Circuit Court for Harford County
Case No. 12-K-15-001792

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2658

September Term, 2016

RONALD JAMES SLAVEN, JR.

v.

STATE OF MARYLAND

Wright,
Graeff,
Krauser, Peter B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: January 17, 2018

Following a bench trial on an agreed statement of facts, Ronald James Slaven, Jr., appellant, was convicted of possession with intent to distribute marijuana. The court imposed a sentence of five years' imprisonment, all but two years suspended, to be followed by three years of supervised probation.

On appeal, appellant presents two questions for this Court's review, which we have consolidated and rephrased, as follows:

> Did the circuit court err in denying appellant's motion to suppress the evidence found in his vehicle?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

As our review is limited to the circuit court's ruling on the motion to suppress, we recite only the facts adduced at the suppression hearing on March 16, 2016.

On November 24, 2015, at approximately 11:30 a.m., Maryland State Trooper First Class Saul Martinez was patrolling Interstate 95 in a marked K-9 patrol vehicle, pursuant to a "narcotics initiative for the State of Maryland and Harford County." In the 10 years Trooper Martinez had worked for the State Police, he had received training on the movement and trafficking of narcotics, including the major source cities for narcotics.

Trooper Martinez observed a silver Chrysler travelling southbound at approximately 65-70 miles per hour, at a distance of half a car length behind the vehicle in front of it. Trooper Martinez pulled out of the crossover and caught up to the Chrysler, at which point the Chrysler made an abrupt lane change and "started following a tractor trailer

too closely." Trooper Martinez activated his emergency equipment, and at 11:37 a.m., he effectuated a traffic stop of the Chrysler for following too closely.[1]

As Trooper Martinez approached the passenger side of the Chrysler, he observed a bar code sticker on the back passenger window, which indicated to him that the vehicle was a rental vehicle. He asked the driver, appellant, for his driver's license and registration. Appellant produced a California driver's license and a rental agreement for the vehicle. As he did so, Trooper Martinez observed appellant's "excessive nervousness and shaking of the hands."

The rental agreement was from New York. Trooper Martinez observed a "large amount" of fast food wrappers and energy drinks inside the vehicle, as well as an open "small personal flight bag" with what appeared to be dirty laundry hanging out of it. At 11:40 a.m. Trooper Martinez asked appellant to exit the vehicle, explaining that he was going to give appellant a handwritten warning for following too closely.[2]

While Trooper Martinez was writing the warning, he conducted "a roadside interview," asking appellant where he was coming from, where he was going, and how long he planned to be there. Appellant told Trooper Martinez that he "was in New York for about a week, with some friends," and he was going to Tampa, Florida, but he did not

[1] Section 21-310(a) of the Transportation Article (Md. Code, 2012 Repl. Vol.) provides that "[t]he driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the other vehicle and of the traffic on and the condition of the highway."

[2] Trooper Martinez stated that the warning that he was preparing to issue would take him three to five minutes to fill out.

know the address of his destination in Florida. Trooper Martinez questioned appellant about his luggage because the amount of luggage he observed in the vehicle did not match the duration of the trip appellant described, noting that appellant indicated a trip of two to three weeks, but the luggage contained "a small amount of clothes." Appellant stated that he did not have any other luggage in the trunk.

Trooper Martinez testified that there were several "criminal indicators" in his encounter with appellant. That appellant was driving a rental vehicle was significant "in the realm of narcotics detection," as was appellant's presentation of a California driver's license, because California is a "source location" for narcotics. New York, where the vehicle was rented, and Florida, appellant's destination, also were source locations for narcotics. "Based on the totality of the circumstances of the criminal indicators and through [his] training, knowledge and experience," Trooper Martinez believed "that [appellant] was involved in criminal activity," i.e., "smuggling narcotics."

Trooper Martinez told appellant that he had a drug detection dog in his patrol vehicle that was trained to detect the odor of seven types of narcotics. He listed each substance, beginning with marijuana, and he asked appellant if there was a large amount of marijuana inside the vehicle. Appellant answered: "no," "but there was a slight pause to the answer," and appellant "look[ed] down" and "failed to make eye contact." This contrasted with appellant's "quick response" when asked about other narcotics, such as cocaine.

Trooper Martinez testified that while he was obtaining information, "multi-tas[k]ing, writing the warning," another officer arrived at the scene. Trooper Martinez

"briefed him, had [appellant] move to the back of the vehicle and during the business course of the traffic stop [he] got K-9 Bella out to do a free air sniff of the vehicle."

