Circuit Court for Baltimore City
Case No. 119303003

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 194

September Term, 2020

ALLEN JONES

v.

STATE OF MARYLAND

Graeff,
Zic,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: September 30, 2021

Appellant, Allen Jones, was indicted in the Circuit Court for Baltimore City and charged with several drug- and firearm-related counts. Appellant moved to suppress evidence seized from his person, asserting that the police conducted a de facto arrest of him for which there was no probable cause in violation of the Fourth Amendment. After his suppression motion was denied, appellant entered a conditional guilty plea to the counts of possession of a firearm in relation to a drug trafficking crime and wearing, carrying, and transporting a handgun on his person. The circuit court accepted appellant's conditional plea and sentenced him to ten years, the first five without parole, on the former count and a concurrent three years on the latter count. This timely appeal followed.

Appellant presents one question for our review:

1. Did the circuit court err in denying appellant's motion to suppress?

For the following reasons, we answer that question in the negative. Accordingly, we shall affirm.

BACKGROUND

On September 25, 2019 at approximately 8:45 p.m., several police officers from the Tri-District Action Team were on patrol in marked and unmarked police vehicles in the Brooklyn area of Baltimore City. The circuit court heard testimony from two of these officers, namely Detective Mark Tallmadge and Detective Leon Riley, regarding the challenged stop at issue in this appeal.

Detective Tallmadge, accepted as an expert in the identification, packaging, sale, and distribution of illegal drugs, testified to the initial events leading up to the stop of

appellant. Detective Tallmadge was in a marked patrol vehicle and, like all of the other members of the team, wore plain clothes and a black tactical vest displaying the word "Police" on the front and back. When he arrived near the 800 block of Clintwood Court, an area "fairly well-known for its narcotics and drug activity," Detective Tallmadge saw a group of approximately six to eight individuals standing on the sidewalk between two apartment buildings. As he moved closer, he saw one of those individuals "break away" from the group and run in the opposite direction of the patrol vehicles. Detective Tallmadge identified appellant as that individual in court.

After informing other members of his team that one of the individuals "had broke off running through the buildings," the detective saw appellant "holding onto his waistband as he ran." When asked to explain the significance of that observation, Detective Tallmadge testified from his expertise as follows:

> Well, the waistband area is a fairly common hiding spot for narcotics among other things, and generally they're not secured by any sort of pack or book bag or anything of that nature. It's tucked in a belt, waistband, underwear elastic. So when individuals move quicker, they have to make sure that those items were not falling out as they move.

He also opined that firearms are "commonly kept and secured on the waistband." Detective Tallmadge then explained that the manner of appellant's actions led him to believe "that there was an item or items concealed in his waistband."

After momentarily losing sight of appellant between some buildings, Detective Tallmadge exited his marked vehicle and continued to search for him on foot. A video recording from his body-worn camera was admitted and played during the hearing.

Detective Riley also exited his vehicle at around the same time and was the first officer to stop appellant. Footage from Detective Riley's body camera was also admitted during the hearing. Ultimately, the police detained appellant and almost immediately discovered narcotics and a .25 caliber handgun on his person.

Prior to the discovery of the contraband, and while the police were attempting to restrain appellant, Detective Tallmadge stated "check his waist." Detective Tallmadge explained why he made that statement:

> [DET. TALLMADGE]: That was me saying that, I believe and I would have said that for two reasons. One, my observations of [appellant] running through the courtyard when he was holding onto his waistband area and also when Detective Riley and I first approached him and attempted to secure his hands, he was making a concentrated effort to reach across his body to his waistband with his left hand. So, at that point, that was why I said we need to check his waistband for that reason.
>
> [THE STATE]: Well, I guess, what, if any, concerns did you have with why you needed to check his waistband?
>
> [DET. TALLMADGE]: At that time, I'm thinking that he might be armed with a handgun.

On cross-examination, Detective Tallmadge agreed that when he first observed appellant with the group of several other individuals, he did not observe an exchange of any items nor did he see "anything . . . suspicious about their behavior." He also agreed that he never saw appellant with anything in his hands. Detective Tallmadge explained, on redirect examination, that there were four police officers involved in the stop:

> [THE STATE]: The reason that there were four of you at that moment is why?

