



People v. Feliz

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Tom, J.P., Mazzairelli, Saxe, Nardelli, Kavanagh, JJ.

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In a crime-prone area at night, police officers saw defendant running and repeatedly adjusting what appeared to be a large hard object at his waistband, suggestive of a firearm. These observations justified, at least, a common-law inquiry (see e.g. *Matter of Jamaal C.*, 19 AD3d 144, 145 [2005]), and the record does not support the hearing court's conclusion that only a request for information would have been permissible. Defendant's ensuing flight escalated the encounter and provided reasonable suspicion of criminality justifying pursuit (see *People v Pines*, 281 AD2d 311 [2001], *affd* 99 NY2d 525[2002]). Therefore, the weapon that defendant discarded in the course of his flight, and his post-arrest statements, were lawfully obtained.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

