

Circuit Court for Prince George's County  
Case No. CAL22-24922

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 657

September Term, 2024

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UMAR ALI

v.

PRINCE GEORGE'S COUNTY, ET AL.

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Reed,  
Kehoe, S.,  
Eyler, Deborah S.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Eyler, Deborah S., J.

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Filed: February 13, 2026

\* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

In the Circuit Court for Prince George’s County, Umar Ali, the appellant, sued Prince George’s County Police Department (“PGCPD”) Officers Carlos Marrufo and Issa Basma (collectively “the Officers”), the appellees, for the torts of false imprisonment/false arrest and assault and battery and for deprivation of his rights under the Fourth Amendment, pursuant to 42 U.S.C. § 1983.<sup>1</sup> At a jury trial on those claims, at the close of Mr. Ali’s case, the court granted judgment in favor of the Officers. Mr. Ali appeals, posing two questions,<sup>2</sup> which we combine and rephrase as one:

I. Did the circuit court err by granting the Officers’ motion for judgment?

We answer that question in the negative and shall affirm the judgment of the circuit court.

**FACTS AND PROCEEDINGS**

On the night of April 2, 2022, Mr. Ali, then age twenty-one, and over 100 other people attended a “car meet” in a cul-de-sac in Laurel, Maryland. At this event, some attendees performed “donuts” in their vehicles, meaning they drove at a high rate of speed

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<sup>1</sup> Mr. Ali named other officers in his complaint, as amended, but only the claims against Officers Marrufo and Basma remained at the time of the trial. In addition, Mr. Ali sued Prince George’s County for negligent supervision and training, a claim the circuit court dismissed with prejudice. He does not challenge that ruling on appeal.

<sup>2</sup> The questions as posed by Mr. Ali are:

- 1) Whether Appellant produced enough facts into evidence at trial, with all inferences drawn in Appellant’s favor, to survive a motion for directed verdict or summary judgment.
- 2) Whether the Trial Court erred in dismissing plaintiff’s case, preventing questions of fact to be resolved by the jury, rather than the Trial Court.

in tight circles. Attendees set off fireworks as well. When PGCPD Corporal Marlon Barroca drove into the cul-de-sac to break up the event, a group of attendees “rushed” his police cruiser and vandalized it, causing significant damage.

Mr. Ali, who had only been a spectator, left as soon as the police arrived. He got into his vehicle, a Dodge Challenger, and waited in a line of cars attempting to leave at the same time.

Mr. Ali worked security at a construction site in Virginia and owned his own business. He was permitted to carry a handgun in Maryland and had his handgun in the car with him. He also had his gun permit card with him. The front of his permit card included a photograph of him, listed his permit number, described his physical features,<sup>3</sup> and stated that the permit expired in April 2024. It also included the following language:

PLEASE CONTACT MARYLAND GUN CENTER PRIOR TO ANY LAW ENFORCEMENT ACTION.

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THE PERSON WHOSE IDENTIFICATION IS ESTABLISHED HEREON HAS BEEN GRANTED THIS PERMIT TO CARRY A HANDGUN AS PROVIDED BY ARTICLE 5, SECTION 303 OF THE ANNOTATED CODE OF MARYLAND. THE HOLDER IS REQUIRED TO ABIDE BY ANY RESTRICTIONS SET FORTH IN THIS PERMIT OR IS SUBJECT TO CRIMINAL CHARGES UNDER CR 4-203.

The back of the permit also listed the permit number and expiration date and stated:

The person identified on the front of this card has the following permit restriction(s):

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<sup>3</sup> The permit erroneously listed Mr. Ali’s race as “White.”

1) NONE (MD ONLY) (NOT VALID WHERE FIREARMS ARE PROHIBITED BY LAW)

Meanwhile, the PGCPD set up a check point on Sweitzer Lane, near its intersection with the road leading out of the cul-de-sac, in an attempt to identify individuals who had engaged in illegal activity at the car meet. As Mr. Ali drove through the check point, Officer Marrufo directed him to stop his vehicle because he did not have a front Maryland license plate.<sup>4</sup>

The police encounter was captured on Officer Marrufo’s body-worn camera, which was introduced as a joint exhibit at trial.<sup>5</sup> We describe the encounter based upon that video, with minor supplementation from other evidence introduced during Mr. Ali’s case in chief.<sup>6</sup>

Just after midnight, Officer Marrufo stopped Mr. Ali’s vehicle and instructed him to turn his car off and not to drive. Mr. Ali was the only person in the vehicle. His driver’s side window was open, and he was speaking to someone on his cell phone. Officer Marrufo

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<sup>4</sup> Under Md. Code (1977, 2020 Repl. Vol.), §§ 13-410-13-411 of the Transportation Article, cars registered in Maryland are required to have two license plates, one in the front and one in the back.