> [DET. TALLMADGE]: Well, in my experience, if we're dealing with an uncooperative person, there's a smaller amount of risk of injury to either party when there's more of us. It's easier to end that struggle as opposed to one-on-one or one-on-two.
>
> [THE STATE]: Okay. And you just -- you said that in general terms when there's an uncooperative person. Was [appellant] cooperative or uncooperative?
>
> [DET. TALLMADGE]: He was uncooperative.

Detective Riley, also accepted as an expert in the identification, packaging, sale, and distribution of illegal drugs, offered more detailed testimony about the stop and frisk at issue. Noting that the detectives were driving their marked and unmarked vehicles in a "train-like fashion" through the area that evening, Detective Riley explained that the police received "a lot of complaints of drug activity" near Brooklyn Homes, an area known for its "high crime," shootings, and its "open air drug market." When asked to explain the nature of an "open air drug market," Detective Riley testified that there are "well-known established shops all throughout the Brooklyn Homes" and that "[i]t seems like it's almost every two blocks, you know, there's individuals posted up" and "you know, the shop is open."

Detective Riley testified that after Detective Tallmadge called out a description of an individual leaving the area, he saw appellant, who appeared to match that description, running near Glade Court. Hearing another officer state "[t]hat's him[,] [t]his is the guy right here," Detective Riley stopped appellant near Clintwood Court.

As noted, the recording from Detective Riley's body-worn camera was admitted and played during his direct examination. The video began with Detective Riley sitting

in the passenger seat of an unmarked police vehicle and then getting out after seeing appellant running. Detectives Riley and Tallmadge eventually found appellant and ordered him to stop, put his hands up, and get on the ground.

At various points during the encounter, appellant was instructed to "[s]top reaching" and "[d]on't reach." Appellant also was repeatedly told to lay on his stomach and place his hands behind his back.[1] Detective Riley further testified:

> So giving orders kind of like in a chain-like manner, I started with something, "Hey, stop." He's not stopping. "Hey, put your hands up." Okay. We're not going to put our hands up. Next thing is "Get on the ground." We had to actually almost physically pull him to the ground. I think I grabbed near his shirt or waistband area just to grab a hold of him and as soon as I do, he's reaching. Grabs right by my hand, right by his waistband area and his hand remains there for some time. You see in the video we literally have to pry his hand away from his waistband area.

During the struggle with appellant, the body-worn camera footage recorded various officers stating "[y]ou got to check his waist" and to "roll him over." Detective Riley testified that, at that point, "I felt like we were in danger. He's already not listening to our commands. He's reaching for something in his front waistband area where people typically conceal weapons. . . . I didn't know what was in his waistband area." Detective Riley stated that he also believed appellant was armed with a weapon. He testified that "[a] lot of times, individuals that are selling drugs will have a handgun to enforce the sale of drugs and they'll also have it for protection. The reason can be didactic, but I mean,

[1] As this occurred, unidentified individuals approached from off-camera and were told to back away from the area.

it's for protection as well as to enforce the sale of these, of the CDS." And he explained, based on his expertise, that the waistband area is "the area where people hide contraband" because weapons and drugs are "easy to conceal there" and "typically hard to find unless you know what you're looking for." According to Detective Riley, appellant was reaching for his front waistband area during the encounter. He further testified on direct:

> [THE STATE]: Okay. And let me ask you. I see you are using handcuffs; is that correct?
>
> [DET. RILEY]: Yes.
>
> [THE STATE]: Why did you feel it was necessary to utilize handcuffs in this encounter?
>
> [DET. RILEY]: Because, as previously stated, by the way he was reaching towards his front waistband area, I believed that he had a weapon on him. So this is a safety issue, so I put handcuffs on him.
>
> [THE STATE]: And as you were trying to place the handcuffs on him, did [appellant] comply with your request to place his hands back?
>
> [DET. RILEY]: No, we had to physically peel his hand away from his front waistband area and forcibly put him onto his stomach in order to put him in cuffs.
>
> [THE STATE]: And what was the reason you believed in this encounter it was necessary to place him on the stomach?
>
> [DET. RILEY]: That's just an area to where an individual is prone and it's harder for them to reach into the front waistband area where he was reaching.

