

NO. 71711-1-I

THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

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STATE OF WASHINGTON,  
Respondent/Cross-Appellant,

v.

SHELLY FORD III,  
Appellant/Cross-Respondent.

---

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR SNOHOMISH COUNTY

---

APPELLANT'S OPENING BRIEF

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**A. ASSIGNMENTS OF ERROR**

1. The superior court wrongfully denied Mr. Shelly Ford's suppression motion where the record fails to establish the arresting officer had the requisite reasonable suspicion to justify stopping Mr. Ford.

2. The superior court wrongfully denied Mr. Ford's suppression motion where the record demonstrates the investigatory seizure of Mr. Ford was significantly longer and more intrusive than necessary to dispel or verify any suspicion of criminal activity.

**B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR**

1. The Washington and United States Constitutions protect individuals from unreasonable state intrusions into their private affairs. Police officers cannot detain an individual without specific facts that create a reasonable suspicion the individual is engaged in criminal activity. Officer Tim Collings only knew, from a tip, that a black male in his early thirties had left the location of a disturbance call. Where a police officer receives unsubstantiated information from an unknown reporter of criminal activity, and only corroborates that an individual of the same race and general age is in the location of the reported disturbance, is he justified in asserting his authority and detaining the individual who matches those characteristics?

2. When a law enforcement officer does interfere with an individual's private affairs by conducting an investigatory stop, the stop must be no longer or more intrusive than is necessary to dispel or confirm any suspicion of criminal activity. After seizing Mr. Ford, Officer Collings forced Mr. Ford to kneel on the ground for an extended period of time until a cover officer arrived before confirming the warrant out for Mr. Ford's arrest. Does a police officer who forces an individual to kneel and wait an extended period of time before confirming his suspicion of criminal activity comply with the legal requirement that a Terry stop must last no longer and be no more intrusive than necessary to confirm or dispel an officer's suspicion of criminal activity?

**C. STATEMENT OF THE CASE**

On the evening of April 29, 2012, Shelly Ford III was walking down the street through a residential neighborhood in Everett when he was seized by Officer Collings. Officer Collings was responding to a call concerning a disturbance at the 2000 block of Columbia Avenue in Everett. 1RP 5. Although he was notified that the individual who caused the disturbance was named Shelly Ford, the only readily identifiable characteristics provided were that he was a 32-year-old black male who had just left the location on foot. 1RP 5-6. He was further informed that Shelly Ford III, born in 1978, had a misdemeanor warrant outstanding for

his arrest. 1RP 6. He was not informed of the identity of the person who reported the disturbance or any other details concerning the disturbance. 1RP 5-6.

Shortly after receiving the call and en route to the location, Officer Collings observed Mr. Ford walking several blocks northeast of the location of the reported disturbance. 1RP 7. He approached Mr. Ford in his police cruiser because he fit the vague description of the individual suspected of causing a disturbance several blocks away—he is a black male in his early thirties and he was traveling on foot. 1RP 7. Although Mr. Ford ran when approached by Officer Collings' police cruiser, he immediately stopped when Officer Collings turned on his cruiser's lights and yelled at Mr. Ford to stop running. 1RP 11-12. Mr. Ford was then ordered to drop to his knees after informing Officer Collings that his name was Shelly. 1RP 12.

Another police officer arrived to assist Officer Collings. 1RP 13. Officer Collings then confirmed that Mr. Ford's name full name matched the name on the warrant, Shelly Bernard Ford, removed Mr. Ford's backpack, placed him in handcuffs and in the back of his patrol car. 1RP 12. When Officer Collings then retrieved Mr. Ford's backpack, a pill bottle containing a controlled substance fell to the ground. 1RP 9. The initial disturbance call was discovered to be unfounded. 1RP 13.

## **D. ARGUMENT**

The United States and Washington Constitutions protect individuals from governmental intrusions into their private affairs. U.S. Const. amend. IV; Const. art. I, § 7. The Fourth Amendment of the United States Constitution guards against unreasonable seizures of persons and effects absent a warrant. United States v. Mendenhall, 446 U.S. 544, 550, 100 S.Ct. 1970, 64 L.Ed.2d 497 (1980). Article I, section 7 of the Washington Constitution’s prohibition against governmental intrusion into individuals’ private affairs absent authority of law provides even stronger privacy protection than the United States Constitution. State v. Jones, 146 Wn.2d 328, 332, 45 P.3d 1062 (2002) (“It is well settled that article I, section 7 of the Washington Constitution provides greater protection to individual privacy rights than the Fourth Amendment.”).

