

Circuit Court for Baltimore City
Case No. C-24-CR-24-001719

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0269

September Term, 2025

SEAN CHAMBERS

v.

STATE OF MARYLAND

Wells, C.J.,
Friedman,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Hotten, J.
Concurring Opinion by Friedman, J.

Filed: June 16, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This appeal arises from the denial by the Circuit Court for Baltimore City of a motion to suppress filed on behalf of Sean Chambers (“Appellant”), stemming from an incident in Baltimore where law enforcement officers directed Appellant to stop for committing several traffic violations while riding his bicycle on the sidewalk. Appellant dismounted and fled, leading to a chase and eventual arrest. A subsequent search resulted in an officer recovering a firearm from Appellant’s waistband. Appellant moved to suppress the firearm, alleging it was seized in violation of the Fourth and Fourteenth Amendments to the United States Constitution and Article 26 of the Maryland Declaration of Rights. Following a hearing, the circuit court denied the motion, concluding the officer had probable cause to search Appellant’s person based on the officer’s testimony that the firearm was visible on Appellant’s person during the pursuit, which was corroborated in part by the officer’s body camera footage. Appellant challenges that decision, arguing the court erred because the officer’s testimony was not credible, and the footage did not depict the firearm.

QUESTION PRESENTED

Appellant presents one question on appeal:

Did the motions court err in denying Mr. Chambers’ motion to suppress?

For the reasons outlined below, we affirm the judgment of the circuit court.

BACKGROUND

On August 6, 2024, at approximately midnight, Detectives Marmolejos, Weldon, and Horton-Jones patrolled the 1700 block of North Kerry Street in Baltimore in an unmarked vehicle. Detective Marmolejos observed an individual—later identified as Appellant—operate his bicycle on the sidewalk without a helmet or reflectors, in violation of applicable traffic citations. Detective Marmolejos directed Appellant to stop, but did not identify himself as a police officer. Instead, Appellant pedaled faster, before dismounting the bicycle and fleeing on foot with his right hand on his waistband. Suspecting Appellant might be armed based on the position of his right hand on his waistband, the detectives commenced a pursuit.

Detective Horton-Jones initiated the pursuit on foot while Detectives Marmolejos and Weldon attempted to intercept Appellant with their vehicle. Detective Marmolejos eventually stopped his vehicle to continue the pursuit on foot with Detective Weldon.¹ At some point, Detective Weldon split off from the other detectives and caught up with Appellant.

As Appellant “rounded the corner, [Detective Weldon] observed [Appellant] attempting to remove a firearm, a handgun from his waistband, at which time [Appellant allegedly] then tripped on the curb . . . and fell to the ground.” Specifically, Detective Weldon testified he saw “the silver of the slide” of a firearm being removed from

¹ During the chase, the detectives drew their weapons, ordered Appellant to display his hands, and warned him that they were going to use their taser.

Appellant’s “waistband.” Without initiating a pat down, Detective Weldon “laid on top of [Appellant], placed him in handcuffs, and then removed the firearm from his wristband [sic].”

Sergeant Ferguson arrived at the scene approximately fifteen minutes later to assess the propriety of the force applied during the arrest. Detective Weldon told Sergeant Ferguson he “bear hugged” Appellant and forced him down before pulling down his waistband and recovering a firearm. During this exchange, Detective Weldon admitted Appellant “never got [his firearm] out.”

Appellant was charged with seven counts of firearm-related offenses.² On November 6, 2024, Appellant moved to suppress the evidence recovered from his arrest³ as violative of the Fourth and Fourteenth Amendments to the United States Constitution and Article 26 of the Maryland Declaration of Rights.⁴

² The charges included: possession of a regulated firearm by a person convicted of a crime of violence; possession of a firearm in relation to Controlled Dangerous Substance; illegal possession of a regulated firearm after being convicted of a disqualifying crime; two counts of wearing, carrying and transporting a loaded handgun; sale, transfer, or disposal of stolen regulated firearm; and illegal possession of ammunition.

³ Specifically, Appellant moved to suppress “one silver and black Smith & Wesson .40 caliber handgun; 13 rounds of ammunition; and a clear plastic bag containing suspected cannabis.”

⁴ The Fourth Amendment protects individuals against unreasonable searches and seizures by the federal government. *See* U.S. CONST. amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”). This protection is made applicable to the states through the Fourteenth Amendment. U.S. CONST. amend. XIV. Similarly, Article 26 of the

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During the suppression hearing on March 26, 2025, the State relied upon Detective Weldon’s testimony and observations, that a portion of the firearm was purportedly visible around Appellant’s waistband, to justify the search. The State submitted a body-worn camera video into evidence and directed the court’s attention to timestamp 01:41, where Detective Weldon testified the firearm could be seen:

[THE STATE]: What, if anything, is this little silver or white—

* * *

[DETECTIVE WELDON]: The light spot would be the slide of the handgun.

