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Appeal No. 25-CF-0019

DISTRICT OF COLUMBIA COURT OF APPEALS

MARC ANTHONY QUARLES,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee

Appeal from the Superior Court of the District of Columbia
Criminal Division

APPELLANT'S BRIEF

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DISCLOSURE STATEMENT

At trial, CJA attorney Hannah Akintoye represented Marc Anthony Quarles and Assistant United States Attorneys Kieya Simpson and Leah Paisner represented the government. On appeal, CJA attorney Meghan Skelton represents Mr. Quarles.

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ISSUES PRESENTED

1. Did the officers arrest Marc Quarles when they tackled him, pinned his arms to the ground, and kneeled on his abdomen, thereby requiring probable cause to justify the Fourth Amendment intrusion?
2. Did the police lack probable cause to arrest Marc Quarles, violating the Fourth Amendment and requiring suppression of all tangible items seized as a result of the illegal arrest?
3. Did the police also lack reasonable, articulable suspicion to justify a *Terry* stop, thus violating the Fourth Amendment when they stopped Quarles and requiring suppression of tangible evidence seized as a result?

STATEMENT OF THE CASE

On May 25, 2024, Marc Anthony Quarles was arrested by Metropolitan Police Officers for illegally possessing a firearm. A grand jury indicted him on four counts: unlawful possession of a firearm after a prior conviction, in violation of 22 D.C. Code § 4503(a)(1); carrying a pistol without a license, in violation of 22 D.C. Code § 4505(a)(2); possession of an unregistered firearm, in violation of 7 D.C. Code § 2502.01(a); and unlawful possession of ammunition, in violation of 7 D.C. Code § 2506.01(a)(3). (R.49-50.)

On August 3, 2024, Quarles moved under the Fourth Amendment to suppress all tangible objects obtained from his person as a result of illegal detention and arrest. (R. 39.) The Honorable Jason Park held an evidentiary hearing on this motion on September 18, 2024. The court denied the motion. (9/18/24 Tr. 84.) Quarles proceeded to a jury trial, and the jury convicted him of all counts on September 20, 2024. (9/20/24 Tr. 54-55.) On December 3, 2024, the court sentenced Quarles to fourteen months incarceration for unlawful possession of a firearm and carrying a pistol without a license, and to 180 days for possession of an unregistered firearm and unlawful possession of ammunition, all to run concurrently. (12/3/24 Tr. 13.) He timely appeals. (R. 130.) This Court has jurisdiction pursuant to D.C. Code § 11-721(a)(1).

STATEMENT OF FACTS

At about 9:30 in the morning on May 25, 2024, Metropolitan Police Officer Zelesnick and his partner, Officer Griffin, were sitting in a marked police car in a parking lot in the 1900 block of 14th Street S.E. Marc Anthony Quarles walked in front of their car, and Zelesnick saw the outline of a rectangular shape underneath his jacket near his hip. (9/18/24 Tr. 23, 49.) Quarles walked into a carry-out, and the officers pulled the car out from the parking lot to follow him. (9/18/24 Tr. 24.) Zelesnick, the only officer to testify, saw no furtive movements, no suspicious activity, and no movement toward the man's waistband. (9/18/24 Tr. 48.) The officers nevertheless got out of their car, started following Quarles, and began yelling at him. (9/18/24 Tr. 58.)

Quarles crossed the street, and with the officers still following him, he began to run. The officers chased. (9/18/24 Tr. 56.) Griffin was ahead of Zelesnick, and tackled Quarles in an alley before Zelesnick caught up. By the time Zelesnick arrived, Griffin had pinned Quarles to the ground with his knee on his abdomen and, holding his arms above Quarles's head. Quarles's shirt was raised, revealing a firearm. (9/18/24 Tr. 38.) Zelesnick arrested Quarles for various firearms offenses.

Before trial, Quarles moved to suppress all tangible evidence, arguing that the police lacked probable cause to arrest him and lacked reasonable suspicion to

detain him. (R. 39.) The trial court held an evidentiary hearing on that motion, and ultimately denied it.

A. The Evidence at the Suppression Hearing

Zelesnick testified that he and Griffin were sitting in their marked police car, both wearing police uniforms, on the morning of May 25, 2024—a bright and sunny day. (9/18/24 Tr. 15, 25.) Zelesnick described himself as personally a “big Second Amendment guy” who is intrigued by and familiar with guns. (9/18/24 Tr. 13.) He stated that he had recovered close to 100 firearms during his four-year police career. (9/18/24 Tr. 12.)

