SC-2025-0372

IN THE SUPREME COURT OF ALABAMA

MICHAEL JEROME JENNINGS,
Plaintiff-Appellant,
v.
CHRISTOPHER SMITH et al.,
Defendants-Appellees.

Certified Question from the U.S. District Court for the Northern District of Alabama, Case No. 1:22-cv-01165-RDP

BRIEF OF STATE OF ALABAMA AND THE ALABAMA DISTRICT ATTORNEYS ASSOCIATION AS *AMICI CURIAE* IN SUPPORT OF DEFENDANTS-APPELLEES

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ORAL ARGUMENT REQUESTED

STATEMENT REGARDING ORAL ARGUMENT

One would think that it wouldn't take certification from a federal court to resolve the issue in this case. Alabama Code § 15-5-30 provides that a law enforcement officer conducting a *Terry* stop can (1) "stop" the suspect and (2) "demand of him his name, address and an explanation of his actions." That is what the officers did here. Responding to a 911 call about a suspicious person at a home where the owners were known to be out of town, officers encountered a suspect in the backyard of the home. Thus having reasonable suspicion to conduct a *Terry* stop, officers told the suspect—repeatedly—to stop and identify himself. The suspect—repeatedly—refused. Instead of stopping, the suspect walked away from the officers, even as they instructed him to "come here and talk to us." *Jennings v. Smith*, No. 23-14171, 2024 WL 4315127, at *1-2 (11th Cir. Sept. 27, 2024). And rather than providing his full name, the suspect said only that he was "Pastor Jennings" and that "I'm not gonna give you no ID." *Id.* Eventually, after failing to stop and identify the suspect through verbal commands, the officers arrested him for obstructing governmental operations because he failed to comply with the officers' commands to stop and identify himself. *See* Ala. Code § 13A-10-2.

That should have been the end of it. Instead, the suspect—who turned out to be named Michael Jerome Jennings—sued the officers in federal court. On appeal, a panel of the Eleventh Circuit held that Alabama law enforcement officers with reasonable suspicion to conduct a *Terry* stop are powerless to stop a suspect and learn his identity if the suspect preferred they didn't. "While it is always advisable to cooperate with law enforcement officers," the court stated, the suspect "was under no legal obligation to provide his ID." *Jennings*, 2024 WL 4315127, at *4. So much for Section 15-5-30.

While it should not take certification for a court to give Section 15-5-30 meaning, the State of Alabama and the Alabama District Attorneys Association appreciate the Court consenting to answer the question. And while it should not take this Court's time in oral argument to correct the Eleventh Circuit's misreading, *amici* support the parties' request for oral argument if the Court thinks it might be helpful. If the Court does hold argument, *amici* would welcome the opportunity to participate.

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INTRODUCTION AND INTEREST OF *AMICI CURIAE*

When law enforcement officers are called to investigate a suspicious person, they rarely know who or what they will encounter. So when they make contact, it is imperative that they be able to learn quickly and accurately who they are talking to—and whether, for instance, the suspect is wanted for a violent felony or is just a helpful neighbor. Officers "need to know whom they are dealing with in order to assess the situation, the threat to their own safety, and possible danger to the potential victim[s]." *Hiibel v. Sixth Judicial Dist. Court of Nevada*, 542 U.S. 177, 186 (2004).

For law enforcement, knowing the suspect's identity can mean the difference between life or death.[1] Fortunately, Alabama law does not leave officers just to hope that they are dealing with the helpful neighbor rather than the violent felon. Section 15-5-30 of the Alabama Code authorizes officers who have reasonable suspicion to conduct a *Terry* stop to "stop" a suspect and "demand of him his name, address and an

[1] *See* U.S. Dep't of Justice, Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted: Summaries of Law Enforcement Officers Feloniously Killed 2002 to 2019*, https://perma.cc/G38J-QX2X (providing summaries of law enforcement officers killed in the line of duty, including officers killed while investigating a suspicious person who, unbeknownst to the officer, was wanted for a violent felony).

explanation of his actions." Given that officers could *ask* for that information without statutory authorization, Alabama's law adds teeth to the request. Thus, if the suspect refuses to "stop," or refuses to provide his full name and address, he violates Alabama law and can be charged with obstructing governmental operations, a Class A misdemeanor. In this way, Alabama law ensures that officers can get the information they need and "that the request for identity does not become a legal nullity." *Hiibel*, 542 U.S. at 188.