With respect to the timing of these events, Trooper Martinez stated that the time written on the warning, 11:40 a.m., was the time he asked appellant to step out of the car. Another "three to five minutes" elapsed while he was writing the warning. At the point in time when the other officer arrived, Trooper Martinez had not yet issued the warning to appellant. Once the other officer arrived, Trooper Martinez "called out the traffic stop to the local barrack," and he conducted a K-9 scan with his dog, Bella.[3]

Bella alerted to the presence of narcotics, prompting a probable cause search of the vehicle. Trooper Martinez then found U.S. currency totaling $7,050, wrapped in a rubber band, in the center armrest of the vehicle, and 18.9 pounds of "hydro" in the trunk of the car.[4]

No other witnesses testified at the suppression hearing. At the conclusion of Trooper Martinez's testimony, the State argued that the motion to suppress should be denied. It asserted that, "within seconds" of contact with appellant at the vehicle, Trooper Martinez observed "a number of factors" which, considered as a whole, amounted to

[3] Trooper Martinez stated that he "called out the traffic stop …, radioed in the traffic stop location, the vehicle information, the driver's information, and asked [the local barrack] to open a car for a K-9 scan."

[4] "Hydro" is hydroponically grown marijuana. Urban Dictionary, https://perma.cc/6HFL-47GV (last visited January 4, 2018).

reasonable articulable suspicion that justified appellant's detention. The State highlighted the fact that appellant was driving along a "drug trafficking route" in a rental vehicle that "originate[d] out of Jamaica Queens, New York," which Trooper Martinez had described as "a major source of narcotics." The State noted that appellant made an "abrupt lane change when [Trooper] Martinez [came] out into that path of traffic," and that appellant displayed "excessive nervousness" during the stop. The State further noted that appellant claimed not to know the address of his destination in Tampa and did not appear to have sufficient personal belongings in the vehicle to "match the length of his trip." Finally, the State pointed out appellant's "lack of eye contact" and his "very significant pause" when questioned about marijuana. The State argued that, "[t]aking all of that in the totality of the circumstances," the motion to suppress should be denied, adding that "the traffic stop was very short" and "had not been completed."

Defense counsel stated that there was "no dispute for the basis of the traffic stop." He argued, however, that the "criminal indicators" relied upon, "an unsafe lane change," "being in a rental car[,] and being nervous," did not amount to reasonable suspicion, and therefore, the court should suppress "any findings of the K-9 that were conducted by" Trooper Martinez.

On March 30, 2016, the circuit court issued an order denying appellant's motion to suppress the evidence seized during the search. In its memorandum opinion, the court stated as follows:

> [A]fter pulling [appellant's] vehicle over for the traffic stop, TFC Martinez took note of the Virginia Registration tags on the vehicle and approached the

passenger side window to make contact with the driver. TFC Martinez observed that the vehicle bore a bar code on the rear window and rear passenger-side window, indicating that the vehicle was a rental.

Upon request, the driver of the vehicle produced his driver's license and rental agreement. TFC Martinez identified the driver of the vehicle, [appellant], to be the individual depicted in the California issued driver's license. He also surveyed the rental agreement, making a note of the location of pick-up and drop off and that the name matched the Driver's License. TFC Martinez observed that [appellant] appeared extremely nervous during this interaction and observed excessive shaking of [appellant's] hands. TFC Martinez also observed numerous empty energy drink cans and testified that although not listed in his report, he also observed numerous fast food wrappers/bags throughout the vehicle. TFC Martinez also identified in plain view a small open "flight bag" in the rear seat of the vehicle, which appeared to be in disarray with clothes strewn about around [sic] it.

After briefly returning to his patrol vehicle, TFC Martinez approached the [appellant's] vehicle again and asked [appellant] to exit. While standing to the side of the [appellant's] vehicle, TFC Martinez began asking the requisite questions of [appellant] to complete a hand-written warning for the traffic violation. During this time, TFC Martinez also questioned [appellant] about his travel plans. While TFC Martinez was writing the warning and talking with [appellant], another officer arrived. After radioing in the [appellant's] information, TFC Martinez asked [appellant] to sit in the other officer's marked patrol vehicle while he and his partner, K-9 Bella, performed a perimeter sniff test of [appellant's] vehicle.

. . .

TFC Martinez testified that after initially stopping [appellant], only two to three minutes had elapsed prior to asking [appellant] to exit the vehicle while TFC Martinez was preparing the hand-written warning.