Before that morning, Zelesnick had never heard of Quarles. (9/18/24 Tr. 63.) Neither officer had gotten any information about a need to investigate any particular crime or any tip that Quarles—or anyone else—was up to no good in the area where they were sitting. (9/18/24 Tr. 63.) The officers were sitting in their car trying to have “high visibility,” with the hopes of reducing crime. (9/18/24 Tr. 14.)

Quarles walked in front of the parked police car, wearing athletic clothes and a jacket. (9/18/24 Tr. 50.) He was not acting suspiciously or reaching for any parts of his body or clothing. He walked down the street, into a carryout, then out of the carryout carrying a bag. (9/18/24 Tr. 55.) Zelesnick observed nothing indicating criminal activity. (9/18/24 Tr. 48, 54.)

Zelesnick never saw a firearm until after Griffin had pinned Quarles to the ground. (9/18/24 Tr. 60.) Instead, what he saw was a rectangular shape underneath Quarles's clothes, which he "perceived" to be the handle of a firearm. (9/18/24 Tr. 23.) The rectangular shape was apparently sticking up from his pants, but fully covered by the shirt and jacket that Quarles was wearing. Zelesnick was unable to describe what it looked like—unable to give dimensions or description other than a "rectangular shape" that he concluded was the handle and magazine of a firearm. (9/18/24 Tr. 49.) Zelesnick saw this shape under Quarles's clothing, never seeing the actual object. (9/18/24 Tr. 53.) He did not know if the object causing the shape was metal, plastic, or something else. (9/18/24 Tr. 53.) When asked if it could have been a wallet, he stated, "I don't know if it could have been." (9/18/24 Tr. 53.)

After Quarles walked in front of the car and toward the carryout, Griffin pulled the police car out of the parking lot and began to follow Quarles. They parked in front of the carryout. (9/18/24 Tr. 26.) They got out of the car and started following Quarles. Griffin was ahead and closer to Quarles. He yelled, "Yo! My man!" and "Yo!" again, but did not identify himself as a police officer. (9/18/24 Tr. at 58) Quarles continued walking several hundred feet, crossed the street, then started running. (9/18/24 Tr. 56.) Griffin ran after him, with Zelesnick far behind. (Exhibit 301.)

Griffin had tackled Quarles and pinned him to the ground by the time that Zelesnick caught up. (9/18/24 Tr. 38.) Griffin held Quarles's hands above his head and had his knee on Quarles's abdomen. (Exhibit 301.) He patted Quarles down. He "voiced the pre-determined code word" for a gun, alerting Zelesnick to the presence of a firearm. (9/18/24 Tr. 38.) A still shot from the body worn camera shows the handle of a firearm tucked into Quarles's waistband, but it is not a rectangular shape. (Exhibit 205, 206.) The photographs also show that Quarles's clothing was not particularly snug. (Exhibits 205, 206.) Zelesnick seized the gun and arrested Quarles.

B. The Court's Rulings

The trial court denied Quarles's motion to suppress. (9/18/24 Tr. 84.) The court described Zelesnick's testimony as seeing the handle and magazine of a firearm protruding from the right side hip. (9/18/24 Tr. 79.) This prompted the officers to follow Quarles, and from ten to twenty feet behind, yelled at Quarles, who kept walking. (9/18/24 Tr. 80.) Griffin chased and tackled Quarles, leading to the recovery of the gun. (9/18/24 Tr. 80.) The court found that Quarles's pants were tight enough that Zelesnick could have seen the gun. (9/18/24 Tr. 81.) Zelesnick, however, had testified that the rectangular object was above Quarles's pants, above the waistband.

The trial court ruled that Quarles was seized when tackled and physically stopped in the alleyway. (9/18/24 Tr. 80-81.) The court stated that Zelesnick's observation "of what he believed to be the outline of a firearm pressing against the right hip of the Defendant's waistband area, coupled with his flight, certainly supports reasonable articulable suspicion that he was armed and dangerous and would have justified a Terry stop." (9/18/24 Tr. 82.)

After the trial court denied Quarles's motion to suppress, Quarles proceeded to a jury trial. The trial testimony mainly consisted of Zelesnick re-telling his version of events from the suppression hearing. The parties also entered into a stipulation that Quarles had been convicted of a crime punishable by more than one year and that he knew he had such a conviction. (9/19/24 Tr. 189.) The jury convicted Quarles on all counts. He does not raise any issues relating to the trial, only to the erroneous ruling on the motion to suppress.