<sup>5</sup> In his brief, Mr. Ali also cites to Officer Basma’s body-worn camera footage, which he claims was introduced as an exhibit at trial. Our review of the record reflects that, although Mr. Ali’s counsel discussed admitting that video, he never introduced it into evidence, and it was not admitted.

<sup>6</sup> Mr. Ali agrees that this video is “the most reliable factual assessment of the scene” and does not dispute that the trial court could rely upon it.

walked to the rear of Mr. Ali's vehicle and checked his tire treads for evidence that he had been drag racing. He would later testify that he found no evidence of that.

Officer Marrufo approached Mr. Ali's driver's side window. Mr. Ali was still on his cell phone. The following exchange occurred:

[OFFICER MARRUFO]: Any guns in the car?

[MR. ALI]: No, sir – you say any guns?

[OFFICER MARRUFO]: Any guns in the car?

[MR. ALI]: Yes, sir.

[OFFICER MARRUFO]: Yes, in the car?

[MR. ALI]: Yes, sir.

[OFFICER MARRUFO]: You have a gun in the car?

[MR. ALI]: It's a legal gun.

[OFFICER MARRUFO]: A legal gun?

[MR. ALI]: Yes, sir.

[OFFICER MARRUFO]: Okay, do you have a permit?

[MR. ALI]: Yes, sir.

Mr. Ali located his gun permit above his sun visor and handed it to Officer Marrufo, who asked him: "Do you work?" Mr. Ali replied, "Yes, sir." Officer Marrufo asked Mr. Ali where he worked. Mr. Ali said he runs a business, that he also does "security," and that he just got off work, lifting an item of clothing on his passenger seat to show Officer

Marrufo. Meanwhile, Officer Marrufo appeared to be looking at the permit, at one point reading part of it aloud to himself.<sup>7</sup>

Officer Marrufo called to another officer off camera, asking him to come over. He continued to shine his flashlight on the permit, reading another part of it aloud.<sup>8</sup> Officer Marrufo asked Mr. Ali, “are you working?” and Mr. Ali responded, “Yes, sir.” Officer Marrufo asked if he was working “right now?” Mr. Ali clarified that he does “security in Virginia.”

Officer Marrufo asked, “Where’s the handgun at?” and instructed Mr. Ali not to reach for it. Mr. Ali’s answer is difficult to make out, but he testified at trial that the handgun was between his driver’s seat and the center console of the vehicle.

Officer Marrufo called out to Officer Basma, “Got a 7A.” He would testify that “7A” is police shorthand for a “handgun.”

Officer Marrufo repeated, “Do not move,” over and over as Officer Basma and a third officer, Officer Ryan Warner, arrived at the vehicle. Mr. Ali said, “Yes, sir,” and kept his hands in the air in front of him.

Officer Marrufo instructed Mr. Ali to lean forward and place his hands behind his head with his fingers interlocked. He directed Mr. Ali to step out of the vehicle, facing

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<sup>7</sup> Officer Marrufo stated: “None” and “Maryland,” the first two words listed under the restrictions section on the back of Mr. Ali’s permit card.

<sup>8</sup> Officer Marrufo again stated, “None,” and then, “where firearms are prohibited,” which are other words appearing in the same section.

forward, and not to move his hands. With assistance from Officers Basma and Warner, Officer Marrufo handcuffed Mr. Ali’s hands behind his back.

Mr. Ali exclaimed, “I just gave him my permit.” Officer Marrufo replied, “You’re not working. You’re not working.” Mr. Ali said, “I can carry . . . at all times.” Officer Basma said, “We’re gonna figure that out.” Mr. Ali said, “I am not supposed to be handcuffed right now.” Officer Marrufo directed him to “have a seat” on the curb.

