

DISTRICT OF COLUMBIA COURT OF APPEALS

In re T.H.

898 A.2d 908 (D.C. 2006) · Decided May 11, 2006

SUMMARY

The District of Columbia Court of Appeals affirmed suppression of a handgun found during a search incident to T.H.'s arrest for possession of illegal fireworks. The court held that, under the totality of the circumstances, the police lacked probable cause to believe that T.H., a passenger in the SUV, constructively possessed the fireworks.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Kramer, Associate Judge; Kramer; Farrell; Ruiz
JURISDICTION	District of Columbia
DECIDED	May 11, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	The District of Columbia appealed the trial court's order granting T.H.'s motion to suppress a handgun discovered during a search incident to his arrest for possession of illegal fireworks.
STANDARD OF REVIEW	Whether the trial court applied the proper legal standard is reviewed de novo. On a motion to suppress tangible evidence, facts and reasonable inferences are viewed in favor of sustaining the trial court's ruling; factual findings supported by substantial evidence are not disturbed, while legal conclusions are reviewed de novo. Whether probable cause existed is ultimately a question of law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	District of Columbia v. T.H.

TOPICS

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

PRACTICE AREAS

- criminal procedure
- constitutional criminal procedure
- search and seizure
- evidence

QUESTIONS PRESENTED

1. Whether the trial court applied the correct probable-cause standard rather than a beyond-a-reasonable-doubt standard in ruling on T.H.'s suppression motion.
2. Whether, under the correct probable-cause standard, the police had probable cause to arrest T.H. for constructive possession of the fireworks.

HOLDINGS

1. The trial court applied the probable-cause standard, not the beyond-a-reasonable-doubt standard, when determining whether T.H.'s arrest was lawful.
2. The police lacked probable cause to arrest T.H. for constructive possession of the fireworks because his mere proximity to fireworks in the SUV, combined with his awareness of them and weak evidence of flight, did not establish probable cause that he intended to exercise dominion and control over them.

KEY QUOTATIONS

“Our standard of review for a trial court’s ruling on a motion to suppress tangible evidence requires ‘that the facts and all reasonable inferences therefrom must be viewed in favor of sustaining the trial court’s ruling.’” (912)

“Probable cause cannot be based on a “hunch” or a “gut” feeling, but “[i]f objective justification exists ... the threshold is not set unreasonably high.”” (913)

“A suspect’s mere presence in a vehicle containing contraband does not constitute probable cause for his arrest.” (913)

“Under these circumstances, in light of our analysis in Blackmon and the Supreme Court’s holdings in Di Re and Pringle, we conclude that trial court was correct in finding that there was an insufficient factual basis for a finding of probable cause.” (915)

FACTUAL BACKGROUND

Police approached an illegally parked SUV and saw multiple boxes of fireworks in the rear compartment behind the rear-seat passengers. T.H. and another passenger denied ownership and identified the absent driver as the owner; there was no evidence that T.H. owned or controlled the vehicle or fireworks. T.H. was arrested for possession of fireworks and searched, resulting in the discovery of a loaded handgun in a zipped bag in his pants pocket. The trial court found any attempted flight evidence insufficiently credible and concluded that T.H.'s proximity to the fireworks did not establish probable cause to believe he intended to exercise dominion and control over them.

PROCEDURAL HISTORY

After T.H. was arrested and searched in connection with fireworks found in an SUV, police discovered a handgun in his pocket. T.H. moved to suppress the handgun, arguing that the police lacked probable cause to arrest him. The trial court granted the motion, and the District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Davis v. United States, 564 A.2d 31, 35 (D.C. 1989) (en banc)
- Blackmon v. United States, 835 A.2d 1070, 1074-75 (D.C. 2003)
- United States v. Gordon, 173 F.3d 761, 766 (10th Cir. 1999)
- In re F.T.J., 578 A.2d 1161, 1163 (D.C. 1990)
- Rivas v. United States, 783 A.2d 125, 128 (D.C. 2001) (en banc)
- United States v. Watson, 697 A.2d 36, 38 (D.C. 1997)
- Holt v. United States, 675 A.2d 474, 478 (D.C. 1996)
- Ornelas v. United States, 517 U.S. 690, 697-98 (1996)
- Rucker v. United States, 455 A.2d 889, 891 (D.C. 1983)
- Brown v. United States, 590 A.2d 1008, 1014 (D.C. 1991)
- Ybarra v. Illinois, 444 U.S. 85, 91 (1979)
- United States v. Di Re, 332 U.S. 581, 587, 592-95 (1948)
- Maryland v. Pringle, 540 U.S. 366, 367-74 (2003)
- In re R.E.G., 602 A.2d 146, 150 (D.C. 1992)
- Vaas v. United States, 852 A.2d 44, 46 (D.C. 2004)
- Commonwealth v. Ward, 426 Mass. 290, 638 N.E.2d 227, 232 (1997)
- Howard v. State, 185 Ga. App. 215, 363 S.E.2d 621, 623 (1987)
- United States v. Bethea, 143 U.S. App. D.C. 68, 71, 442 F.2d 790, 793 (1971)