### **1. The superior court wrongfully denied Mr. Shelly Ford’s suppression motion where the record fails to establish the arresting officer had the requisite reasonable suspicion to justify stopping Mr. Ford.**

Warrantless searches and seizures are “per se unreasonable, in violation of the Fourth Amendment and article I, section 7 of the Washington State Constitution.” State v. Duncan, 146 Wn.2d 166, 171, 43 P.3d 513 (2002); Coolidge v. New Hampshire, 403 U.S. 443, 454-55, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971). Although there are a few “jealously

and carefully drawn” exceptions to the warrant requirement, these are carefully drawn and not intended to undermine the warrant requirement. State v. Houser, 95 Wn.2d 143, 149, 622 P.2d 1218 (1980) (quoting Arkansas v. Sanders, 442 U.S. 753, 759, 99 S.Ct. 2586, 61 L.Ed.2d 235 (1979)); State v. Patton, 167 Wn.2d 379, 386, 219 P.3d 651 (2009). The State bears a “heavy burden” to show a seizure falls within the scope of one of the exceptions to the warrant requirement, and must do so “by clear and convincing evidence.” State v. Garvin, 166 Wn.2d 242, 250, 207 P.3d 1266 (2009).

A Terry stop—a brief investigatory seizure of an individual—is one of the exceptions to the warrant requirement. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). A police officer is only permitted to conduct a Terry stop and infringe on an individual’s private affairs if she has a “well-founded suspicion that the defendant engaged in criminal conduct.” State v. Doughty, 170 Wn.2d 57, 62, 239 P.3d 573 (2010). The State must show the Terry stop was reasonable by pointing to specific and articulable facts that “show by clear and convincing evidence that the Terry stop was justified.” Id.

**a. Mr. Ford was seized when Officer Collings turned on his cruiser lights and told Mr. Ford to stop running.**

A seizure occurs when “an individual’s freedom of movement is restrained and the individual would not believe he or she is free to leave or decline a request due to an officer’s use of force or display of authority.” State v. Rankin, 151 Wn.2d 689, 695, 92 P.3d 202 (2004). In determining at what point a person is seized, the actions of the police officer are viewed objectively. State v. Young, 135 Wn.2d 498, 501, 957 P.2d 681 (1998). A person is seized when they are stopped by a police officer for investigatory reasons. State v. Armenta, 134 Wn.2d 1, 10, 948 P.2d 1280 (1997).

**i. A seizure occurs when a police officer pulls up behind a person with his emergency lights activated.**

A display of authority by a police officer that leads a reasonable person to believe they cannot continue about their affairs and must yield to the police officer is a seizure. State v. Young, 135 Wn.2d 498, 513-14, 957 P.2d 681 (1998). One such display of authority occurs when a police officer pulls up behind an individual in her police cruiser and activates the emergency lights. See State v. DeArman, 54 Wn.App. 621, 624, 774 P.2d 1247 (1989) (stating that “a seizure occurs when police officers pull up behind a parked vehicle and activate their emergency lights and high beam headlights.”) (citing State v. Stroud, 30 Wn.App.392, 396, 634 P.2d 316

(1981); State v. Gantt, 163 Wn.App. 133, 141, 257 P.3d 682 (2011)

(holding defendant was seized when police officer activated his emergency lights and asked defendant what he was doing).

Mr. Ford was seized when Officer Collings pulled up to him and displayed his authority by turning on his emergency lights because a reasonable person would not feel free to leave. In Gantt, a police officer pulled up near an individual, activated his emergency lights, then exited the car to question the individual. 163 Wn.App. at 136. Similarly here, Officer Collings pulled up to Mr. Ford, turned on him emergency lights, and exited his police cruiser to confront Mr. Ford. As in Gantt, where the court found the defendant was seized when the officer activated his emergency lights because a reasonable person would not feel free to leave, Mr. Ford was seized when Officer Collings pulled up and activated his emergency lights. Id. at 141-42. When a police cruiser with emergency lights activated pulls up to a person on foot or in an automobile, that individual, if reasonable, perceives that they must yield to the police officer.