Mr. Ali complied, but continued to protest his detention, stating, “I just gave you my card.” Officer Marrufo reiterated that Mr. Ali was “not working.” Mr. Ali responded, “I don’t have to be working. You didn’t read the card.”

An officer off camera, later identified as Officer Marrufo’s supervisor, Sergeant John Rodriguez, said, “If we’re taking him, we’re taking him.” Officer Basma helped Mr. Ali to stand up and led him away, past his vehicle. Officer Marrufo walked with them. Mr. Ali reiterated that the officers were “not reading [his] card” and that he “ha[d] rights.” Officer Marrufo told him, “Relax. We’re gonna figure it out.”

As the Officers walked Mr. Ali to Officer Marrufo’s police cruiser, a radio transmission reported that a large group of people leaving the car meet up were “running down the sidewalk in the direction of Sweitzer [Lane].”

Once at the cruiser, Officer Basma patted Mr. Ali down. Officer Marrufo told Mr. Ali, “You’re not under arrest but you are detained right now.” The Officers directed Mr. Ali to sit down in the front passenger seat. Officer Marrufo buckled the seat belt across Mr. Ali, who remained handcuffed, and told him not to move.

After Mr. Ali was seated in the cruiser, an officer on the scene told Officer Marrufo that a “whole herd” of people were heading their way. Officer Marrufo began jogging back in the direction of Mr. Ali’s car, verified that it was secured, and then jogged back to his police cruiser. Another radio transmission then reported that the cul-de-sac was cleared out and that the vehicles were “all coming out towards Sweitzer[.]” Officer Marrufo immediately told Officer Basma, “I gotta get out of here.”

Officer Marrufo climbed into his cruiser next to Mr. Ali. Mr. Ali asked, “what is going on, man?” Officer Marrufo said, “I’ll tell you in a little bit.” As Officer Marrufo began to drive away, Mr. Ali exclaimed, “whoa, you driving off. My car is here.” Officer Marrufo drove for about a minute, heading in one direction, making a right turn, and then making a U-turn before coming to a stop. Meanwhile, Mr. Ali said he was having a mental breakdown and began crying.

Officer Marrufo gave his location over the radio and then turned the interior light in his cruiser on. He asked Mr. Ali, “What does it say right there?” while apparently showing Mr. Ali his handgun permit. Officer Marrufo read aloud: “None. Maryland Only” and “where firearms are not prohibited.” Mr. Ali interjected, “It says ‘None.’ No restrictions.”

Officer Marrufo advised Mr. Ali that he needed “to verify that you are legit with this ID because . . . this could be a fake ID. So, once I verify it, I cut you loose.” He asked Mr. Ali for his first and last name and his date of birth, which he provided. Mr. Ali asked him to remove the handcuffs. Officer Marrufo replied, “Not yet. You’re being investigated, okay?”

Officer Marrufo got out of the cruiser, telling Mr. Ali to “hang tight.” He spoke to someone on his cell phone, but apparently was placed on hold. He asked Officer Basma, who had arrived at their location, to keep an eye on Mr. Ali. About a minute later, he began speaking on his phone again, telling someone: “I have a subject stopped with a 7A. He has a permit. Just verifying the permit’s good.” He provided the permit number. Then he said, “Ok.” He added, “What are the restrictions because they’re a little blurry on this ID.” He then said, “So he can carry . . . a weapon?” He added, “So it’s a permit to carry, right?” “All right. Thank you, sir.”

Officer Marrufo told Officer Basma, “he’s good.” He then walked over to Mr. Ali, helped him out of the police cruiser and removed his handcuffs. He told Mr. Ali that he had to verify his permit and that, because of “the situation,” it was unsafe for them to stay near the checkpoint. He told Mr. Ali to get back in the cruiser and he would drive him back to his vehicle.

After they returned to Mr. Ali’s vehicle, Officer Marrufo asked other officers on the scene to locate Mr. Ali’s car keys. He introduced Mr. Ali to his supervisor, Sergeant Rodriguez, and restated the basis for Mr. Ali’s detention and why he was moved away from the area while the validity of his gun permit was verified. Mr. Ali spoke with Sergeant Rodriguez before walking back to his car with the Officers.

Officer Marrufo put Mr. Ali’s handgun in his trunk. He asked to see Mr. Ali’s driver’s license and took a photograph of it. Twenty minutes after the encounter began, Officer Marrufo told Mr. Ali he was “free to go.”