SUMMARY OF THE ARGUMENT

The seizure of tangible evidence violated the Fourth Amendment because the police lacked both probable cause to arrest Quarles and reasonable, articulable suspicion to conduct a *Terry* stop. Here, Quarles was subjected to an arrest-level seizure when an officer tackled him to the ground, pinned his arms, and knelt on his abdomen. This level of force and intrusion into Quarles's privacy went far

beyond the bounds of a brief investigatory detention and amounted to an arrest, which required probable cause.

But at the time of this seizure, the officers lacked any objective basis to believe Mr. Quarles had committed a crime, and therefore lacked probable cause. The police had no tips, no reports of criminal activity, and no knowledge of Quarles's identity or prior behavior. The only purported basis for the arrest—a rectangular object under his clothing and his subsequent flight—does not establish probable cause. Innocent explanations are numerous and obvious, such as a wallet or cellphone, and Quarles's flight, under these circumstances, did not bolster the officers' justification. As this Court has emphasized, particularly in *Miles v. United States*, flight from police—especially when they initiate an encounter without cause—does not automatically imply wrongdoing, especially for young African-American men who may reasonably fear police confrontation.

Furthermore, the seizure cannot be justified as a lawful *Terry* stop. Police lacked reasonable, articulable suspicion that Quarles was engaged in criminal activity or was armed and dangerous. The facts known to the officers at the time of the stop amounted to no more than a vague hunch unsupported by specific, objective indicators of criminal conduct. The constitutional protections outlined in *Terry* and its progeny require more than mere speculation or generalized suspicion. The failure to meet either constitutional standard—probable cause for arrest or

reasonable suspicion for a stop—renders the seizure unlawful and mandates suppression of the evidence obtained as a result. This Court should therefore reverse the decision below.

ARGUMENT

THE TRIAL COURT ERRED IN FAILING TO SUPPRESS THE TANGIBLE EVIDENCE SEIZED FROM MARC QUARLES BECAUSE THE POLICE HAD NEITHER PROBABLE CAUSE TO ARREST HIM NOR REASONABLE ARTICULABLE SUSPICION TO CONDUCT A *TERRY* STOP

When Griffin tackled Quarles on the morning of May 25, 2024, he seized him under the Fourth Amendment. Because of the nature of the tackle, that seizure amounted to an arrest. But the police did not have probable cause to conduct a warrantless arrest that morning. In addition, the police also could not satisfy the slightly lower standard for a *Terry* stop because they had no reasonable, articulable suspicion that Quarles was armed and dangerous. The trial court therefore erred in denying the motion to suppress. The seizure of Quarles's person and all tangible evidence from him violated the Fourth Amendment. This Court should reverse that decision below, exclude all tangible evidence seized from Quarles's person that morning, and vacate the convictions.

A. Standard of Review

Where Fourth Amendment rights are implicated, the government must prove by a preponderance of the evidence that its actions were constitutional. *In re D.M.*,

94 A.3d 760, 764 (D.C. 2014) (citing *Florida v. Royer*, 460 U.S. 491, 500 (1983)). This Court reviews the trial court’s findings of historical fact under the clearly erroneous standard and its legal conclusions *de novo*. *Ornelas v. United States*, 517 U.S. 690, 699-700 (1996). When considering the legal conclusions *de novo*, this Court also considers “undisputed facts from the suppression hearing that support a defendant’s claim that their Fourth Amendment rights were violated.” *Mayo v. United States*, 315 A.3d 606, 617 (D.C. 2024) (en banc).

B. Seizing tangible evidence from Quarles violated the Fourth Amendment because the police lacked probable cause to arrest him without a warrant.

“The Fourth Amendment prohibits ‘unreasonable searches and seizures’ by the Government[.]” *Miles v. United States*, 181 A.3d 633, 637 (D.C. 2018) (quoting *United States v. Arvizu*, 534 U.S. 266, 273 (2002)). Consistent with the Fourth Amendment, the police must have probable cause to arrest someone without a warrant. *United States v. Watson*, 423 U.S. 411, 416 (1976). Police may detain a suspect to investigate criminal behavior in the absence of probable cause to arrest, but only if they can “point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” *Terry v. Ohio*, 392 U.S. 1, 21 (1968).