. . .

TFC Martinez testified that he had radioed in the [appellant's] driver's license and vehicle information and had not yet received full report back while the K-9 sniff was being conducted. These are ordinary actions in the due course of a traffic stop and they were still pending at the time of the K-9 sniff. *Rodriguez v. United States*, 135 S. Ct. 1609, 191 L. Ed. 2d. 492 (2015).

> Also relevant is the fact that TFC Martinez testified that he had not completed the process of writing the warning when the K-9 sniff took place.[5]

Based on these findings, the circuit court concluded that the K-9 scan took place while the traffic stop was in progress, and that there was no delay in processing the stop in order to conduct the scan, stating as follows:

> None of the facts of the sequence of events shows that there was a delay in the issuance of the warning or other misconduct by the officers on the scene of the traffic stop. As the traffic stop was still underway and not yet completed, this court finds that there was not a second detention prior to the K-9 sniff test of the vehicle, and that the K-9 test took place during the on-going traffic stop.

The court determined that the K-9 alert to the presence of the odor of narcotics provided probable cause to search the vehicle.

The circuit court next determined, "purely *arguendo*," that even if the traffic stop had concluded prior to the K-9 scan, the continued detention was supported by reasonable articulable suspicion, stating:

> The relevant criminal indicators in this case that this Court acknowledges as amounting to reasonable, articulable, suspicion, are as follows: extreme nervousness, traveling along the I-95 corridor, rental car and out-of-state tags, hesitation to answer direct questions, failure to articulate specific destination of travel, and traveling from one known source point of high narcotic trafficking activity to another. TFC Martinez observed extreme nervousness in [appellant] upon his first interaction with him. [Appellant's] hands were shaking and [appellant] failed to make eye-contact with him. The traffic stop took place on I-95 southbound in Harford County and [appellant] was driving a rental vehicle with Virginia tags, traveling from New York to

[5] As appellant points out, although Trooper Martinez testified that he "called out the traffic stop to the local barrack," he did not specifically testify that he was waiting to receive a report from the barrack at the time of the K-9 scan. That, however, was a reasonable inference for the court to draw from the testimony.

> Florida, yet was unable to say specifically whereabouts in Florida, besides heading towards Tampa, he was intent on traveling to. When asked if there was marijuana in the vehicle, [appellant] failed to make eye contact and hesitated in giving a response.[6]

The court disagreed with the State's argument that reasonable articulable suspicion arose "almost instantaneously" with the traffic stop, stating:

> The readily apparent factors at the initiation of the stop and upon TFC Martinez's first encounter with [appellant] were the extreme nervousness, the rental car with out-of-state tags, and traveling from New York to Florida. Not until the additional indicators had been presented, which occurred several minutes later, did TFC Martinez have what amounted to the requisite reasonable articulable suspicion.

The court added that "[t]he detention of [appellant] at this point, however, was still based upon the lawful traffic stop," reiterating its finding that "the K-9 alert occurred during the ongoing, lawful traffic stop," and therefore, it denied the motion to suppress.

DISCUSSION

Appellant contends that the circuit court erred in denying his motion to suppress the evidence seized. In support, he argues: (1) he was improperly detained after the warning was issued at 11:40 a.m. and the purpose of the traffic stop had been completed; and (2) the "second detention" was unreasonable under the Fourth Amendment because it was not supported by reasonable suspicion of criminal activity.

The State contends that the circuit court properly denied the motion to suppress. It asserts that the circuit court found as a fact that the traffic stop was still in progress when

[6] The court stated that it "[gave] no credence to the presence of fast food wrappers, empty energy drinks and a small amount of luggage as being indicative, even under a totality of the circumstances, of criminal activity afoot."

the K-9 alerted to the presence of illegal drugs in appellant's vehicle. In any event, it argues that, even if the traffic stop was extended beyond the time necessary to complete the traffic citation, the extension was justified because there was reasonable suspicion to believe that appellant was engaged in criminal activity.

In reviewing the grant or denial of a motion to suppress, "'we must rely solely upon the record developed at the suppression hearing.'" *Grimm v. State*, 232 Md. App. 382, 396 (quoting *Briscoe v. State*, 422 Md. 384, 396 (2011)), *cert. granted*, 456 Md. 54 (2017). We view the evidence adduced at the suppression hearing and any inferences that may be drawn therefrom "in the light most favorable to the party who prevails on the motion," which, in this case, is the State. *Id*. Moreover, we "'accept the suppression court's factual findings unless they are shown to be clearly erroneous.'" *Id*. at 397 (*quoting Raynor v. State*, 440 Md. 71, 81 (2014)). "We, however, make our own independent constitutional appraisal of the suppression court's ruling, by applying the law to the facts found by that court." *Raynor*, 440 Md. at 81.