A panel of the Eleventh Circuit disagrees, having read Section 15-5-30 as itself a legal nullity. *See Edger v. McCabe*, 84 F.4th 1230, 1239 (11th Cir. 2023); *Jennings*, 2024 WL 4315127, at *3 (following *Edger*). But that misreading departs from the statue's text, renders the Legislature's work superfluous, and risks officers' lives and public safety. The State of Alabama and the Alabama District Attorneys Association, which represents all 42 district attorneys in the State, submit this brief as *amici curiae* to urge the Court to correct the Eleventh Circuit's mistaken reading of Alabama law.

STATEMENT OF THE ISSUES

The Court consented to answer the following certified question: "Under Alabama Code § 15-5-30, when a law enforcement officer asks a person for his name, address, and explanation of his actions, and the person gives an incomplete or unsatisfactory oral response, does the statute prohibit the officer from demanding or requesting physical identification?"

The district court suggested that "[t]here are at least two questions that relate to this analysis":

(1) "Is the word 'demand' meaningfully different from a word like 'request' in that it allows an officer to both ask for the information specified in § 15-5-30 and take follow-up steps to verify the information if the suspect answers those questions in an incomplete or non-credible way?"

(2) "If § 15-5-30 authorizes an officer to request identification, does a suspect's *refusal* to provide identification when requested give an officer probable cause for arresting the suspect for obstruction?"

See Certification Order, *Jennings v. Smith*, No. 1:22-cv-01165-RDP (N.D. Ala. May 22, 2025), ECF 84 at 2 n.1.

SUMMARY OF THE ARGUMENT

Alabama's stop-and-identify statute specifically authorizes law enforcement officers to (1) "stop any person abroad in a public place whom he reasonably suspects is committing, has committed or is about to commit a felony or other public offense" and (2) "demand of him his name, address and an explanation of his actions." Ala. Code § 15-5-30. Because "demand" indicates the assertion of a legal right, Section 15-5-30 provides officers a right to *know*—not merely to ask for—a suspect's name and address, just as the word "stop" indicates that officers can actually *stop* the suspect, not merely ask him to stop. Were it otherwise—were the officer's "demand[s]" simply precatory—there would be no reason for the Legislature to enact the statute.

Importantly, Section 15-5-30 primarily governs the "what," not the "how." So, for instance, it provides that an officer may "stop" a suspect, but it does not detail *how* the officer should conduct the stop. An officer conducting a *Terry* stop has many reasonable ways he can stop a suspect, ranging from a polite request to stop and talk to, if necessary, using

reasonable force to halt a fleeing suspect. The Fourth Amendment's reasonableness requirement, not Section 15-5-30 specifically, provides the guardrails. The same is true when it comes to how an officer obtains a suspect's "name" and "address." While the officer may be successful in simply asking for that information, circumstances could warrant other approaches. If, for instance, the suspect fails to respond fully to the officer's request, it may be reasonable to ask the suspect if he has a driver's license with him that has his name and address already written out and verified. Nothing in Section 15-5-30 makes such a request unlawful, and nothing in the Fourth Amendment makes it always and everywhere unreasonable.

The officers in this case thus had probable cause to arrest Jennings. When they responded to the 911 call and saw Jennings in the backyard of the house where the owners were known to be away, the officers had reasonable suspicion to stop Jennings and ask him who he was and why he was there. And when Jennings repeatedly refused their commands to (1) stop and (2) identify himself, that reasonable suspicion turned into probable cause. It is a misdemeanor in Alabama for a person to, "by means of intimidation, physical force or interference or by any other

independently unlawful act," "[i]ntentionally obstruct[], impair[] or hinder[] the administration of law or other governmental function," or "[i]ntentionally prevent[] a public servant from performing a governmental function." Ala. Code § 13A-10-2(a). Jennings did precisely that by intentionally preventing the officers from stopping him and obtaining his identity when Section 15-5-30 gave them legal entitlement to both. This Court should correct the Eleventh Circuit's misinterpretation of Alabama law.