Although the probable cause standard is not precisely defined, it means more than mere suspicion and requires reasonable grounds for belief that the suspect is guilty. *Perkins v. United States*, 936 A.2d 303, 305-06 (D.C. 2007) (relying on

Brinegar v. United States, 338 U.S. 160 (1949), and *Maryland v. Pringle*, 540 U.S. 366 (2003)). In describing probable cause, this Court has stated, “The classic formulation is that ‘[p]robable cause exists where ‘the facts and circumstances within their [the officers] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that’ an offense has been or is being committed.’” *Perkins*, 936 A.2d at 306 (quoting *Brinegar*, 338 U.S. at 175-76) (alterations in original). The standard is objective; a police officer’s subjective good faith belief that probable cause existed is irrelevant. The probable cause standard is designed to protect the people from “rash and unfounded interferences” from the police while still allowing for some leeway in the investigation of crime. *Pringle*, 540 U.S. at 370 (relying on *Brinegar*, 338 U.S. at 176)).

Determining whether a seizure was an arrest or Terry stop requires an examination of the circumstances and the degree of intrusion into the person’s liberty and privacy. “Because a *Terry* stop allows an individual to be detained without probable cause, the police actions associated with the stop must be less intrusive than those that are permissible in the course of an arrest.” *United States v. Rasberry*, 882 F.3d 241, 247 (1st Cir. 2018). “The dispositive question is whether a reasonable person standing in the suspect’s shoes would understand his position ‘to be tantamount to being under arrest.’” *Id.* (quoting *United States v. Zapata*, 18 F.3d

971, 975 (1st Cir. 1994)). A seizure rises to the level of an arrest if a reasonable person in the suspect's position would have understood that the restraint on their freedom of movement was of such a degree as that associated with formal arrest. *Carroll v. Ellington*, 800 F.3d 154, 170 (5th Cir. 2015). “Typically, such an inquiry involves examining, among other things, ‘the length of the detention, the restrictions placed on an individual's personal movement, the force (if any) that was exerted, the information conveyed to the detainee, and the severity of the intrusion.’” *Rasberry*, 882 F.3d at 247 (quoting *United States v. Sowers*, 136 F.3d 24, 28 (1st Cir. 1998)).

Distinguishing between an arrest and Terry stop requires an examination of both the police conduct and whether the individual would think they were under arrest. Terry stops are necessarily more limited than an arrest, but can become an arrest, if the stop begins to resemble a traditional arrest. *Hibel v. Sixth Judicial Dist. Court*, 542 U.S. 177, 185-86 (2004). Relevant factors include what force the police used. For example, use of handcuffs, firearms, and “other forceful techniques” do not necessarily transform a *Terry* stop into an arrest, but generally exceed the scope of a *Terry* stop. *Morris v. Noe*, 672 F.3d 1185,1192 (10th Cir. 2012).

Here, the nature of the detention establishes that Quarles was arrested when Griffin tackled him, and thus the police needed probable cause to justify the

seizure. A reasonable person in Quarles's position would associate the restraint on his movement with arrest. A police officer had tackled him to the ground, grabbed both his hands, pinned them above his head, and was kneeling on his abdomen. (Exhibit 301.) This was a significant level of force—Giffin's whole body weight was pinning Quarles to the ground.¹ This was a severe intrusion into Quarles's personal dignity. The seizure exceeded that of a brief, investigatory detention. Probable cause was therefore necessary to support this seizure under the Fourth Amendment.

Here, the police lacked probable cause to arrest Quarles. Undisputed testimony established that Zelesnick saw no furtive movements, heard no tips about criminal activity, had no information that criminal activity was in progress or recently occurred, and had no information about Quarles himself. Zelesnick saw no suspicious activity or movements.

The only facts ostensibly justifying the stop were a rectangular shape under Quarles's clothing near his hip and running² after Griffin had been following him and yelling at him. These factors do not objectively indicate wrongdoing. Nothing about these facts would lead a reasonable prudent person to have reason to believe

¹ In fact, the force Griffin applied to Quarles was so much that the police called an ambulance to evaluate Quarles after the arrest. (9/19/24 Tr. 114.)

² A detailed discussion of the legal implications of—an innocent explanations for—flight occurs in Section C, *infra*.

that an offense was being committed. The rectangular object was not objective evidence giving rise to a reasonable belief that a crime was in progress. Innocent explanations are too numerous to allow them to support the extent of Fourth Amendment intrusion that occurred. Zelesnick himself could not discount the possibility that what he saw was a wallet. A rectangular object underneath clothing could as easily be a cell phone. The arrest and subsequent seizure of the firearm therefore violated the Fourth Amendment. This Court should reverse the decision of the court below.