In contrast, the defense argued that the firearm was never visible. The defense challenged Detective Weldon’s credibility, noted his failure to mention the firearm during his initial conversation with Sergeant Ferguson and argued that he only raised the waistband observation at the suppression hearing. Moreover, in addressing the video evidence, the defense contended that the object visible at the 01:41 mark of State’s Exhibit 2 was merely Appellant’s white t-shirt, worn beneath a black hoodie, rather than the slide or handle of a firearm.

The circuit court ultimately denied Appellant’s motion to suppress, concluding the search was justified. In reaching this conclusion, the court explained that the “split second”

Maryland Declaration of Rights provides an independent state constitutional guarantee against such intrusions. MD. CONST. DECL. OF RIGHTS, art. XXVI. (“That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.”)

observation of the firearm established probable cause, thereby justifying the search. The court reasoned:

THE COURT: All right. Thank you. The Court has had an opportunity to review the evidence that's been submitted, to review my notes regarding the testimony, and also re-review the exhibits, the video that I watched here. Okay. So let me just say at the outset, under the law as I understand it, I'm not, and I think I may have alluded to some of this in my questioning. I would not otherwise be satisfied in this case regarding everything that sort of led up to the point at which the detective, as he testified, saw the Defendant attempting to pull the weapon out of his pants as he rounded the corner.

All of the other testimony, I think, essentially is—it would not have satisfied the Court. I think [defense counsel] was on point as it relates to whether or not there was any suspicion or probable cause up until the chase. And I think the issue is, is that a pursuit—or I guess a stop is not a stop until it's an actual stop. The pursuit is something different. And in this particular case I find the officer's testimony credible, that when [Appellant] turned the corner, and it is somewhat corroborated by the video, the video's hard to watch. Particularly Detective Lum's [sic] video, because he's running and it's jumping around in a different way than the other detective's; his camera is a bit more steady.

But as [Appellant] rounds the corner, and even I think in the frame that the defense froze for the Court, [Appellant's] hands are clearly at or around in his waistband, which would corroborate the officer's testimony that [Appellant] was attempting to remove the weapon from his waistband. And which is where it was when he was apprehended. And so it is a split second, essentially, in this case for which the Court is satisfied that there's ultimately probable cause. And it's that split second when the detective sees [Appellant] grabbing the weapon from his waistband. Whether he was putting it back in or taking it out, or whatever he was doing. But when he sees a portion of the weapon, [Appellant] grabbing it as he rounds the corner, in that split second he now has probable cause. And like I said, I think the defense was spot on up until that split second. But I'm satisfied that the split second is all you need.

I've not seen any post *Bru[e]n* case law that would otherwise require that some other action, or less intrusive action than a stop or an arrest, take place once a gun is seen by the police officer. And I don't believe that the Court would have any reason to make a finding that that should have happened and that they didn't have probable cause to arrest, because now

people can be licensed to carry on the street not just in their home, for self-defense.

So again, you know, this is a split second case and it's really only a split second piece of evidence that satisfies the Court that there was actual probable cause, because I am satisfied that the detective did in fact see a portion of the [Appellant's]—of the gun that [Appellant] was carrying as [Appellant] rounded the corner and before he took him into custody. But for that split second, I think the Court would not have been satisfied with the stop or the arrest. But I am satisfied because of that. And so for that reason the Motion to Suppress then is denied.

The following day, Appellant entered a conditional guilty plea to “possess[ion] [of] a regulated firearm after having been convicted of a crime of violence as defined in CR 14-101 . . . and after having been convicted of a violation of 5-602, 5-603, 5-604, 5-605, 5-612, 5-613, and 5-614 of the criminal law article[s]” and was sentenced to 5 years' incarceration without parole. This timely appeal followed.

STANDARD OF REVIEW

“Appellate review of a motion to suppress is ‘limited to the record developed at the suppression hearing.’” *State v. Johnson*, 458 Md. 519, 532–33 (2018). The evidence and all reasonable inferences arising from it are viewed in the light most favorable to the prevailing party. *See id.* Unless clearly erroneous, this Court defers to the suppression court's findings of fact, including its determination of witness credibility. *See id.* Additionally, legal questions are reviewed *de novo*. *See id.* Where a party asserts a constitutional challenge regarding a search or seizure, this Court performs an independent evaluation, applying the law to the specific facts and circumstances of the case. *See id.*

DISCUSSION

I. The Court Did Not Err in Denying the Motion to Suppress.

A. The Parties' Arguments

Appellant contends that the court erred in finding the firearm was visible on Appellant's person during the pursuit. He asserts the body camera footage “does *not* show the handle of a gun. Or the slide of a gun. It shows [Appellant's] tee-shirt.” (emphasis in original).