ARGUMENT

I. Alabama's Stop-And-Identify Law Ensures That Law Enforcement Officers Can Stop And Accurately Identify Suspects During A *Terry* Stop.

Alabama enacted its "stop and identify" law in 1966—two years before the U.S. Supreme Court decided *Terry v. Ohio*, upholding the constitutionality of a police officer briefly detaining, questioning, and frisking a suspect based on reasonable suspicion. 392 U.S. 1, 26-30 (1968). At the time, and for some years before, there was debate not only about whether such stops were constitutional but—perhaps more so—whether they were authorized by state law. While it had long been standard practice for police officers to conduct such stops, some commentators worried that

the stops could be challenged because so few States had statutes specifically authorizing them. *See* Sam B. Warner, *The Uniform Arrest Act*, 28 Va. L. Rev. 315, 316 (1942).

The lack of specific statutes on point was not surprising. As the Ohio Court of Appeals explained in its opinion in *Terry*, "[t]he right of the proper authorities to stop and question persons in suspicious circumstances has its roots in early English practice where it was approved by the courts and the common-law commentators." *State v. Terry*, 214 N.E.2d 114, 117 (Ohio Ct. App. 1966), *aff'd*, 392 U.S. 1 (1968). Other courts were in accord. *E.g.*, *People v. Rivera*, 201 N.E.2d 32, 35 (N.Y. 1964) ("[T]he right of the police to stop and question the defendant in such circumstances as those disclosed by this record was recognized at common law. It is extensively treated both by statute and by judicial decision as a reasonable and necessary police authority for the prevention of crime and the preservation of public order."). Given this history and practice, courts regularly upheld (pre) *Terry* stops by police officers even without specific statutory authorization. *E.g.*, *Rivera*, 201 N.E.2d at 33; *Terry*, 214 N.E.2d at 118.

Still, not all commentators were convinced that the practice's extensive history and tradition "establish[ed] unequivocally" a police officer's "right to question and detain suspects." Warner, *supra*, at 319. So, in 1939, the Interstate Commission on Crime "decide[d] that a study of the law of arrest should be made in order to determine the possibility of drafting a model act to reconcile the law as written with the law in action." *Id.* at 316. The result was the Uniform Arrest Act, which included the following model language for "stop and identify" statutes:

> (1) A peace officer may stop any person abroad whom he has reasonable ground to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going.
>
> (2) Any person so questioned who fails to identify himself or explain his actions to the satisfaction of the officer may be detained and further questioned and investigated.
>
> (3) The total period of detention provided for by this section shall not exceed two hours. Such detention is not an arrest and shall not be recorded as an arrest in any official record. At the end of the detention the person so detained shall be released or be arrested and charged with a crime.

Id. at 320-21.[2]

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[2] As the reporter for the Commission explained, the two-hour limit was intended to give officers time to verify the information provided by the suspect. *Id.* at 321-22 (explaining that the stop envisioned by the

While Alabama's "stop and identify" law was likely influenced by the model provision, it is noticeably more streamlined and straightforward. It provides:

> A sheriff or other officer acting as sheriff, his deputy or any constable, acting within their respective counties, any marshal, deputy marshal or policeman of any incorporated city or town within the limits of the county or any highway patrolman or state trooper may stop any person abroad in a public place whom he reasonably suspects is committing, has committed or is about to commit a felony or other public offense and may demand of him his name, address and an explanation of his actions.

Ala. Code § 15-5-30.

Alabama's law thus specifically authorizes law enforcement officers who have reasonable suspicion that a suspect has or is about to commit a crime to (1) "stop" that person and (2) "demand of him his name, address and an explanation of his actions." *Id.* And the law avoids some of the problems with the model provision's reliance on "satisfaction of the officer" by setting forth precisely what the police officer is entitled to—to

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Commission could include the officers taking the suspect "to the nearest telephone and detain[ing] him there for a few minutes until his story could be checked"); *id.* at 322 n.17 (noting that New Hampshire "allows detention for four instead of two hours … because of the length of time necessary to get to a police station, or even to a telephone, in some parts of New Hampshire").