The Fourth Amendment to the Constitution of the United States protects against "unreasonable searches and seizures." U.S. CONST. amend. IV. A stop of a motor vehicle and its occupant(s) "is a seizure that implicates the Fourth Amendment … and is 'subject to the constitutional imperative that it not be "unreasonable" under the circumstances.'" *Johnson v. State*, 232 Md. App. 241, 255 (quoting *Whren v. United States*, 517 U.S. 806, 810 (1996)), *cert. granted*, 454 Md. 678 (2017) (internal citations omitted).

A traffic stop is reasonable if it is supported by reasonable articulable suspicion to believe that the car is being driven in violation of laws governing the operation of motor vehicles, *Smith v. State*, 214 Md. App. 195, 201 (2013), even when the primary, subjective intention of the police is to look for narcotics violations. *Santos v. State*, 230 Md. App. 487, 495 (2016), *cert. denied*, 453 Md. 26 (2017). Here, there is no challenge to the initial traffic stop. Rather, the challenge is to the K-9 scan of the vehicle.

The detention of a person "must be temporary and last no longer than is necessary to effectuate the purpose of the stop." *Florida v. Royer*, 460 U.S. 491, 500 (1983). "[T]he purpose of a traffic stop is to issue a citation or warning." *Ferris v. State*, 355 Md. 356, 371 (1999) (quoting *Munafo v. State*, 105 Md. App. 662, 670 (1995)). Accordingly, "[a]uthority for the seizure thus ends when tasks tied to the traffic infraction are – or reasonably should have been – completed." *Rodriguez v. U.S.*, 135 S. Ct. 1609, 1614 (2015). The police may conduct a K-9 scan of a vehicle during a lawful traffic stop without violating the Fourth Amendment as long as the traffic stop is not "'prolonged beyond the time reasonably required to complete th[e] mission' of issuing a ticket for the violation." *Id*. at 1612 (quoting *Illinois v. Caballes*, 543 U.S. 405, 407 (2005)).

We "'assess the reasonableness of each detention on a case-by-case basis and not by the running of the clock.'" *Jackson v. State*, 190 Md. App. 497, 513 (2010) (emphasis deleted) (quoting *Charity v. State*, 132 Md. App. 598, 617 (2000)). In assessing whether a traffic stop was reasonable in duration, appellate courts "[do] not absolutely prohibit[ ] alert attentiveness to a possibly simultaneous secondary investigation," even though "'each

pursuit necessarily slow[s] down the other to some modest extent.'" *Id.* (quoting *Charity*, 132 Md. App. at 614).

Once the purpose of a traffic stop is satisfied, "'continued detention of a vehicle and its occupant(s) constitutes a second stop, and must be independently justified by reasonable suspicion.'" *Ferris*, 355 Md. at 371 (quoting *Munafo*, 105 Md. App. at 670)). "'Whether the appellant was effectively stopped twice for constitutional purposes is not a question of fact, but one of constitutional analysis.'" *State v. Ofori*, 170 Md. App. 211, 246 (2006) (quoting *Munafo*, 105 Md. App. at 672)).

Appellant claims that the traffic warning was issued at 11:40 a.m., and at that time, the purpose of the traffic stop had been satisfied. He claims that, instead of ending the stop at that time, "Trooper Martinez attempted to continue the traffic stop" by asking appellant to step out of the vehicle. He argues that, "[a]t that juncture, [Trooper Martinez] effectuated a 'second detention,'" which was not independently supported by reasonable suspicion of criminal activity.

The evidence at the suppression hearing, however, which the circuit court credited, was that Trooper Martinez did not issue the written warning at 11:40 a.m. Rather, 11:40 a.m. was the time Trooper Martinez asked appellant to step out of the vehicle and explained to appellant that he was going to issue a handwritten warning. It was only after appellant exited the vehicle that Trooper Martinez began to write up the traffic warning, while simultaneously interviewing appellant regarding his destination and the contents of his vehicle.