Appellant also challenges Detective Weldon's credibility, citing two primary factors: (1) Weldon's claim of observing the weapon was first introduced at the suppression hearing seven months post-arrest, and (2) his testimony regarding the sequence of events for the arrest was inconsistent with his body-worn camera footage. Regarding the second factor, Appellant specifically emphasizes the testimony of Detective Weldon that Appellant tripped before getting “bear hugged” is not supported by the body-worn camera footage, much like his observation of the firearm. Additionally, Appellant argues the court's observation that the footage depicting Appellant's hands “at or around his waistband” does not establish that the firearm was visible. For these reasons, Appellant contends the court reached a clearly erroneous finding that Detective Weldon saw the firearm prior to its recovery.

Appellant contends that the totality of the remaining circumstances failed to provide legal justification for either the stop or the subsequent search. He cites *Washington v. State*, 482 Md. 395, 407 (2022) for the proposition that “unprovoked flight in a high-

crime area does not automatically equal reasonable articulable suspicion for a *Terry* stop.” Additionally, he argues “fugitive movements” alone are insufficient to conclude an individual has a firearm.

The State contends Detective Weldon’s testimony and his body worn camera footage demonstrates that the court did not err in finding that Weldon observed the firearm. It points to the body camera footage where “a small light spot can be seen near [Appellant’s] waistband[,]” which Detective Weldon identified as “the slide of the handgun.” The State maintains that the body-worn camera footage may not provide a conclusive representation of Detective Weldon’s actual field of vision. The State further highlights circumstantial evidence from the arrest, noting that Detective Weldon alerted the other officers to the presence of a firearm.

Based on the totality of the circumstances presented, the State argues the search was justified. The State contends that the search qualified as a *Terry* frisk, a procedure requiring only reasonable suspicion, because Detective Weldon’s physical intrusion was limited. In support, the State notes that the detective merely “rolled [Appellant] on his side . . . hooked his left hand on the top of [Appellant’s] waistband and pushed the bottom of [Appellant’s] sweatshirt with his right hand” to recover the firearm. Additionally, the State argues there was reasonable suspicion that Appellant was armed and dangerous, as established by the evidence in the record.

B. Analysis

We affirm the circuit court’s finding that the firearm was visible around Appellant’s waistband during the pursuit, because it was properly corroborated by a combination of the body camera footage and Detective Weldon’s testimony. Consequently, we hold that the search was constitutional under *Terry v. Ohio*, and the court did not err in denying the motion to suppress.

The Fourth Amendment to the United States Constitution renders warrantless searches and seizures presumptively unreasonable unless they fall within the parameters of a specific, established exception. *See Pacheco v. State*, 465 Md. 311, 320–21 (2019). One such exception is the *Terry* stop, where police officers are permitted to stop a person if there is “reasonable suspicion that a crime has occurred, is then occurring, or is about to occur.” *See Graham v. State*, 146 Md. App. 327, 358 (2002) (citing *Terry v. Ohio*, 392 U.S. 1 (1968)). Under this exception, officers are also allowed to search a person for weapons if there “is reasonable suspicion that the person stopped is armed and dangerous.” *See id.* at 358-59 (describing the *Terry* frisk). In this case *sub judice*, we find that the stop and subsequent frisk were constitutional because the civil traffic violations gave rise to probable cause justifying the stop,⁵ and the visible firearm—coupled with Appellant’s

⁵ Appellant briefly argues the stop was unjustified. We disagree. Under *Ferris v. State*, “a stop does not [] violate the federal Constitution if the police have probable cause to believe that the driver has committed a traffic violation.” 355 Md. 356, 369 (1999). While this is not the same as reasonable suspicion of a crime, *see Graham*, 146 Md. App. at 358 (identifying the standard for *Terry* stops), the distinction here is meaningless. Here, it is undisputed that Appellant was committing several traffic violations by operating a

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unprovoked flight and placement of his right hand on his waistband—provided reasonable suspicion supporting the frisk.⁶

Appellant challenges both the circuit court’s findings that the body camera footage displayed a visible firearm on Appellant’s person prior to his arrest, and the credibility of Detective Weldon’s testimony regarding this matter. Since both findings are allegedly

bicycle without a helmet or reflectors. *See* Maryland Transportation Code §§ 21-1207—21-1207.1. Given the commission of the traffic violations by Appellant, the stop was justified.

⁶ As the circuit court suggested, *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), introduces some tension with the *Terry* doctrine. The circuit court observed:

THE COURT: I’ve not seen any post *Bru[e]n* case law that would otherwise require that some other action, or less intrusive action than a stop or an arrest, take place once a gun is seen by the police officer. And I don’t believe that the Court would have any reason to make a finding that that should have happened and that they didn’t have probable cause to arrest, because now people can be licensed to carry on the street not just in their home, for self-defense.