"stop" the suspect and learn his "name, address and an explanation of his actions." So long as the officer is able to do that, the statute is satisfied, even if the officer is not.[3]

A. Section 15-5-30 Gives Law Enforcement Officers a Right to the Suspect's Name and Address.

So what does it mean for an officer to have a right to "stop" a suspect and "demand of him his name" and "address"?[4] Start with some definitions. *See Russell v. Sedinger*, 350 So. 3d 311, 315 (Ala. 2021) ("[W]hen a term is not defined in a statute, the commonly accepted definition of the term should be applied." (quoting *Bean Dredging, L.L.C. v. Ala. Dep't of Revenue*, 855 So. 2d 513, 517 (Ala. 2003))).

"Stop" has an obvious meaning given the context. It refers to "a temporary restraint that prevents a person from walking or driving away."

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[3] For this reason, Jennings's invocation (at 17-18) of *Kolender v. Lawson* is inapposite because the provision at issue there "vest[ed] virtually complete discretion in the hands of the police to determine whether the suspect has satisfied the statute and must be permitted to go on his way in the absence of probable cause to arrest." 461 U.S. 352, 358 (1983). Not so here.

[4] Because the certified question does not involve the statute's remaining phrase—"an explanation of his actions"—*amici* do not define it, and this Court need not reach it. It is possible that additional canons of construction could come into play to interpret that phrase to avoid any question about its compatibility with the Fifth Amendment. But that question is not before this Court.

Stop, BLACK'S LAW DICTIONARY (12th ed. 2024); *see Stop-And-Frisk*, BLACK'S LAW DICTIONARY, *supra* ("n. (1963) *Criminal law.* A police officer's brief detention, questioning, and search of a person for a concealed weapon when the officer reasonably suspects that the person has committed or is about to commit a crime.").

Given the statute's requirement that the officer "reasonably suspect[]" that the suspect "is committing, has committed or is about to commit a felony or other public offense" before he may "stop" him, Ala. Code § 15-5-30, the officer's command to a suspect to "stop" is no mere request. It is a demand that the suspect is lawfully bound to obey precisely because the officer is lawfully authorized *to stop* him—not just to *ask* the suspect to stop and hope he'll comply. No statute would be needed for such a precatory plea, and "it is presumed that the legislature does not enact meaningless, vain or futile statutes." *Druid City Hosp. Bd. v. Epperson*, 378 So. 2d 696, 699 (Ala. 1979). Thus, whether through codifying the common law tradition or expanding it, in enacting Section 15-5-30 the Legislature resolved any doubt about whether officers may "stop" suspects based on reasonable suspicion. They can.

The same reasoning applies in interpreting the statute's provision authorizing an officer to "demand" of the suspect "his name" and "address." As the Eleventh Circuit recognized, "the broad background rule is that the police may ask members of the public questions and make consensual requests of them, 'as long as the police do not convey a message that compliance is … required.'" *Edger*, 84 F.4th at 1239 (citations omitted and alteration in original) (quoting *Florida v. Bostick*, 501 U.S. 429, 435 (1991)). In such consensual encounters, "the person 'need not answer any question put to him; indeed, he may decline to listen to questions at all and may go on his way.'" *Id.* (quoting *Florida v. Royer*, 460 U.S. 491, 497-98 (1983)).

That rule changes when an officer has reasonable suspicion to think that an individual is or has been engaged in crime. At that point, the suspect is not free to "go on his way," but can be detained temporarily. *See Royer*, 460 U.S. at 498 (noting that "reasonable suspicion of criminal activity warrants a temporary seizure for the purpose of questioning limited to the purpose of the stop"). Contrary to the Eleventh Circuit's implication, there is no reason to think that the Alabama Legislature incorporated any part of this "broad background rule" in Section 15-5-30.

Accord Edger, 84 F.4th at 1239. Just the opposite: precisely *because* Section 15-5-30 governs *non*-consensual encounters, the reasonable inference is that the Legislature intentionally departed from the rule governing *consensual* encounters. That is, in fact, the entire point of *Terry* and laws like Alabama's.