C. The police also lacked reasonable articulable suspicion to conduct a Terry stop, which likewise rendered the seizure of tangible evidence a violation of the Fourth Amendment.

Short of arrest, the police are authorized to conduct a protective frisk for weapons of a lawfully detained suspect only if they additionally possess reasonable articulable suspicion that he or she is presently armed and dangerous. *Terry*, 392 U.S. at 27. Officers must have “a particularized and objective basis for suspecting the particular person stopped of criminal activity.” *United States v. Cortez*, 449 U.S. 411, 417-18 (1981) (emphasis and citation omitted). The “demand for specificity in the information upon which police action is predicated is the central teaching of this Court’s Fourth Amendment jurisprudence.” *Id.* This determination requires the intruding officer to have more than an “inchoate and unparticularized suspicion or hunch.” *Terry*, 392 U.S. at 27. Only information known to the police

at the time of the seizure is relevant to determining whether reasonable suspicion exists. *Pridgen v. United States*, 134 A.3d 297, 301 (D.C. 2016); *see also Rasberry*, 882 F.3d at 247 (the stop “must be justified at its inception.”).

“The facts giving rise to reasonable suspicion must be specific, and provide a ‘particularized and objective basis’ to suspect that ‘the particular individual being stopped is engaged in wrongdoing.’” *Mayo*, 315 A.3d at 621 (quoting *Cortez*, 449 U.S. at 417-18). Multiple factors can impact an analysis of whether an objective basis exists to find reasonable, articulable suspicion, including the time of day, the location, furtive hand movements, an informant’s tip, a report of criminal activity in the area, viewing an object that appears to be a weapon, or the suspect’s flight. *Id.* No single factor is dispositive, and context is critical. *Id.* This Court scrutinizes the “factual mosaic of a case” to “ensure[] that the ‘narrow’ scope of the exception created by *Terry* to the Fourth Amendment requirement that an arrest be supported by probable cause is not unduly expanded.” *Id.*

In evaluating reasonableness, “the subjective good faith of the police is irrelevant.” *Terry*, 392 U.S. at 21-22. Instead, the facts available to the police at the time of the intrusion must convince a person of “reasonable caution” that the action taken was appropriate. *Id.* at 22.

The facts discussed in Section B, *supra*, likewise do not establish reasonable, articulable suspicion. None of the factors that often establish

reasonable suspicion, such as furtive movements, tips, or observing criminal behavior were present. And the rectangular object has sufficient innocent explanations to prevent it from objectively indicating that Quarles was armed and dangerous, and thus cannot justify a *Terry* stop. Zelesnick had nothing more than an inchoate hunch or unparticularized suspicion.

Zelesnick may have “taken a legitimate interest” in Quarles, but “developing an interest is only the beginning” of police work. *Posey v. United States*, 201 A.3d 1198, 1202 (D.C. 2019). “Officers with minimal information are free to approach people to investigate their hunches. . . . But approached individuals are free to refuse to speak with officers or avoid them altogether.” *Id.* Here, like in *Posey*, the officers had a hunch, but no objectively reasonable fact giving rise to reasonable articulable suspicion, let alone probable cause, to seize Quarles in the manner they did. Quarles was well within his rights to try to avoid the police.

Quarles chose to avoid the police who pulled up their car behind him and then started following him and yelling at him. He then chose to run. The addition of Quarles’s flight from police after they decided to target him for no apparent reason did not “constitute the kind of conduct . . . that could significantly bolster the government’s showing of . . . articulable suspicion.” *Brown v. United States*, 590 A.2d 1008, 1020 (D.C. 1991). While *Illinois v. Wardlow* permits “headlong” flight from police that is “unprovoked” to be a consideration in determining

reasonable suspicion to detain, this Court has made clear that “flight cannot imply consciousness of guilt in all cases.” *Miles*, 181 A.3d at 641 (citation omitted); *see also Illinois v. Wardlow*, 528 U.S. 119 (2000). “Flight is not merely a box that, once checked, automatically justifies a stop,” *Posey*, 201 A.3d at 1204, because “myriad reasons” exist as to why an innocent person would run from police, *Miles*, 181 A.3d at 641.

“An individual may be motivated to avoid the police by a natural fear or dislike of authority, a distaste for police officers based on past experience, an exaggerated fear of police brutality or harassment, a fear of being apprehended as the guilty party, or other legitimate personal reasons.” *Id.* (citation and quotation marks omitted). These innocent motivations are most apparently at play in a case like this, where Quarles, a young African-American man, is targeted and about to be accosted by police for no good reason.

