

RENDERED: SEPTEMBER 9, 2005; 2:00 p.m.
NOT TO BE PUBLISHED

Commonwealth Of Kentucky

Court of Appeals

NO. 2004-CA-002180-MR

STEPHEN KEITH BROWN

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE PAMELA R. GOODWINE, JUDGE
INDICTMENT NO. 03-CR-01375

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * * * *

BEFORE: DYCHE, KNOFF, AND TACKETT, JUDGES.

DYCHE, JUDGE: Stephen Keith Brown was arrested following a stop of his vehicle and subsequent search, which turned up various items of contraband, including cocaine. He was found guilty by the court of possession of cocaine and the status offense of being a first-degree persistent felony offender, following a bench trial, and sentenced to an enhanced sentence of ten years' confinement. He now appeals, claiming that the stop of his

vehicle was in violation of his constitutional right to be free from unreasonable searches and seizures.

Officers of the Lexington-Fayette Urban County Government were conducting surveillance on a house in a high-crime area where they suspected drug activity was occurring. Brown's vehicle pulled into the parking lot and stopped. Brown got out, walked up to another man, and exchanged a brief clasp of hands. No words were spoken between the two, and they each walked away with their hands cupped as if they were holding something. Brown immediately got back into his vehicle and departed.

He was stopped soon thereafter by police, and, following his giving a false name to the officers, the incriminating items were found. He moved the trial court to suppress the items as the fruits of an illegal stop and search. The trial court conducted a hearing and denied the motion, finding that the officer had articulated a reasonable suspicion that illegal activity had occurred. Following a trial resulting in the above described verdict and sentence, Brown appeals.

The sole issue before us is whether the trial court erred in finding that the officer had articulated a reasonable suspicion that criminal activity was afoot. The facts are uncontroverted. The officer, in a high-crime, drug-trafficking area, observed this brief, mute encounter. The fact that Brown

had no other contact with the other individual is highly persuasive. The brevity of this contact is also suspicious. For one to drive to a location, have this brief hand contact with another, with no greeting or other conversation, and then immediately re-enter his vehicle and depart, is sufficient suspicious activity to merit this limited intrusion into Brown's rights. We find no error by the trial court. The judgment of the Fayette Circuit Court is affirmed.

ALL CONCUR.

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