Mere moments later, and after rolling appellant onto his back, Detective Riley felt a "pack" of suspected narcotics on appellant's person, specifically in his front right waistband area. Detective Riley explained that a "pack" is a "bundle of CDS that is

packaged in a manner in which it's easily concealed and readily available to distribute." He continued that it is common for people to conceal these packs in their "front waistband area."

Detective Riley maintained that after he felt the pack in appellant's front right waistband area, he did not immediately seize that item. Instead, he testified that "[b]ased upon how he acted, I really believed that he had a gun on him, so I kept checking for a gun and almost immediately, I think, I find it in his pocket." The gun was a "[v]ery small," loaded handgun.[2] Detective Riley was able to feel the gun outside of appellant's front pants pocket. He reiterated that he believed appellant was armed from the moment he approached him and that this was based, in part, on him reaching towards his front waistband area. Detective Riley testified "[j]ust the totality of all of these factors with him reaching, we had to peel his hand away from his front waistband area."

As further explanation of his decision to continue frisking appellant after discovering the narcotics, Detective Riley testified that he "still thought he was armed and a gun is more important and more of a safety issue. Handcuffs don't mitigate the danger of a gun, neither does a number of people on scene. So it's imperative that if an individual is armed, that that handgun is secured." In response to a question by the court about whether he continued to believe appellant was armed, the detective offered:

> Well, it was also the fact of how when he was on the ground, he was literally laying still halfway on the front of his body and I felt like there was something being concealed and I -- just his -- the mannerisms and the characteristics that I observed. You know, there are characteristics of an armed

[2] A photograph of the .25 caliber handgun was admitted into evidence.

> person. I thought he was armed based upon what he was doing.

Detective Riley testified that when he felt the object in appellant's pocket, he was "[a] hundred percent" certain that the item was a gun. It was a "hard L-shaped metal object." He explained that "I've dealt with guns. I've handled a lot of guns. Just based upon that, I knew it was a gun."

On cross-examination, Detective Riley agreed that he was not aware of any specific complaints of drug activity with respect to appellant or whether he was, in fact, "armed or showing characteristics." Further, as far as he initially knew, appellant was pursued because he ran from the initial scene. Detective Riley also admitted that he momentarily lost sight of appellant during the pursuit and that when he regained sight of and started to approach him, appellant was walking.

Detective Riley further agreed that approximately four or five police officers were involved in stopping appellant and that several of them placed hands on him during the encounter. Detective Riley confirmed that, in the initial moments of the stop, he did not see a firearm in appellant's waistband, though he maintained that he believed appellant was, in fact, armed. He also explained that he did not reach in and seize the pack of narcotics until after he found the gun.

After testimony concluded, the State relied on *Illinois v. Wardlow*, 528 U.S. 119 (2000), and argued that the stop was supported by reasonable, articulable suspicion. Specifically, the State noted that appellant was present in a group of individuals in an area described as an "open air drug market." And that when the three police vehicles,

two unmarked and one marked, drove into the area, appellant fled. Appellant was seen "clutching at his waistband as he's running," and the officers, based on their training and experience, detained appellant on suspicion that he was carrying drugs or a weapon.

The State continued that the stop was not a de facto arrest, referencing *Chase v. State*, 449 Md. 283 (2016), *Longshore v. State*, 399 Md. 486 (2007), and *In re David S.*, 367 Md. 523 (2002), and that any force applied to effectuate the stop was reasonable under the totality of the circumstances. The State maintained that the force applied in this case was reasonable given appellant's flight, his hand movement towards his waistband area, and the officer's belief that he may be armed. The State then continued that the frisk of appellant did not exceed its permissible scope, citing *Adams v. Williams*, 407 U.S. 143 (1972). The State argued that Detective Riley relied on his training and experience and the facts on hand to perform a limited frisk of appellant. Once the detective felt the gun, the State maintained, he could seize it for officer safety, arrest appellant, and then recover the pack of drugs incident to that arrest.

Defense counsel responded by first conceding that the initial stop was reasonable under *Wardlow*. But defense counsel argued that, under *Adams*, the frisk exceeded its permissible scope. Counsel also asserted that this was not a lawful stop under *Terry v. Ohio*, 392 U.S. 1 (1968), but rather a de facto arrest unsupported by probable cause. Defense counsel argued that Detective Riley performed "an unjustified search in [appellant]'s pants . . . in an area where he has a reasonable expectation of privacy" and that "[o]nce he sticks his hand in his underwear, this is an unconstitutional scenario essentially."