**ii. A seizure occurs when a police officer gives an individual an authoritative command to stop.**

Although not all encounters between a citizen and a police officer constitute a seizure, a seizure does occur when a police officer initiates an

encounter using coercive language. State v. Barnes, 96 Wn.App. 217, 223, 978 P.2d 1131 (1999); State v. Gleason, 70 Wn.App. 13, 16, 851 P.2d 731 (1993). Ordering a person to stop running is coercive and constitutes a seizure under Washington law. State v. O'Neill, 148 Wn.2d 564, 577, 62 P.3d 489 (2003) (“Where an officer commands a person to halt or demands information from the person, a seizure occurs.”) (quoting State v. Cormier, 100 Wn.App. 457, 460-61, 997 P.2d 950 (2000) (emphasis in original)).

Mr. Ford was seized when Officer Collings shouted at him to stop running. A police officer yelling at an individual to stop running is not giving a permissive request, but rather a coercive command that the reasonable individual does not feel entitled to ignore. O'Neill, 148 Wn.2d at 577; IRP 12. Not only does the content of the statement to “stop running” indicate that compliance is not optional, but, by yelling at Mr. Ford, Officer Collings’ tone of voice also indicated that compliance with his command was compelled. Young, 135 Wn.2d at 512. Washington courts have found significantly less coercive statements to constitute seizures under article I, section 7. Gleason, 70 Wn.App. at 17 (holding person seized when police officer called out “can I talk to you a minute?”); State v. Ellwood, 52 Wn.App. 70, 73-74, 757 P.2d 547 (1988)

(finding seizure occurred when police officer told defendant to “wait right here”).

**iii. Under the totality of circumstances, Mr. Ford was seized by Officer Collings.**

A person is seized when, viewing the totality of circumstances objectively, she would not feel free to leave due to a show of authority by a law enforcement officer. Young, 135 Wn.2d at 514-15. Because activating the lights of a police cruiser and a command to stop running are independent shows of authority such that “a reasonable person would not feel himself free to leave,” under the totality of circumstances, Mr. Ford was seized when Officer Collings both activated his emergency lights and yelled at Mr. Ford to stop running. Id.

**b. Officer Collings did not have the reasonable suspicion necessary to justify an investigatory stop of Mr. Ford.**

A warrantless seizure is presumptively unreasonable. State v. Ladson, 138 Wn.2d 343, 350, 979 P.2d 833 (1999). An investigative detention is only reasonable if it is justified at inception; subsequent events cannot retroactively make the stop reasonable. Id. The police officer must have had a well-founded and articulable suspicion, supported by objective facts, that the individual is or has been involved in criminal activity. State v. Duncan, 146 Wn.2d 166, 172, 43 P.3d 513 (2002) (“Terry requires a reasonable, articulable suspicion, based on specific,

objective facts, that the person seized has committed or is about to commit a crime.”) (emphasis in original).

A third-party report that an individual committed or is committing a crime can provide the police with the requisite reasonable suspicion to make an investigatory stop, but the tip must be reliable. State v. Sieler, 95 Wn.2d 43, 47, 621 P.2d 1272 (1980). A tip only provides reasonable justification for an investigatory stop “(1) when the information available to the officer showed that the informant was reliable or (2) when the officer’s observations corroborate either the presence of criminal activity or that the informant’s report was obtained in a reliable fashion.” State v. Z.U.E., 178 Wn.App. 769, 782, 315 P.3d 1158 (2014).

**i. The tip of a purported disturbance involving Mr. Ford was unreliable because the tipster’s identity was not known to Officer Collings.**

The tip claiming Mr. Ford was involved in a disturbance was not reliable because the record does not indicate Officer Collings knew the identity of the tipster when he seized Mr. Ford. A tip from an anonymous citizen informant is not presumed to be reliable. Z.U.E., 178 Wn.App. at 782 (“[O]ur Supreme Court has not adopted a presumption of reliability for anonymous citizen informants in evaluating investigative stops.”); State v. Cardenas-Muratalla, 179 Wn.App. 307, 314, 319 P.3d 811 (2014) (discussing Florida v. J.L., 529 U.S. 266, 120 S.Ct. 1375, 146 L.Ed.2d 254

(2000). Standing alone, an anonymous tip “seldom demonstrates the informant’s basis of knowledge or reliability.” Cardenas-Muratalla, 179 Wn.App. at 315.