Particularly salient to the potential meanings of choosing to avoid the police is the recognition by courts across the country, including the Supreme Court over fifty years ago in *Terry*, that nation-wide police policy and practice have discriminated against African-Americans. *See Terry*, 392 U.S. at 14 (recognition of African-American “complaint” of “wholesale harassment by certain elements of the police community); *Wardlow*, 528 U.S. at 132-34 (2000) (Stevens, J., concurring in part and dissenting in part) (discussing minority groups’ “belie[f]

that contact with the police can itself be dangerous, apart from any criminal activity associated with the officer’s sudden presence”); *Miles*, 181 A.3d at 641-642 & n.14 (acknowledging Black Lives Matter protests (in 2018) in response to flurry of police shootings of African-Americans).

In many urban localities, African-Americans have not perceived police officers as those that serve and protect their neighborhoods, but rather as part of a justice system that seeks to incarcerate poor minorities and instill fear. *See Commonwealth v. Warren*, 58 N.E.3d 333, 342 (Mass. 2016) (finding that flight “added nothing to the reasonable suspicion calculus” in part because scientific studies suggested that African-American men in Boston ran from police “to avoid the recurring indignity of being racially profiled”). Importantly, police departments have reflected on these perceptions and understand the belief, whether rightful or not, that African-Americans are afraid of the police and feel unfairly targeted. *See Wardlow*, 528 U.S. at 133 (Stevens, J., concurring in part and dissenting in part) (citing, *inter alia*, Washington, D.C.’s then-MPD police chief’s “confirm[ation]” that “Americans of color . . . still view policing” as “discriminatory, if not by policy and definition, certainly in its day-to-day application”). Even since *Miles*’ discussion of Black Lives Matter protests over police brutality and shootings of African-Americans, history has once again repeated itself with current protests over the recent police killings of Breonna Taylor and George Floyd.

Miles is highly instructive if not entirely dispositive on the question of the value of Quarles’s flight in this case. In *Miles*, this Court determined that Miles’s flight from police was not indicative of criminality because it was in response to one officer following him on foot, and another officer pulling “his police cruiser in front of Mr. Miles as he was walking, blocking off his path” and telling him to “stop.” 181 A.3d at 643. The Court called these actions “startling and possibly frightening to many reasonable people.” *Id.* at 644. *See also Mayo*, 315 A.3d at 627-28 (recounting that individuals in highly policed areas may find even casual interactions with the police frightening). The Court contrasted Miles’s flight from the flight from police in *Wardlow*, where the defendant fled at the *mere sight* of police vehicles “‘passing’ by.” *Id.* at 643 (quoting *Wardlow*, 528 U.S. at 121-22). Under circumstances where police targeted him, this Court determined that “there was nothing about the character of Mr. Miles’s flight that seemed particularly incriminating” and found his *Terry* stop lacked reasonable suspicion. *Id.* at 644.

So too is the case here. Because the police’s groundless targeting of Quarles, their following him and yelling at him “would be startling and possibly frightening to many reasonable people,” *Miles*, 181 A.3d at 644. His flight does not contribute to any suspicion of wrongdoing.³

³ In *Posey v. United States*, this Court emphasized *Wardlow*’s acknowledgment that even *unprovoked* flight “is not necessarily indicative of [any particular]

The police thus did not have reasonable, articulable suspicion that Quarles was armed and dangerous or that any illegal activity was afoot that would support a valid *Terry* stop. Seizing Quarles and the resulting seizure of tangible evidence from him therefore violated the Fourth Amendment. The trial court erred in denying the motion to suppress.

CONCLUSION

For all the foregoing reasons, this Court should reverse the trial court's ruling denying Quarles's motion to suppress and vacate his convictions.

Respectfully submitted,

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wrongdoing.” 201 A.3d at 1204 (quoting *Wardlow*, 528 U.S. at 124). There, even Posey's presence in a high crime neighborhood coupled with his flight from uniformed officers could not overcome the lack of information connecting Posey to a recent robbery or to any other illegal behavior. *Id.* at 1203-04.

CERTIFICATE OF SERVICE

I certify that on June 30th, 2025, I caused this Court's e-filing system to send a copy of the foregoing *Brief* in the case of *Marc Anthony Quarles v. United States*, Appeal Nos. 25-CF-0019, to the United States Attorney's email box and/ or the email box of AUSA Chrisellen Kolb, Esq., Chief of the Appellate Division.

/S/

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