After hearing rebuttal by the State, the court denied the motion to suppress. Recognizing that there was no dispute concerning whether the stop was justified at its inception, and noting that appellant fled at the sight of the police in an area known for its "open air drug market," the court turned to whether the stop amounted to a de facto arrest and whether the frisk exceeded its permissible scope. The court recounted the facts and reiterated that both Detectives Riley and Tallmadge were accepted as experts. The court stated that Detective Riley saw appellant reaching for his front waistband and believed him to be armed based on the detective's experience and knowledge that "people frequently keep contraband, being drugs and/or weapons in that area." The court then, referencing the body camera footage, found that appellant "wasn't cooperating" with the officers' orders and was "reaching for his waistband." Following that, the court stated that the officers "br[ought] him to the ground . . . [and] handcuff[ed] him." The court then found:

> It's at that time when the pat down -- well, initially the detective, and it sounds like to me what I thought [Detective] Riley said was he sort of initially went for the waistband because that's typically where weapons are hidden. That's when he yelled out, "There's a pack."
>
> Shortly thereafter as he's continuing the frisk, he -- they find the gun which is recovered and I think that under the circumstances, it certainly was reasonable for the -- them to take down [appellant], to secure him, because, in fact, he could be dangerous to their safety if he, in fact, was in possession of a gun.

Summarizing appellant's argument on this point that the stop became an unnecessary hard takedown, the court again considered the body camera footage and ruled as follows:

> You know, there are different factors as the State argued to determine whether it was not appropriate. There were no guns drawn by the detectives in this case, but they did have the factors of two officers seeing him reach for his waistband area and the fact that he ran in this high drug and violent crime area.
>
> And then I think it is also curious, as the State stated, you know, he's running initially, but when he sees the police approaching on foot because they have those vests that said "police," then all of it's like "Oh, ho. I'm just on a little Saturday evening walk. I'm not doing anything." You know, stops running rather abruptly as if to not have any attention on him.
>
> So I am denying the defense motion to suppress these items, both items, because I do believe that based on a totality of the circumstances that the officers[']actions were appropriate and certainly because they felt -- I mean, when we're talking about the frisk, it's not to find this contraband. It's not to find drugs. It's simply to make sure they are safe, if there's a weapon. And in order to make certain they were safe, they had -- they felt that [appellant] could be armed because of him touching his waistband and then when he's stopped, told to stop reaching for his waistband.
>
> So it's perfectly reasonable for them to, at that point, handcuff him to conduct the pat down for their safety, so I am denying the motion to suppress. Thank you very much.

DISCUSSION

Appellant's sole argument on appeal is that the officers' use of force during the course of the investigatory stop, specifically grabbing him, bringing him to the ground, and holding him down, amounted to a de facto arrest that was not supported by probable

cause. For that reason, appellant asks us to reverse the circuit court's ruling denying his motion to suppress. The State responds that the totality of the circumstances supported the use of force during the stop. We agree with the State.[3]

"Our review of a circuit court's denial of a motion to suppress evidence is 'limited to the record developed at the suppression hearing.'" *Pacheco v. State*, 465 Md. 311, 319 (2019) (quoting *Moats v. State*, 455 Md. 682, 694 (2017)). The record is examined "in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress." *Norman v. State*, 452 Md. 373, 386 (2017) (quoting *Varriale v. State*, 444 Md. 400, 410 (2015)). The circuit court's factual findings are accepted unless they are clearly erroneous. *Grant v. State*, 449 Md. 1, 14-15 (2016). Moreover, we review legal questions de novo and when there is a "constitutional challenge to a search or seizure, we must make an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case." *Id.* at 15 (quoting *State v. Wallace*, 372 Md. 137, 144 (2002)); *accord Pacheco*, 465 Md. at 319.

