



HOLWELL SHUSTER & GOLDBERG, BRENNAN CENTER FOR JUSTICE, AND CATO INSTITUTE SUBMIT *AMICUS* BRIEF IN CRIMINAL PROCEDURE CASE BEFORE NEW YORK'S HIGHEST COURT

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Holwell Shuster & Goldberg LLP, on behalf of the Brennan Center for Justice at NYU School of Law and the Cato Institute, filed an *amicus* brief with the New York Court of Appeals in *People v. Ali Cisse*, a case involving police-citizen interactions and the level of suspicion an officer must have before issuing a command to stop.

The brief urges the Court of Appeals, New York's highest court, to overrule its 1994 decision in *People v. Reyes*, which held that an officer's shouted command to "stop!" is a level-one "request for information" under the framework set forth in *People v. De Bour*, the Court's seminal case on police-citizen interactions. The amici argue that under *De Bour* and its progeny—which hold that a level-one encounter must not be "intimidating" or "threatening"—an officer's command to "stop!" represents at least a level-two encounter, both because "empirical research and investigations of policing practices over the last quarter century have undermined *Reyes*'s assumption that commands to stop are neither intimidating nor threatening," and because treating a shouted command to "stop" as a mere level-one encounter has contributed to the erosion of New Yorkers' fundamental "right to walk away" from the police.

The full brief, which was submitted by HSG attorneys Scott M. Danner, Daniel M. Horowitz, Evan H. Stein, and Meredith J. Nelson, is available [here](#). Danner, a former New York Court of Appeals clerk, recently secured the dismissal of an indictment in the New York Court of Appeals on behalf of a wrongly convicted defendant.

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