The record does not indicate Officer Collings knew the identity of the person who reported the disturbance. Rather, the information he received from dispatch solely consisted of the location of a reported disturbance and the name, height, and approximate age of the individual purported to have caused the disturbance. 1RP 5. He received no information about the identity of the person who called 911 that would indicate the individual’s report was reliable. 1RP 5-6. In fact, the disturbance call was later discovered to be unfounded. 1RP 13. Because Officer Collings did not know the identity of the informant at the time he seized Mr. Ford, the tip was unreliable and did not justify an investigatory story.

Even if Officer Collings had known the name and phone number of the informant, that information alone would be insufficient to constitute reasonable suspicion to justify the seizure of Mr. Ford. Although a citizen informant who is well known to the police is presumed to be reliable, an informant whose name and phone number, without more, is known to the police is not given a presumption of reliability. See State v. Gaddy, 152 Wn.2d 64, 73, 93 P.3d 872 (2004); Sieler, 95 Wn.2d at 48. In Sieler, the

Washington Supreme Court held that information from a citizen informant who provided his name and phone number, but was otherwise unknown to police, was not sufficiently reliable to justify an investigatory seizure. 95 Wn.2d at 48 (“The reliability of an anonymous telephone informant is not significantly different from the reliability of a named but unknown telephone informant.”); see also State v. Hopkins, 128 Wn.App. 855, 863-64, 117 P.3d 377 (2005) (holding telephone informant who provided name and phone number unreliable because “name was meaningless to the officers”); Z.U.E., 178 Wn.App. at 784 (holding tips from two individuals who provided name, phone number, and address unreliable because “the officers did not know the callers and knew nothing else about them.”). Even if Officer Collings knew the informants name or the informant’s name and phone number appeared on the 911 caller id, that information alone would be insufficient to justify the investigatory seizure of Mr. Ford.

**ii. The tip was also unreliable because it did not provide sufficient facts to support its claim of criminal activity.**

The tip also did not provide a sufficient factual basis to justify the investigatory seizure of Mr. Ford. Even a tip from a reliable information is insufficient to justify an investigatory seizure if it provides not more than a “bare conclusion’ that criminal conduct had occurred ‘unsupported by any factual foundation.’” Z.U.E., 178 Wn.App. at 785 (quoting Sieler, 95

Wn.2d at 49). The facts provided by the informant must be able to “reliably provide an officer with reasonable suspicion of criminal behavior.” Hopkins, 128 Wn.App. at 864. The report of a disturbance on Colombia Avenue without further information concerning the disturbance or whether or not the reporter was an eyewitness is a “bare conclusion that criminal conduct had occurred” and is insufficient to justify an investigatory seizure. Z.U.E., 178 Wn.App. at 785. The report did not identify how the informant came to know of the disturbance or provide any other facts to permit Officer Collings to believe the events purported to have occurred on Colombia Avenue constituted criminal conduct. Additionally, the fact that the reporter provided Mr. Ford’s name, race, and height, and that he was walking in the neighborhood near Colombia does not lend any further credit to the reliability of the tip. Hopkins, 128 Wn.App. at 864 (“The reasonable suspicion here at issue requires that a tip be reliable in its assertion of illegality, not just in its tendency to identify a determinate person.”) (quoting Florida v. J.L., 529 U.S. 266, 272, 120 S.Ct. 1375, 146 L.Ed.2d 254 (2000)).

**iii. Officer Collings did not corroborate any facts provided in the tip that would suggest Mr. Ford was involved in criminal activity.**

A tip from an unreliable informant that lacks a factual basis can only provide reasonable suspicion for an investigatory stop if the law

enforcement officer corroborates the information supplied in the tip. Z.U.E., 178 Wn.App. at 786. But, corroboration only supplies reasonable suspicion if the information corroborated suggests that the individual stopped is involved in some form of criminal activity. Lesnick, 84 Wn.2d at 944. “[C]onfirming the subject’s description or other innocuous facts does not satisfy the corroboration requirement.” Z.U.E., 178 Wn.App. at 786.