The Fourth Amendment, made applicable to the states through the Fourteenth Amendment, *Mapp v. Ohio*, 367 U.S. 643, 655 (1961), guarantees, "[t]he right of the

[3] Maintaining that the stop was supported by reasonable, articulable suspicion, the State concedes that there was no probable cause to support an arrest at the time in question. Therefore, the State continues, appellant's reliance on *Reid v. State*, 428 Md. 289 (2012), in arguing that the officers lacked probable cause is misplaced. In *Reid*, the Court of Appeals held that the defendant was subjected to a de facto arrest when the police fired a taser at him and the metal darts lodged in his back. 428 Md. at 305. The Court then held that the facts in that case, including information provided by an informant, were insufficient to support probable cause. *Id*. at 306-09. Because we ultimately conclude that the stop in this case was lawful under *Terry*, we agree with the State that *Reid* is inapposite.

people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. "The Fourth Amendment does not proscribe all state-initiated searches and seizures; it merely proscribes those which are unreasonable." *Florida v. Jimeno*, 500 U.S. 248, 250 (1991). "Whether a particular warrantless action on the part of the police is 'reasonable' under the Fourth Amendment 'depends "on a balance between the public interest and the individual's right to personal security free from arbitrary interference by law officers."'" *Pacheco*, 465 Md. at 321 (quoting *Pennsylvania v. Mimms*, 434 U.S. 106, 109 (1977)); *accord Lewis v. State*, 470 Md. 1, 18 (2020).

It is well settled that the police may stop and briefly detain a person for purposes of investigation if the officer has a reasonable suspicion supported by articulable facts that criminal activity may be afoot. *See Terry*, 392 U.S. at 21, 30; *accord Holt v. State*, 435 Md. 443, 459 (2013). Reasonable suspicion is "a particularized and objective basis for suspecting the particular person stopped of criminal activity." *Wardlow*, 528 U.S. at 128 (quoting *United States v. Cortez*, 449 U.S. 411, 417-18 (1981)). Further, "[w]e have described the standard as a 'common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and prudent people act.'" *Holt*, 435 Md. at 460 (quoting *Crosby v. State*, 408 Md. 490, 507 (2009)). "While the level of required suspicion is less than that required by the probable cause standard, reasonable suspicion nevertheless embraces something more than an 'inchoate and unparticularized suspicion or hunch.'" *Crosby*, 408 Md. at 507 (quoting *Terry*, 392 U.S. at 27). Even seemingly innocent behavior, under certain circumstances, may permit a

brief stop and investigation. *See Wardlow*, 528 U.S. at 125-26 (recognizing that even in *Terry*, "the conduct justifying the stop was ambiguous and susceptible of an innocent explanation," but that, because another reasonable interpretation was that the individuals were planning a robbery, "*Terry* recognized that the officers could detain the individuals to resolve the ambiguity").

Moreover, reviewing courts "must look at the 'totality of the circumstances' of each case to see whether the detaining officer has a 'particularized and objective basis' for suspecting legal wrongdoing." *United States v. Arvizu*, 534 U.S. 266, 273-74 (2002); *see also Bost v. State*, 406 Md. 341, 356 (2008) ("The test is 'the totality of the circumstances,' viewed through the eyes of a reasonable, prudent, police officer."). And "the court must . . . not parse out each individual circumstance for separate consideration." *Holt*, 435 Md. at 460 (quoting *Crosby*, 408 Md. at 507); *see also In re David S.*, 367 Md. at 535 ("Under the totality of circumstances, no one factor is dispositive.").

Although the point was conceded by appellant, our independent review requires us to consider whether the initial stop was justified de novo. *See Grant*, 449 Md. at 15. The parties and the court relied on *Wardlow*. In that case, the defendant had been standing near a building while holding an opaque bag in an area known for heavy narcotics trafficking. 528 U.S. at 121-22. After looking in the direction of a caravan of police vehicles, he fled down an alley. *Id.* Police officers caught up to the defendant and searched him. *Id.* at 122. The U.S. Supreme Court upheld the stop and search, reasoning that the officer was justified in investigating based on the defendant's evasive behavior,

specifically his unprovoked flight from the police in an area known for heavy drug trafficking. *Id*. at 124-25 ("Headlong flight—wherever it occurs—is the consummate act of evasion: It is not necessarily indicative of wrongdoing, but it is certainly suggestive of such."). Likewise, we hold that the initial stop of appellant was reasonable based on his act of fleeing at the sight of the police in a high crime area.

