier just around the corner.” (362 Md. at 622)

“As we see it, then, the basis for the suspicion in this case was, as the motions court initially said, the petitioner's race, the fact that he was black, and the fact that petitioner was wearing a black top.” (362 Md. at 623)

FACTUAL BACKGROUND

A robbery lookout described the perpetrator only as a black male wearing a black top; it provided no height, weight, vehicle, or direction-of-flight information. Within approximately thirty minutes, Officer Hayden stopped Stokes in a residential parking lot near the robbery after observing him drive in quickly, park diagonally, immediately turn off his engine, and exit; Stokes was wearing dark clothing and was driving a car. The officer frisked Stokes, felt a bulge, asked what it was, and seized suspected marijuana after Stokes said it was weed; a

later search incident to arrest uncovered marijuana-laced PCP. The court concluded that the description, timing, location, and conduct did not provide reasonable articulable suspicion that Stokes was the robbery perpetrator.

PROCEDURAL HISTORY

A Montgomery County police officer stopped Stokes near the scene of a recently reported robbery and conducted a pat-down search that led to the discovery of controlled dangerous substances. The circuit court denied Stokes's suppression motion, and Stokes was convicted and sentenced. The Court of Special Appeals affirmed, but the Court of Appeals granted certiorari, held that the stop lacked reasonable articulable suspicion, and remanded with instructions to reverse the circuit court's judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Court of Special Appeals and remand to that court with instructions to reverse the judgment of the Circuit Court for Montgomery County.

CASES CITED

- Jones v. State, 343 Md. 448, 682 A.2d 248 (1996)
- Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
- Riddick v. State, 319 Md. 180, 571 A.2d 1239 (1990)
- Cartnail v. State, 359 Md. 272, 753 A.2d 519 (2000)
- State v. Gee, 298 Md. 565, 471 A.2d 712 (1984)
- Anderson v. State, 282 Md. 701, 387 A.2d 281 (1978)
- Graham v. State, 325 Md. 398, 601 A.2d 131 (1992)
- Quince v. State, 319 Md. 430, 572 A.2d 1086 (1990)
- Derricott v. State, 327 Md. 582, 611 A.2d 592 (1992)
- State v. Lemmon, 318 Md. 365, 568 A.2d 48 (1990)
- Ornelas v. United States, 517 U.S. 690 (1996)
- United States v. Cortez, 449 U.S. 411 (1981)
- United States v. Sokolow, 490 U.S. 1 (1989)
- Terry v. Ohio, 392 U.S. 1 (1968)
- Wong Sun v. United States, 371 U.S. 471 (1963)
- Ott v. State, 325 Md. 206, 600 A.2d 111 (1992)
- Minnesota v. Dickerson, 508 U.S. 366 (1993)
- Mapp v. Ohio, 367 U.S. 643 (1961)
- Alfred v. State, 61 Md. App. 647, 487 A.2d 1228 (1985)
- People v. Brown, 215 A.D.2d 333, 627 N.Y.S.2d 45 (1995)

- United States v. Brignoni-Ponce, 422 U.S. 873 (1975)
- United States v. Mendenhall, 446 U.S. 544 (1980)
- United States v. Wood, 106 F.3d 942 (10th Cir. 1997)
- United States v. Hall, 557 F.2d 1114 (5th Cir. 1977)
- Lee v. Wainwright, 488 F.2d 140 (5th Cir. 1973)
- State v. Cox, 295 Ill. App. 3d 666, 693 N.E.2d 483 (1998)
- Commonwealth v. Jackson, 451 Pa. Super. 129, 678 A.2d 798 (1996)
- State v. Kyles, 221 Conn. 643, 607 A.2d 355 (1992)
- Wells v. Commonwealth, 6 Va. App. 541, 371 S.E.2d 19 (1988)
- Walker v. City of Mobile, 508 So. 2d 1209 (1987)
- State v. Hicks, 68 N.Y.2d 234, 500 N.E.2d 861 (1986)
- State v. Aversa, 197 Conn. 685, 501 A.2d 370 (1985)
- Patterson v. State, 270 Ind. 469, 386 N.E.2d 936 (1979)
- State v. Buie, 297 N.C. 159, 254 S.E.2d 26 (1979)