Just over four months after this encounter, Mr. Ali filed suit in the circuit court. His second amended complaint is the operative pleading. It named as defendants Officer Marrufo, Officer Basma, and Officer Warner and set forth three counts: False Imprisonment/False Arrest (Count I); Assault and Battery (Count II); and Deprivation of Civil Rights under 42 U.S.C. § 1983 (Count III). He alleged both that his detention was unlawful and that the Officers used excessive force during his detention. Mr. Ali sought \$700,000 in compensatory and punitive damages.

The Officers moved for summary judgment. On April 3, 2024, the court heard argument, granted summary judgment in favor of Officer Warner and dismissed Mr. Ali's claims for punitive damages. Neither ruling is challenged on appeal. The court otherwise denied the Officers' motion for summary judgment.

A jury trial commenced on April 29, 2024. In his case, Mr. Ali testified and called two witnesses—Officer Marrufo and Shakari Prue, a bystander who took a short video of the beginning of Mr. Ali's detention, prior to his being taken away from his vehicle. As pertinent, he introduced into evidence Mr. Prue's video and his handgun permit. The parties jointly admitted Officer Marrufo's body-worn camera footage. During cross-examination of Officer Marrufo, the defense introduced photographs of the damage to Corporal Barroca's police cruiser, and overhead video from a police helicopter surveying the scene.

At the close of Mr. Ali's case, the Officers moved for judgment. Defense counsel argued that there was no dispute that the traffic stop was justified and that the police could remove Mr. Ali from the vehicle for officer safety. Thus, the limited issue concerned

whether the Officers were legally justified in handcuffing Mr. Ali and moving him away from the scene while they checked the validity of his gun permit. Counsel asserted that the video showed that the only force applied to Mr. Ali was the use of handcuffs and that that was not excessive force as a matter of law. Counsel maintained that, so long as the Officers had reasonable articulable suspicion that criminal activity was afoot, the detention of Mr. Ali was legally justified and was not actionable. Based upon the undisputed evidence as shown in Officer Marrufo’s body-worn camera footage, counsel argued that the Officers had reasonable articulable suspicion as a matter of law and that, for that reason, all three counts failed. Counsel argued further that Mr. Ali did not adduce any evidence of malice sufficient to support his battery claim and that the Officers were entitled to qualified immunity on the § 1983 claim.

Mr. Ali responded that, after drawing all reasonable inferences in his favor, he had generated a jury issue on all three of his claims against the Officers. On the false imprisonment and § 1983 claims, counsel argued that whether Officer Marrufo had legitimate safety concerns that justified handcuffing Mr. Ali and moving him away from the scene were jury questions. On the battery claim, counsel asserted that Mr. Ali did not consent to the touching and that the jury could infer malice based upon Officer Marrufo’s actions in removing Mr. Ali from the scene without legal justification.

The next day, the trial court granted the motion. It ruled that Officer Marrufo’s body-worn camera footage established the undisputed facts of the encounter between the Officers and Mr. Ali. The only issue in dispute was whether the Officers were justified in

handcuffing Mr. Ali for approximately twelve minutes and moving him away from the scene where he had been stopped while they investigated the validity of the gun permit. Under the totality of circumstances, including the chaotic car meet up that preceded the police encounter, the court concluded that the Officers' actions were reasonable, and that Mr. Ali's relatively brief detention was justified as a matter of law. On those bases, the court granted judgment in favor of the Officers on all three counts of the second amended complaint.

This timely appeal followed.

### **STANDARD OF REVIEW**

A trial court's grant of a motion for judgment in a civil case is reviewed *de novo*, without deference. *Dist. of Columbia v. Singleton*, 425 Md. 398, 406 (2012). We conduct “the same analysis that a trial court should make when considering the motion for judgment.” *Id.* at 407.

We assume the truth of all credible evidence on the issue, and all fairly deducible inferences therefrom, in the light most favorable to the party against whom the motion is made. Consequently, if there is any evidence, no matter how slight, that is legally sufficient to generate a jury question, the case must be submitted to the jury for its consideration.