That recognition is important because it helps to choose among the potentially permissible meanings of words like "demand" and "name." Start with "demand." While derived from French and Latin words meaning "to ask" or "request," the word as used here describes "[t]he assertion of a legal or procedural right," or "[a] lawful demand made by an authorized person." *Demand*, BLACK'S LAW DICTIONARY, *supra*. And when used as a verb, as in Section 15-5-30, it means "[t]o claim as one's due; to require; to seek relief." *Id.*; *see also Demand*, BLACK'S LAW DICTIONARY (4th rev. ed. 1968) ("A peremptory claim to thing of right," "[t]he assertion of a legal right; a legal obligation"). So if an officer may "demand" a suspect's name, he has a "legal right" to it and can "require" the suspect to provide it. It is not a request the suspect is free to ignore.

Next, "name"—a "word or phrase identifying or designating a person or thing and distinguishing that person or thing from others." *Name*,

BLACK'S LAW DICTIONARY (12th ed. 2024); *see also Name*, BLACK'S LAW DICTIONARY (4th rev. ed. 1968) ("The designation of an individual person…. It is the distinctive characterization in words by which one is known and distinguished from others, and description, or abbreviation, is not the equivalent of a 'name.'"). While the word could "refer to either a given name or a surname," *Name*, BLACK'S LAW DICTIONARY (12th ed. 2024), the context confirms that here it refers to an individual's full name because that is what an officer needs to identify the suspect and verify his identity. *See State ex rel. Allison v. Farris*, 194 So. 3d 214, 219 (Ala. 2019) (plurality opinion) ("A textually permissible interpretation that furthers rather than obstructs the document's purpose should be favored." (quoting Antonin Scalia & Bryan A. Garner, READING LAW: THE INTERPRETATION OF LEGAL TEXTS 63 (2012))).

Indeed, "[i]nherent in the officer's right to stop a suspect and demand his name, address, and an explanation of his actions is the right to detain him temporarily to *verify* the information given." *Walker v. City of Mobile*, 508 So. 2d 1209, 1212 (Ala. Crim. App. 1987) (emphasis added) (quoting *State v. Fauria*, 393 So. 2d 688, 690 (La. 1981)); *see also, e.g.*, *Adams v. Williams*, 407 U.S. 143, 146 (1972) ("A brief stop … in order to

determine [a suspect's] identity … may be most reasonable in light of the facts known to the officer at the time."); *United States v. Young*, 707 F.3d 598, 605-06 (6th Cir. 2012) (collecting cases holding that "officers do not exceed the permissible scope of a *Terry* stop by running a warrant check, even when the warrant check is unrelated to the crime suspected").

An officer typically will not be able to "verify" a person's name if he does not have it in full. Running a search, either through the Law Enforcement Tactical Systems (LETS) on the officer's laptop (as happens nowadays) or by calling the police station to have someone search the files (as was common when the statute was enacted), without a suspect's full name is unlikely to accomplish much.

The same is true for a person's "address"—the place where a person lives or where he "may be communicated with." *Address*, MERRIAM-WEBSTER DICTIONARY (2025). Responses like "over there" or "on the other side of town" do not provide officers the full information they are legally entitled to under Section 15-5-30.

To summarize: Section 15-5-30 applies to non-consensual *Terry* stops and ensures that law enforcement officers have the authority to (1) stop and detain a suspect and (2) learn and verify his full name and

address. And it imbues officers with this authority even when the suspect does not want to stop or provide his name and address.

B. The Fourth Amendment's Reasonableness Requirement Governs How Law Enforcement Officers Learn the Suspect's Name and Address.

That is the "what" of the provision. Now for the "how." The general rule is that when a statute grants the power to do something, it authorizes all reasonable means required to exercise the power. *See, e.g.*, *Riley v. Cornerstone Cmty. Outreach, Inc.*, 57 So. 3d 704, 720 (Ala. 2010) (noting that "[w]hen a [provision of law] gives a general power or enjoins a duty, it also gives by implication, every particular power necessary for the exercise of the one or the performance of the other" (quoting *State ex rel. Stubbs v. Dawson*, 199 P. 360, 363 (Kan. 1911))); Scalia & Garner, *supra*, at 192-94 (discussing predicate-act canon). Thus, because "[t]he touchstone of the Fourth Amendment is reasonableness," *Barnes v. Felix*, 605 U.S. 73, 79 (2025) (quotations omitted), an officer conducting a *Terry* stop can take any action that is reasonable under the circumstances to obtain what he is lawfully entitled to under Section 15-5-30.