We next turn to the contested issue presented in this appeal regarding whether the stop amounted to a de facto arrest requiring probable cause. This case involves a "hard takedown"—a forcible detention typically accomplished with some combination of drawing firearms, handcuffing, and forcing suspects into a prone position. *See In re David S.*, 367 Md. at 535-39 (reviewing hard takedown cases in which the display of weapons, handcuffing, and ordering suspects to lie on the ground "did not per se elevate a seizure to one requiring probable cause"). The Court of Appeals has explained that:

> In determining whether a *Terry* stop is elevated to a de facto arrest, courts will consider many factors. "Generally, a display of force by a police officer, such as putting a person in handcuffs, is considered an arrest." This Court has, however, recognized certain limited circumstances when the use of force will be considered reasonable as part of an investigative detention: where the use of force is used to protect officer safety or to prevent a suspect's flight. The burden is on the State to prove that such special circumstances existed in order to justify the officer's use of force in an investigative detention.

Elliott v. State, 417 Md. 413, 429 (2010) (footnote and citations omitted) (quoting *Longshore*, 399 Md. at 502).

In line with the principle quoted above, Maryland courts have recognized that "even if the officers' physical actions are equivalent to an arrest, the show of force is not

considered to be an arrest if the actions were justified by officer safety or permissible to prevent the flight of a suspect." *Bailey v. State*, 412 Md. 349, 372 n.8 (2010); *see, e.g., In re David S.*, 367 Md. at 539 ("The officers, with their weapons drawn, forced respondent to the ground and placed him in handcuffs. This conduct was not unreasonable because the officers reasonably could have suspected that respondent posed a threat to their safety."); *Lee v. State*, 311 Md. 642, 664-66 (1988) (concluding that displaying shotguns and ordering suspects to lie on the ground did not convert a *Terry* stop into an arrest requiring probable cause). Conversely, when the State fails to establish a threat to police officers or the public or a flight risk by the suspect, the use of such force has been held to constitute a de facto arrest. *See, e.g., Elliott*, 417 Md. at 431 ("There was . . . no indication that [the defendant] posed a flight or safety risk in order to justify a hard take-down, which supports the holding that [he] was arrested when he was initially detained."); *Bailey*, 412 Md. at 374 ("Grabbing the petitioner's wrists when he was not suspected of being armed and dangerous, then conducting a search and removing the vial from his pocket, and, finally, taking him into custody as the initial action leading up to a criminal prosecution, constituted a de facto arrest."); *Longshore*, 399 Md. at 515 ("Because [the defendant] was neither a flight nor safety risk, there was no justification for placing [him] in handcuffs. This was, therefore, no mere detention; it was, in fact, an arrest.").

When evaluating whether the use of force to effect a stop was reasonable such that no de facto arrest occurred, we must consider "the totality of the circumstances, as they appeared to the officers at the time," keeping in mind that "when police officers are

acting in swiftly developing situations, reviewing courts should not indulge in unrealistic second-guessing of the officer." *In re David S.*, 367 Md. at 539-40 (citing *United States v. Sharpe*, 470 U.S. 675, 686 (1985)). Several factors are instructive including "the length of the detention, the investigative activities that occur during the detention, and the question of whether the suspect is removed from the place of the stop to another location." *Chase v. State*, 224 Md. App. 631, 643-44 (2015) (quoting *Johnson v. State*, 154 Md. App. 286, 297 (2003)). In addition, the "nature of the area" is an important factor, as is a "police officer's experience and training." *Chase*, 224 Md. App. at 644-45.

Here, applying these factors, we note that the detention was brief. For instance, the video recording from Detective Riley's body camera suggests that approximately one minute and a few seconds elapsed between the moment the detective exited his patrol car to the time when he frisked appellant and found the handgun in his pocket. We recognize that approximately four police officers were involved in the stop of appellant. But appellant was not removed from the scene, and the stop was initiated because appellant was seen running away from a group of individuals who were standing in a high crime area known for its "open air drug market." These factors weigh in favor of a forcible detention. Furthermore, Detectives Riley and Tallmadge were both accepted as experts and testified consistently that appellant's actions, including his failure to stop and follow instructions, as well as his moving his hands towards his waistband and fleeing, led them to believe he was armed. We are persuaded that, under the totality of the circumstances, the police officers' measures were a reasonable use of force designed to protect the police and the public and to prevent flight while they investigated whether appellant was

involved in criminal activity. Accordingly, we hold that the circuit court properly denied the motion to suppress.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED; COSTS TO BE PAID BY APPELLANT.