Officer Collings did not have reasonable suspicion of criminal activity sufficient to seize Mr. Ford because he merely confirmed that Mr. Ford’s appearance matched that of an individual involved in purported a disturbance and that he was in the general vicinity of the disturbance. Washington Courts on several occasions have held that corroboration of innocuous details supplied in a tip do not make an investigatory seizure reasonable. Hopkins, 128 Wn.App. at 865-66 (officer’s observation of individual matching informant’s description at described location insufficient corroboration); State v. Hart, 66 Wn.App. 1, 9, 830 P.2d 696 (1992) (same); Z.U.E., 178 Wn.App. at 787-88 (same). Officer Collings observed Mr. Ford several blocks from the reported disturbance. Although he matched the race and general age of an individual reported to be involved in a disturbance, corroboration of these factors alone did not provide Officer Collings reasonable suspicion that Mr. Ford was involved

in criminal activity. These facts alone did not suggest he caused a criminal disturbance several blocks away or that he was an individual with a warrant out for his arrest.

Mr. Ford's efforts to avoid the police cruiser did not provide reasonable suspicion either. Although courts may consider flight from the police as a relevant circumstance in determining whether an investigatory stop was reasonable, this alone is insufficient and must be considered among other factors. State v. Sweet, 44 Wn.App. 226, 230-31, 721 P.2d 560 (1986). Individuals walking or running from police cars do so for a multitude of reasons, many of which are not indicative of criminal activity. State v. Gatewood, 163 Wn.2d 534, 540, 182 P.3d 426 (2008); Illinois v. Wardlow, 528 U.S. 119, 128-29, 120 S.Ct. 673, 145 L.Ed.2d 570 (2000) (Stevens, J., dissenting). Mr. Ford did not behave as an individual fleeing the police. Although he ran as Officer Collings' vehicle approached, the vehicle's emergency lights were not on and Mr. Ford had no reason to believe Officer Collings was looking for him and intended to seize him. Mr. Ford stopped running as soon as Officer Collings activated his emergency lights and told him to stop. Because Mr. Ford immediately stopped when Officer Collings made a display of authority, he was not fleeing from a law enforcement officer. Further, running from a police car,

considered alongside an unreliable and unsubstantiated tip, does not constitute a reasonable suspicion of criminal activity.

**2. The superior court wrongfully denied Mr. Ford's suppression motion where the record demonstrates the investigatory seizure of Mr. Ford was significantly longer and more intrusive than necessary to dispel or verify any suspicion of criminal activity.**

An investigative detention must be “reasonably related in scope to the circumstances which justified the interference in the first place.” State v. Williams, 102 Wn.2d 733, 739, 689 P.2d 1065 (1984). “A citizen’s right to be free of governmental interference with his movement means, at a minimum, that when such interference must occur, it be brief and related directly to inquiries concerning the suspect.” Williams, 102 Wn.2d at 740. The stop must last no longer and be no more intrusive than is necessary to dispel or confirm an officer’s suspicion of criminal activity. State v. Bray, 143 Wn.App. 148, 154, 177 P.3d 154 (2008).

The Terry stop was excessively intrusive because there was no reason to believe Mr. Ford was dangerous and force him to kneel on the pavement. In certain circumstances, taking measures to restrain an individual’s movements during a Terry stop may be appropriate. Williams, 102 Wn.2d at 740. But taking such measures is only justified if there is reason to believe the individual is dangerous. State v. Belieu, 112 Wn.2d 587, 599, 773 P.2d 46 (1989) (stating force used during Terry stop should

be proportional to threat suspect poses to the officers). In Williams, a police officer handcuffed an individual found seated in a car in front of a residence where a burglary had been reported. Similarly here, Mr. Ford was ordered to his knees after Officer Collings observed him walking in the vicinity of a reported disturbance. As in Williams, where the court found the stop was excessive in scope because there was not articulable reason to find the individual was dangerous, Officer Collings had not reason to believe Mr. Ford was dangerous or might possess a weapon. Id. at 740. The disturbance report did not indicate Mr. Ford was armed with a weapon and the nature of the crime did not justify assuming he would harm Officer Collings. See id. Additionally, Mr Ford made no threats to Officer Ford or in any way indicated he posed a danger to his safety. Id. The circumstances surrounding the stop did not justify Officer Collings' taking excessive measures and ordering Mr. Ford to drop to and remain on his knees until a cover officer arrived.