For example, to "stop" a person "whom he reasonably suspects is committing, has committed or is about to commit a felony or other public

offense," Ala. Code § 15-5-30, an officer could turn on the blue lights and siren in his patrol car and use his megaphone to order the suspect to stop. Or if on foot, he could simply tell the suspect to stop. If the suspect runs, the officer can chase him. And if the suspect still refuses to stop, the officer can use reasonable force to detain him. So long as he is "justified in making a *Terry*-type stop," the officer is "justified in using reasonable force"—or any other method that is reasonable under the circumstances—"to effectuate that stop." *Walker*, 508 So. 2d at 1212.

The same logic holds true when it comes to the statute's other provisions. To "demand" the suspect's "name and address," the officer could try asking the suspect for that information. But what if the suspect refuses? Or provides only part of his name? Or gives a name or address that the officer has reason to think is false or incomplete? Are there any other reasonable ways the officer can get the information?

Of course there are—just as there are many reasonable ways an officer can "stop" the suspect. Often, the most reasonable way for an officer to quickly and accurately obtain a suspect's full name and address will be by looking at the suspect's physical identification. *E.g.*, Ala. Code § 32-6-6 (driver's license must include person's "name" and "address"). If

the suspect does not have identification on him, perhaps he has a credit card with his name on it. *Cf. Tuohy v. State*, 776 So. 2d 896, 899 (Ala. Crim. App. 1999) (holding that "the officer's seizure of the credit card for purposes of identification was within the scope of the investigative detention"). Or a utility bill. If none of that works, perhaps the officer could ask others in the area if they know who the suspect is. The point is simply that an officer is not restricted to asking the suspect for his name and address and hoping he complies—or arresting the suspect immediately for not verbalizing his full name and address. Section 15-5-30 entitles the officer to learn the suspect's name and address; it does not limit the reasonable ways an officer does so.

C. It Is Not Always and Everywhere Unreasonable For a Law Enforcement Officer to Learn a Suspect's Name and Address By Asking for Physical Identification.

Jennings and a panel of the Eleventh Circuit read the law differently. In *Edger*, the Eleventh Circuit panel stated that Section 15-5-30 "is clear and requires no additional construction: police are empowered to demand from an individual three things: 'name, address and an explanation of his actions.'" 84 F.4th at 1239. From this, the panel concluded that the statute "clearly establishe[s]" that an officer may "not demand"

that a suspect "produce physical identification," and held that any such request goes "beyond what the statute" allows and subjects the officer to federal tort liability. *Id.*; *see also Jennings*, 2024 WL 4315127, at *4. Jennings and his *amici* at the ACLU and SPLC make the same argument here. *See* Jennings Br. 14-16; ACLU Br. 21-22.

The argument fails. *First*, it relies on a misapplication of the *expressio unius* canon—the principle that "[t]he expression of one thing implies the exclusion of others." *Martin v. Martin*, 329 So. 3d 1242, 1245 (Ala. 2020) (quoting Scalia & Garner, *supra*, at 107-11). That canon works when the things listed—the *unius*—are of the same kind or category, suggesting that other things *of that kind or category* that are not listed are excluded. *See* Scalia & Garner, *supra*, at 107-11. The canon does not exclude things that are *not* within the same kind or category.

Such is the case here. As noted above, Section 15-5-30 covers the "what"—what the officer is entitled to during a *Terry* stop, including the suspect's "name" and "address." It does not cover the "how"—the various reasonable ways an officer can learn that information. The *expressio unius* canon thus has no application when it comes to the "how" question.