*Mayor & City Council of Baltimore v. Stokes*, 217 Md. App. 471, 491 (2014) (cleaned up). However, “legally sufficient” evidence is imperative; “a party who has the burden of proof cannot sustain this burden by offering a mere scintilla of evidence, amounting to no more than surmise, possibility, or conjecture[.]” *Elste v. ISG Sparrows Point, LLC*, 188 Md. App. 634, 647 (2009) (cleaned up).

## DISCUSSION

Mr. Ali contends the trial court erred in granting the Officers' motion for judgment because the facts developed at trial, and the inferences fairly deducible therefrom, viewed in a light most favorable to him, showed that what began as a lawful traffic stop was "converted to a seizure and an unlawful arrest."<sup>9</sup> He emphasizes the length of his detention (twenty minutes), the use of handcuffs, and his being transported away from the scene by Officer Marrufo. In addition, he maintains that Md. Code (2002, 2021 Repl. Vol.), § 4-206 of the Criminal Law Article ("Cr.L.") places specific limits upon the police when they suspect an individual of being armed with a handgun and that the Officers exceeded those statutory limits.

The Officers respond that, on the undisputed facts as depicted in the body-worn camera footage, the brief detention of Mr. Ali was a legally justified investigative stop that did not transform into an unlawful arrest. They maintain that, because there were no material facts in dispute, they were entitled to judgment as a matter of law on Mr. Ali's claims.

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<sup>9</sup> In his reply brief, Mr. Ali contends he was prejudiced by having the case tried in front of a judge who was "inserted . . . on the day of trial[,"] was not the same judge who had ruled upon the prior motions for summary judgment, and "did not respect" those rulings. Mr. Ali did not move to recuse the trial judge and, consequently, this argument is not preserved for appeal. Md. Rule 8-131(a). We emphasize, however, that the pretrial orders denying the Officers' motions for summary judgment were interlocutory orders subject to revision at any time *and* that the trial court's authority to grant a motion for judgment was in no way limited by those prior denials. *See Bennett v. Ashcraft & Gerel, LLP*, 259 Md. App. 403, 457 (2023) (stating that a court order that is not a final judgment is "an interlocutory order that the court [is] free to revise and reconsider at any time before the entry of a final judgment").

**a.**

Mr. Ali asserted state law claims for false arrest and battery, and a federal claim for an unlawful seizure under the Fourth Amendment.<sup>10</sup> To succeed on any of these claims, Mr. Ali was obligated to adduce legally sufficient evidence that the Officers detained or arrested him without legal justification. *See Heron v. Strader*, 361 Md. 258, 264 (2000) (explaining that a false arrest is: (1) a deprivation of the liberty of another; (2) without consent; and (3) without legal justification); *Hines v. French*, 157 Md. App. 536, 551 & n.4 (2004) (explaining that the legal justification for an arrest or detention “indirectly controls whether an assault or battery has occurred” and thus, a battery claim is “analytically dependent upon the cause of action for false imprisonment” because “if the [detention] was not a false imprisonment, then the physical force used to effectuate the [detention was] not tortious”); *Rogers v. Pendleton*, 249 F.3d 279, 294 (4th Cir. 2001) (reasoning that claims for false arrest or false imprisonment made under 42 U.S.C. § 1983 “are essentially claims alleging a seizure of the person in violation of the Fourth Amendment”). The test for determining whether legal justification exists for a detention in a particular case “is judged by principles applicable to the law of arrest.” *Rovin v. State*, 488 Md. 144, 180 (2024). We thus turn to the lawfulness of the Mr. Ali’s detention.

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<sup>10</sup> Mr. Ali has abandoned any argument that he generated a jury issue on the use of excessive force by the Officers, under either state law or federal law, by not raising that contention in his appellate brief. *See, e.g., Klauenberg v. State*, 355 Md. 528, 552 (1999) (“[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.”).

**b.**

Under the Fourth Amendment to the United States Constitution, the government is prohibited from conducting “unreasonable searches and seizures[.]” U.S. CONST. amend. IV. A “seizure” of a person under the Fourth Amendment is “any nonconsensual detention.” *Norman v. State*, 452 Md. 373, 386-87 (2017). There are two types of seizures: (1) an arrest, which must be supported by probable cause, and (2) a *Terry* stop, named after the Supreme Court’s seminal decision in *Terry v. Ohio*, 392 U.S. 1, 17 (1968), which must be supported by reasonable suspicion. *Norman*, 452 Md. at 387.