The stop was also excessively long because it was not necessary to wait for a cover officer to arrive to confirm Mr. Ford's identity. A Terry stop must be temporary, last no longer than necessary. Further, the investigative methods used must be the least intrusive available and designed to verify or dispel the officer's suspicion in a short period of time. State v. Gonzales, 46 Wn.App. 388, 394, 731 P.2d 1101 (1986).

After Mr. Ford told Officer Collings that his first name was Shelly, Officer Collings ordered him to his knees and did not engage in any further discussion with him until another officer arrived. It was only after the second officer arrived that Officer Collings took further steps to confirm his suspicion that there was a warrant out for Mr. Ford's arrest by obtaining his full name. The stop was excessive in length and scope because it was not necessary to order Mr. Ford to his knees and wait for backup to arrive before confirming the warrant. Officer Collings could have asked Mr. Ford his full name or for his driver's license without forcing him to kneel for an extended period of time on a public sidewalk.

**3. Because Officer Collings' seizure of Mr. Ford was an unlawful intrusion into his private affairs, all fruits of the illegal seizure must be suppressed.**

"The language of [article I, section 7] constitutes a mandate that the right to privacy shall not be diminished by the gloss of a selectively applied exclusionary remedy. In other words, the emphasis is on protecting personal rights rather than curbing governmental actions." State v. White, 97 Wn.2d 92, 110, 640 P.2d 1061 (1982). Evidence is not suppressed to punish the police, but because "we do not want to become knowingly complicit in an unconstitutional exercise of power. State v. Day, 161 Wn.2d 889, 894, 168 P.3d 1265 (2007). Thus, whenever the right to privacy protected by the Washington Constitution is unreasonably

violated, fruits of the violation must be suppressed. White, 97 Wn.2d at 110.

The seizure of the controlled substance that fell from Mr. Ford's backpack subsequent to his arrest on an outstanding warrant was unconstitutional. State v. Rife, 133 Wn.2d 140, 151, 943 P.2d 266 (1997). Officer Collings did not have the requisite reasonable suspicion to justify an investigatory stop of Mr. Ford and the stop was unnecessarily long and intrusive, and thus all actions he took subsequent to the seizure of Mr. Ford, such as the search incident to arrest and the seizure of his backpack and the pill bottle that fell from it, were unwarranted. Id. Because the exclusionary rule "mandates the suppression of evidence gathered through unconstitutional means," the pills seized by Officer Collings subsequent to the illegal seizure must be suppressed. State v. Duncan, 146 Wn.2d 166, 176, 43 P.3d 513 (2002).

**F. CONCLUSION**

For the reasons stated herein, Mr. Ford requests this Court find the superior court's failure to suppress the fruits of the unlawful seizure of Mr. Allen and reverse his conviction for possession of a controlled substance.

DATED this 4<sup>th</sup> day of August, 2014.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "David L. Donnan", written over a horizontal line.

DAVID L. DONNAN (WSBA 19271)  
Washington Appellate Project (91052)  
Attorney for Appellant

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

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STATE OF WASHINGTON,	)	
	)	
Respondent/Cross-appellant,	)	NO. 71711-1-I
	)	
	)	
SHELLY FORD III,	)	
	)	
Appellant-Cross-respondent.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 14<sup>TH</sup> DAY OF AUGUST, 2014, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

- |     |   |                   |                                     |
|-----|---|-------------------|-------------------------------------|
| [X] | SETH FINE, DPA<br>SNOHOMISH COUNTY PROSECUTOR'S OFFICE<br>3000 ROCKEFELLER<br>EVERETT, WA 98201 | (X)<br>( )<br>( ) | U.S. MAIL<br>HAND DELIVERY<br>_____ |
| [X] | SHELLY FORD III<br>10110 19 <sup>TH</sup> AVE SE<br>APT D-101<br>EVERETT, WA 98208              | (X)<br>( )<br>( ) | U.S. MAIL<br>HAND DELIVERY<br>_____ |

**SIGNED** IN SEATTLE, WASHINGTON, THIS 14<sup>TH</sup> DAY OF AUGUST, 2014.

X \_\_\_\_\_ 

**Washington Appellate Project**  
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