Second, the panel's (and Jennings's) interpretation fails to give "demand" its ordinary meaning. Indeed, the argument assumes that law enforcement officers are limited to *asking* questions—and taking no for an answer. *Edger*, 84 F.4th at 1238 ("There is a difference between asking for specific information: 'What is your name? Where do you live?' and demanding a physical license or ID."). But as explained above, "demand" describes an entitlement to a legal right. Thus, because the officer "may demand of [the suspect] his name," he has a legal right *to* the suspect's name—not merely to *ask* him for it. As in most of policing, how the officer goes about obtaining that information is generally up to him so long as he complies with the Fourth Amendment and acts reasonably under the circumstances.

Third, the panel's reading would render Section 15-5-30 largely superfluous. If the statue simply authorizes officers to *ask* suspects for their name and address and prohibits them from taking any other step to obtain that information, then it is unclear why the statute was enacted. As the Eleventh Circuit pointed out, law enforcement officers are already "free to ask questions, and the public is free to ignore them." *Edger*, 84 F.4th at 1239. Extending that principle to *Terry* stops is not why the

Legislature acted. *See Druid City Hosp. Bd.*, 378 So. 2d at 699 ("When one interpretation of a statute would defeat its purpose that interpretation will be rejected if any other reasonable interpretation can be given it.").

For their part, the ACLU and SPLC at least admit that "responses to questioning under § 15-5-30 are mandatory" and argue instead that "neither the word 'demand,' nor any other word in § 15-5-30, suggests a mandate to provide a document in addition to oral responses." ACLU Br. 24. But there are "other word[s] in § 15-5-30" that suggest it could be reasonable for a law enforcement officer to ask a suspect for identification: "name" and "address." It is those things, after all, that the officer is legally entitled to know. Other than simply assuming that a suspect is limited to providing "oral responses," ACLU Br. 24, neither Jennings nor his *amici* explain why it would always and everywhere be unreasonable for an officer to seek to learn a suspect's name and address by asking him whether he has a state-provided card in his pocket that has all that information already written out and verified.[5]

[5] The ACLU and SPLC argue that "construing § 15-5-30 to authorize demands for physical ID would contradict the remainder of the Alabama

II. Because The Suspect Here Ignored Officers' Lawful Commands To Stop And Identify Himself, He Violated Alabama's "Stop and Identify" Law.

Turning to the facts here, the officers had probable cause to arrest Jennings when he refused to comply with their lawful commands and intentionally prevented them from learning his full name and address.

It is undisputed that the officers had reasonable suspicion to conduct a *Terry* stop as authorized by Section 15-5-30. They were responding to a 911 call about a suspicious person at a home where the owners were

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Code, which imposes no general requirement for pedestrians to carry physical ID." ACLU Br. 25. That misunderstands the argument, which is simply that an officer acting pursuant to Section 15-5-30 has many reasonable ways to learn the suspect's name and address and that, depending on the circumstances, one of those ways could include asking for the person's ID. Of course, if the person is not carrying ID, the officer would need to try some other way to learn the information—just as he would need to do if he asked the suspect for her name and learned that she could not answer because she is mute.

Jennings's *amici* also claim that asking for ID cannot be reasonable because "demanding physical identification would necessarily 'go[] beyond the information required to be revealed under § 15-5-30'" by "reveal[ing] [a suspect's] birth date, certain disabilities, and organ donor status." *Id.* at 22 (quoting *Edger*, 84 F.4th at 1238). But so what? That extra information is not protected in any way; the license itself is government speech; and the information on the license is immediately available to the officer the moment a suspect provides the officer a name that he can verify in the LETS system. That the license contains that same information at the outset does not make asking for it an unreasonable way to learn the suspect's name and address.

known to be out of town. *Jennings*, 2024 WL 4315127, at *1. When Officer Smith arrived, he encountered a man in the backyard and asked him if he lived there. The man said he did not. Officer Smith explained that police had received a 911 call about someone at the property. "Jennings replied, 'I'm supposed to be here. I'm Pastor Jennings. I live across the street.… I'm looking out for the house while they gone, I'm watering they flowers.'" *Id.*