In *Terry*, the Supreme Court recognized that a police officer “may conduct a brief investigative ‘stop’ of an individual if the officer has a reasonable suspicion that criminal activity is afoot.” *Id.* at 389 (cleaned up). “Reasonable suspicion exists somewhere between unparticularized suspicions and probable cause.” *Sizer v. State*, 456 Md. 350, 364 (2017). “While there is no litmus test to define the ‘reasonable suspicion’ standard, it has been defined as nothing more than ‘a particularized and objective basis for suspecting the particular person stopped of criminal activity[.]’” *Stokes v. State*, 362 Md. 407, 415 (2001) (cleaned up) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)). Furthermore, “the level of suspicion necessary to constitute reasonable, articulable suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence and obviously less demanding than that for probable cause.” *Graham v. State*, 325 Md. 398, 408 (1992) (quotation marks and citations omitted). It is a ““common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and

prudent people act.”” *Bost v. State*, 406 Md. 341, 356 (2008) (quoting *Stokes*, 362 Md. at 415).

In assessing whether that standard was met, a reviewing court must “examine the totality of the circumstances to determine whether an officer could reasonably suspect that criminal activity is afoot.” *State v. Holt*, 206 Md. App. 539, 558 (2012). In a dual inquiry, a court considers, first, “whether the officer’s action was justified at its inception,” and second, “whether it was reasonably related in scope to the circumstances which justified the [stop] in the first place.” *Terry*, 392 U.S. at 20.

**c.**

Here, as Mr. Ali concedes, Officer Marrufo was legally justified in making a traffic stop because Mr. Ali did not have a front license plate. *See, e.g., Lewis v. State*, 398 Md. 349, 363 (2007) (explaining that, “under the observed activity factor, the police have the right to stop and detain the operator of a vehicle when they witness a violation of a traffic law”). Having done so, Officer Marrufo also was justified in ordering Mr. Ali out of his vehicle. *See Scott v. State*, 247 Md. App. 114, 130-31 (2020) (reasoning that due to the dangers inherent in traffic stops, “once a motor vehicle has been lawfully detained for a traffic violation, the police officers may order the driver to get out of the vehicle without violating the Fourth Amendment” (cleaned up)).

Significantly, this Court has recognized that while a person is justifiably stopped for a traffic violation, “justification may develop for a second and independent detention.” *State v. Ofori*, 170 Md. App. 211, 245 (2006). If facts developed during the “course of the

traffic stop . . . give rise to *Terry*-level articulable suspicion of criminality,” a police officer is justified in engaging in “further investigation . . . for a different purpose.” *Id.*

That is what occurred here. Almost immediately after stopping Mr. Ali, Officer Marrufo asked him if he had any firearms in the vehicle. Mr. Ali equivocated—first saying, “No,” before quickly changing his answer to, “Yes,” and then providing his handgun permit. This was sufficient to give rise to a reasonable articulable suspicion that Mr. Ali was not lawfully in possession of the firearm and to justify a detention to verify the validity of the permit.<sup>11</sup>

Mr. Ali does not seriously dispute that this is so, arguing instead that the length and conditions of Mr. Ali’s detention were unreasonable. In his view, upon providing Officer Marrufo with his gun permit, all that was left to be done was for the Officers to contact the Maryland Gun Center to verify the permit’s legitimacy and his continued detention, in handcuffs, coupled with his movement away from the scene transformed a *Terry* stop into an arrest.

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<sup>11</sup> Mr. Ali’s reliance upon the procedures outlined in Cr.L. § 4-206 is misplaced. That statute governs limited searches and seizures of individuals by the police based upon a reasonable belief that the person is unlawfully armed with a handgun. This Court has explained that, by enacting that statute, the General Assembly “adopted the interpretation given to the Fourth Amendment by the Supreme Court in *Terry* . . . , where the Court enunciated an articulable suspicion exception to the probable cause requirement of the Fourth Amendment.” *Allen v. State*, 85 Md. App. 657, 671 (1991). We further reasoned that noncompliance with the procedures outlined in the statute “has no Fourth Amendment significance.” *Id.* at 673.