Trooper Martinez did not state at what point he finishing writing up the warning, or at what point he gave it to appellant. He did testify, however, that, at the point when the second officer arrived at the scene, three to five minutes after he began the process of writing the warning, he had not yet issued the warning. Trooper Martinez explained:

> [PROSECUTOR]: Now that [appellant] is out of the vehicle and you have begun to write your warning, you have also now explained to him what you are writing him a warning for, how much time has elapsed are we talking?
>
> TROOPER MARTINEZ: Anywhere from three to five minutes.
>
> [PROSECUTOR]: As a result of all the things that you have observed, all the things that you saw, all the things that you heard from [appellant], what did you do with that information now? What did you do with that information?
>
> TROOPER MARTINEZ: Well, I just obtained the information and I'm still investigating the business course of the traffic stop, working diligently, multi-tasking, writing the warning, I'm still observing the indicators, either before the traffic stop and still during the traffic stop. At that time before I you [sic] can actually call another unit and get somebody out there to assist me, there was another [o]fficer actually on the scene that came on the scene, at which time I briefed him, had [appellant] move to the back of the vehicle and during the business course of the traffic stop I got K-9 Bella out to do a free air sniff of the vehicle.

(Emphasis added).

Viewed in the light most favorable to the State, the evidence supports a reasonable inference that, as the circuit court found, the K-9 scan occurred "during the business course of the traffic stop," i.e., before the task of writing up the warning and giving it to appellant was completed. Accordingly, we find no error in the circuit court's finding that "the traffic stop was underway and not yet completed" when the K-9 scan took place.

Nor does the evidence presented at the suppression hearing support appellant's claim that Trooper Martinez "purposefully delayed the actual completion of the traffic ticket." The uncontroverted testimony of Trooper Martinez was that the traffic stop was initiated at 11:37 a.m., appellant was asked to exit the vehicle at 11:40 a.m., and approximately three to five minutes after that, as Trooper Martinez was writing up the warning and simultaneously conducting the field interview, the second officer arrived on the scene, "at which time" the K-9 scan was conducted. We agree with the circuit court's conclusion that "none of the facts of the sequence of events shows that there was a delay in the issuance of the warning."

In sum, because record supports the finding that the K-9 scan took place during the reasonable resolution of the lawful traffic stop, there was no second detention requiring further suspicion. Accordingly, the circuit court did not err in denying the motion to suppress.

In any event, we agree with the circuit court that, even assuming, *arguendo*, that the traffic stop was, or should have been, concluded at the time the K-9 scan was conducted, Trooper Martinez had reasonable articulable suspicion to believe that appellant was involved in criminal activity, and therefore, any continued detention was justified. As we have previously noted:

> "by the time a legitimate detention for a traffic stop has come to an end, or more frequently *while the legitimate traffic stop is still in progress, justification may develop for a second and independent detention. Unfolding events in the course of the traffic stop may give rise to Terry-level articulable suspicion of criminality*, thereby warranting further investigation in its own right and for a different purpose."

Jackson, 190 Md. App. at 515 (quoting *Ofori*, 170 Md. App. at 245).

"Reasonable suspicion exists somewhere between unparticularized suspicions and probable cause." *Sizer v. State*, ___ Md. ___, No. 1, Sept. Term 2017 (filed November 28, 2017), slip op. at 11. "We must examine the 'totality of the circumstances' in each case to determine 'whether the detaining officer has a "particularized and objective basis" for suspecting legal wrongdoing.'" *Holt v. State*, 435 Md. 443, 460 (2013) (quoting *U.S. v. Arvizu*, 534 U.S. 266, 273 (2002)). In doing so, we "'give due deference to the training and experience of the ... officer who engaged the stop at issue.'" *Id*. at 461 (quoting *Crosby v. State*, 408 Md. 490, 508 (2009)). This deference "'allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that 'might well elude an untrained person.'" *Crosby*, 408 Md. at 508 (quoting *Arvizu*, 534 U.S. at 273).

Appellant contends that the factors articulated by Trooper Martinez, either alone or considered as a whole, do not "rise to the level of 'reasonable articulable suspicion.'" He argues that "[g]eneral signs of nervousness in an encounter with a police officer is insufficient," as is the fact that he was driving a rental car from New York to Florida. He further contends that the presence of multiple energy drinks, fast food containers and dirty laundry are "innocent, everyday items" and not indicia of criminal activity.

Appellant relies on *Snow v. State*, 84 Md. App. 243 (1990) and *Munafo, supra,* in support of his claim that the factors articulated by Trooper Martinez are insufficient to

establish reasonable suspicion. We are not persuaded, however, that either case is factually on point with the present case such that it is dispositive.