Since neither "Pastor Jennings" nor "across the street" provided the full information he was entitled to (the suspect's complete name and address), Officer Smith asked Jennings for further identification: "Okay, that's cool, do you have, like, ID?" *Id.* Jennings replied, "in a raised voice, 'Oh, no man, I'm not gonna give you no ID.'" *Id.* Office Smith emphasized that he needed Jennings to identify himself: "Well, look, listen I'm not saying that you did nothing wrong, but there's a suspicious person in the yard, and if you're not going to identify yourself…." *Id.* At that point, "Jennings interrupted to say that he did not have to identify himself." *Id.*

When Officer Gable arrived, he, too, instructed Jennings to identify himself: "[Y]ou have to identify yourself to me." Jennings refused, repeatedly stating variations of "I don't have to ID myself." *Id.* He also

repeatedly disobeyed the officers' commands to stop. As "[t]he officers continued trying to speak with Jennings," he "walked away from them yelling, 'I don't care who called y'all.… Lock me up and see what happens.'" *Id.* "Officers Smith and Gable followed Jennings and instructed him to 'just come here and talk to us.'" *Id.* Instead of complying, Jennings "continued distancing himself" from the officers. *Id.* Eventually, the officers placed Jennings under arrest. *Id.* at *1-2.

The officers had probable cause to do so. Under Alabama Code § 13A-10-2(a), "[a] person commits the crime of obstructing governmental operations if, by means of intimidation, physical force or interference or by any other independently unlawful act, he: (1) Intentionally obstructs, impairs or hinders the administration of law or other governmental function; or (2) Intentionally prevents a public servant from performing a governmental function." Such was the case here.

First, Jennings did not "stop," even though Section 15-5-30 expressly authorizes a law enforcement officer to "stop any person … whom he reasonably suspects is committing, has committed or is about to commit a felony or other public offense." Second, Jennings did not comply with the officers' commands to identify himself, even though Section 15-

5-30 expressly authorizes a law enforcement officer to "demand of [a suspect] his name" and "address." Although the information Jennings provided partially "track[ed] what officers may request" under the statute, *Jennings*, 2024 WL 4315127, at *4, it was woefully incomplete. Because Section 15-5-30 authorizes officers to obtain the suspect's "name" and "address" in full, the officers did not have to accept Jennings's incomplete offering of part of his name ("Pastor Jennings") and a vague description of where he lived (somewhere "across the street"). They could try other reasonable ways to obtain the information they were entitled to, including by asking Jennings to produce physical identification with his name and address on it if he happened to have it with him. By refusing to comply with the officers' lawful commands, Jennings intentionally prevented the officers from performing a governmental function they were legally entitled to perform. *See* Ala. Code § 13A-10-2(a)(2). As a result, he was arrested and charged with a misdemeanor.

That comports with Alabama law because knowledge of a suspect's identity during a *Terry* stop is important. It helps officers to know whether they are dealing with a helpful neighbor or a violent felon. It can "help clear a suspect and allow the police to concentrate their efforts

elsewhere," or it can alert officers to dangers they wouldn't otherwise know. *Hiibel*, 542 U.S. at 186. And it helps protect the public by providing officers necessary information about potential "threat[s] to their own safety[] and possible danger" to others. *Id.* The "threat of criminal sanction" thus "helps ensure that the request for identity does not become a legal nullity." *Id.* at 188. Because the Eleventh Circuit's interpretation of Alabama law would render it just such a nullity, this Court should give Section 15-5-30 its proper meaning.

CONCLUSION

For these reasons, the Court should hold that Alabama Code § 15-5-30 does not prohibit Alabama law enforcement officers from demanding or requesting physical identification from lawfully stopped criminal suspects when doing so is reasonable under the circumstances.

Respectfully submitted,

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SEPTEMBER 26, 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the word limitation set forth in Alabama Rules of Appellate Procedure 29(c) and 28(j)(1). According to the word-count function of Microsoft Word, the brief contains 5,602 words, not counting the words excluded by Rule 28(j)(1). I further certify that the brief complies with the font requirements set forth in Rule 32(a)(7). The brief was prepared using Century Schoolbook 14-point font. *See* Ala. R. App. P. 32(d)

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CERTIFICATE OF SERVICE

I certify that on September 26, 2025, I filed the foregoing with the Clerk of the Court using the electronic filing system and served a copy on all counsel to this proceeding by email:

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