**d.**

“A *Terry* stop is distinguishable from an arrest in three important respects: 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.” *Johnson v. State*, 154 Md. App. 286, 297 (2003). No individual factor is dispositive as all are considered under the totality of the circumstances. *Id.* After assessing these factors under the totality of circumstances based upon the undisputed facts in the record, we conclude that Mr. Ali was lawfully detained and was not arrested.

First, the total length of the detention was twenty minutes, with Mr. Ali being handcuffed for just twelve minutes of that time. The United States Court of Appeals for the Fourth Circuit’s decision in *Young v. Prince George’s County*, 355 F.3d 751 (4th Cir. 2004), is instructive. There, an off-duty FBI agent, Young, was stopped for a traffic violation and, while seated on the curb, told the police officer that he was armed. Thereafter, he was handcuffed behind his back, disarmed, and detained for “under twenty-five minutes” while the police verified that his FBI identification was valid. *Id.* at 756. Young later sued the officer and Prince George’s County for unlawful arrest and excessive force under 42 U.S.C. § 1983 and for battery under Maryland law. On appeal from the grant of summary judgment in favor of the defendants, the Fourth Circuit held that, although there were genuine disputes of fact precluding the grant of summary judgment on Young’s excessive force and state law battery claims, summary judgment properly was granted on his false arrest claim. It reasoned:

Young’s detention lasted for less than twenty-five minutes. During this time, Officer Hines undertook the necessary steps of handcuffing, searching and disarming Young. In addition, Officer Hines took the measures required to verify Young’s law enforcement credentials and upon receiving such confirmation promptly released Young. Given the necessity of all these steps and the amount of time that it took Officer Hines to complete them, we conclude that Young’s detention was not unnecessarily prolonged by the takedown or the force used by Officer Hines during the takedown.

*Id.*

Here, it took Officer Marrufo just over ten minutes after Mr. Ali was removed from his vehicle to confirm the validity of the handgun permit. Upon receiving that confirmation, he immediately removed Mr. Ali’s handcuffs and transported him back to his vehicle. The video of the encounter likewise reflects that the Officers “diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly[.]” *United States v. Sharpe*, 470 U.S. 675, 686 (1985) (noting that such a consideration is appropriate “[i]n assessing whether a detention is too long in duration to be justified as an investigative stop”). The length of the detention itself was not excessive and was reasonably related to the scope of the investigatory purpose.

That Mr. Ali was handcuffed also did not transform the stop into an arrest. Our Supreme Court has reasoned that, even when “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). Thus, the use of handcuffs in a seizure is not a dispositive factor in determining whether the seizure was a *Terry* stop or an arrest. *Id.*; *accord Chase v. State*, 224 Md. App. 631, 646 (2015). Here, the use of handcuffs while the police verified that

Mr. Ali’s gun permit was valid was reasonable both for the safety of the officers and to prevent flight.

The investigative actions taken during Mr. Ali’s detention also are suggestive of an investigatory stop, not an arrest. The Officers located and secured his weapon, conducted a brief pat down before Mr. Ali was placed in the police cruiser, and then made a phone call to verify the validity of the gun permit. The only questions asked of Mr. Ali pertained to his gun permit and the restrictions on it. All those activities were consistent with the limited purpose of the *Terry* stop.

Finally, the shifting and chaotic circumstances at the scene amply justified Officer Marrufo’s decision to transport Mr. Ali a short distance before making the call to verify the gun permit and did not transform the stop into an arrest. As explained, the undisputed video evidence reflects that, less than five minutes after Mr. Ali was stopped, a radio transmission advised that individuals leaving the car meet up were “running down the sidewalk in the direction of Sweitzer [Lane].” This, coupled with an officer’s reiteration that a “herd” of people were headed their way, precipitated Officer Marrufo’s decision to move Mr. Ali a short distance away before verifying the validity of the gun permit. This decision was objectively reasonable under the circumstances.

e.

For all these reasons, under the totality of the circumstances, the Officers were legally justified in stopping and briefly detaining Mr. Ali while they dispelled their reasonable suspicion that he was unlawfully in possession of a firearm. Because the

evidence, viewed in a light most favorable to Mr. Ali, demonstrated that the encounter was a lawful investigatory detention and not an arrest, there were no factual disputes for the jury to decide, and the court properly granted judgment in favor of the Officers.

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE'S COUNTY  
AFFIRMED. COSTS TO BE PAID BY THE  
APPELLANT.**