In *Snow*, 84 Md. App. at 246, we concluded that the factors articulated by the officer were insufficient to justify continued detention of a vehicle and its driver following the completion of a valid traffic stop. In that case, the officer testified that (1) the defendant "seemed somewhat nervous" and did not make eye contact with the officer; (2) the defendant was driving from Philadelphia to northeast Washington, D.C., which the officer knew to be a drug route; and (3) there were three air fresheners hanging from the rear view mirror. *Id.* at 247.[7] We held that these three factors did not amount to reasonable suspicion of criminal activity, noting that nervousness and lack of eye contact during an encounter with police is not uncommon, the defendant's route of travel did not "distinguish him from any of the other drivers that were on that road," and that the presence of three air fresheners was not necessarily suspicious. *Id*. at 260-61. In *Munafo*, 105 Md. App. at 676, we concluded that the police lacked reasonable suspicion of criminal activity where the officer knew only that the defendant had previously been arrested for drug-related offenses, and that he appeared to be concealing something underneath his arm.

[7] The officer in *Snow* also testified that the defendant refused to consent to a search of his vehicle. *Snow v. State*, 84 Md. App. 243, 247 (1990). We held that such refusal could not be considered in assessing whether there was reasonable suspicion of criminal activity, stating that "[a] citizen's exercise of the Fourth Amendment right to be free from unwarranted searches does not trigger a reasonable suspicion that he or she is carrying narcotics." *Id.* at 262.

Here, however, Trooper Martinez articulated numerous factors beyond those in *Snow* or *Munafo*. When Trooper Martinez pulled out of the crossover and began to follow appellant's vehicle, appellant executed an "evasive maneuver" by abruptly changing lanes. Appellant was driving a rental vehicle, which, according to Trooper Martinez, was "significan[t] in the realm of narcotics detection," and appellant was traveling from one "source location" for narcotics to another "source location." Appellant exhibited "excessive nervousness and shaking of the hands" during the traffic stop.[8] He claimed not to know the address of his intended destination in Florida and appeared to have insufficient personal belongings in the car for the length of the trip he described. Additionally, when Trooper Martinez told appellant that he had a drug detection dog in his patrol vehicle and asked appellant whether there was marijuana in his vehicle, appellant hesitated before denying that he did. This reaction was in contrast to appellant's "quick response" when asked about other narcotics, such as cocaine.

We disagree with appellant's argument that the factors articulated by Trooper Martinez, individually or as a whole, "cannot possibly give rise to any inference supporting a reasonable suspicion of criminal activity." As we observed in *Jackson*, 190 Md. App. at

[8] Appellant appears to suggest that nervousness can never be considered in the reasonable suspicion analysis. We disagree. As we have previously observed, although "[a] nervous reaction by a detainee … means almost nothing by itself … it may nonetheless contribute to a larger totality." *Jackson v. State*, 190 Md. App. 497, 520 (2010). *See also Ferris v. State*, 355 Md. 356, 389 (1999) ("nervousness [that] can fairly be characterized as especially 'dramatic,' or in some other way be objectively indicative of criminal activity" may be considered in a reasonable suspicion analysis); *accord Sellman v. State*, 449 Md. 526, 554 (2016).

519,"[a]s articulable suspicion accumulates, in this case the limning of a suggestive profile of a drug courier, it may well be made up of bits and pieces no one of which, standing alone has any dispositive significance."

This case is similar to *Jackson*, 190 Md. App. at 530, in which we held that, under the totality of the circumstances, reasonable suspicion of criminal activity developed during a traffic stop. In that case, the defendant/driver was "more than ordinarily nervous," *id*. at 519; the defendant was driving a rental vehicle with out-of-state tags along Interstate 95 (which we recognized as "a major corridor for drug trafficking between New York City and Baltimore, Washington, and points south") *id*. at 522-23; there were two cell phones and "new air fresheners" in the console of the rental vehicle, *id.* at 520-21, and the defendant gave a "fumbling explanation" of his whereabouts, *id*. at 524.

Here, several of those same factors were present. As in *Jackson*, we conclude that the totality of the circumstances provided Trooper Martinez, a trained narcotics officer, with reasonable suspicion to believe that appellant was engaged in criminal activity. Accordingly, the K-9 scan was proper under the Fourth Amendment, and the circuit court properly denied the motion to suppress.

JUDGMENT OF THE CIRCUIT COURT FOR HARFORD COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.