In *Bruen*, the Supreme Court of the United States held that the Second Amendment protects an individual’s right to carry a firearm publicly for self-defense. *See id.* at 2; *see also Ransome v. State*, 373 Md. 99, 108 (2003) (holding the presence of a “large bulge in any man’s pocket” does not create reasonable suspicion for a *Terry* stop because most men “carry innocent personal objects in their pants pockets . . . [that] will create some sort of bulge.”); *In re Jeremy P.*, 197 Md. App. 1, 22 (2011) (holding that “waistband adjustments” alone does not create reasonable suspicion for a *Terry* stop). As a result of *Bruen*, our Court recently determined mere possession of a firearm does not constitute reasonable suspicion for a *Terry* stop. *See Hicks v. State*, ___ Md. App. ___, No. 634, Sept. Term 2024, 2026 WL 1601794, at *15 (Md. App. June 4, 2026) (“Without a presumption of illegality, mere possession of a handgun is not, by itself, indicative of criminal activity that justifies an investigatory stop.”).

Our holding today does not conflict with the holding in *Hicks*. As explained in this opinion, we conclude that the combination of civil traffic violations, unprovoked flight, and possession of a firearm with the placement of his right hand on his waistband suggesting an intent to draw it, were sufficient to establish that a crime was afoot.

erroneous, he argues the circumstances did not justify the search. We address each finding in turn.

1. We Affirm the Circuit Court’s Finding that the Firearm Was Visible in the Body Camera Footage.

First, we affirm the circuit court’s finding relative to the visibility of the firearm in the body camera footage. Body camera footage at timestamp 01:41 shows Appellant in flight, reaching toward his waistband where a grainy, white/silver rectangular object can be observed. While the footage may lack high-definition clarity, the object’s appearance is consistent with the metallic finish of a handgun. Moreover, the object’s location on Appellant’s person and his arm position during the pursuit is consistent with having a firearm on a person. Appellant nonetheless contends that because the footage is grainy, the court was not entitled to resolve this inquiry in favor of the State. We disagree. Rather than relying entirely on a single factor, our precedent establishes that factual determinations can be made by considering the totality of the circumstances. *See, e.g., Grimm v. State*, 458 Md. 602, 653 (2018) (finding that the reliability of a “drug detection dog” is determined “under the totality of the circumstances[.]”). Here, the totality of the foregoing circumstances provides a sufficient factual basis for the court’s finding that the object was indeed a firearm. Thus, we affirm.

2. We Affirm the Circuit Court’s Finding That Detective Weldon Observed the Firearm on Appellant’s Person Prior to the Search.

Second, we affirm the circuit court’s finding that Detective Weldon observed the firearm on Appellant’s person prior to the search. Here, the circuit court found Detective Weldon was a credible witness:

THE COURT: I find the officer’s testimony credible, that when [Appellant] turned the corner . . . [Appellant’s] hands are clearly at or around in his waistband, which would corroborate the officer’s testimony that the Defendant was attempting to remove the weapon from his waistband.

This Court ultimately defers to the circuit court’s determination of credibility. *See Att’y Grievance Comm’n of Maryland v. Hodes*, 441 Md. 136, 181 (2014). We therefore begin with the presumption that the circuit court correctly assessed Detective Weldon’s credibility. Although Appellant disputes this, we find the challenge unpersuasive.

A review of established case law shows that lower courts may find a witness credible despite the presence of conflicting evidence. For instance, in *Chase v. State*, 120 Md. App. 141 (1998), this Court affirmed the circuit court’s finding that an individual “opened the door [to the house] wider” after police officers announced their presence. *Id.* at 150. In affirming, this Court held that the circuit court was entitled to resolve the conflicting testimony by crediting the officers’ version of the entry over that of the witness. *See id.* Likewise, in *Darling v. State*, 232 Md. App. 430 (2017), this Court affirmed the circuit court’s finding that a positive canine scan took place before a vehicle was loaded for towing. *Id.* at 451-52. In affirming, this Court held the circuit court was permitted to rely on the consistent testimony of two officers to establish the sequence of events, despite

“somewhat confusing” or inconsistent evidence regarding the exact timing of the incident.

See id.

Appellant contends that the testimony of Detective Weldon regarding Appellant tripping during the pursuit diminishes his credibility. We disagree. The footage shows the takedown occurred as Appellant rounded the corner. We find that Detective Weldon’s perception of Appellant’s tripping prior to the takedown was a reasonable interpretation of a chaotic physical struggle. Likewise, while Appellant highlights how Detective Weldon failed to mention seeing the firearm prior to the suppression hearing, this omission does not inherently preclude the circuit court from finding Weldon credible. Instead, the omission is treated as just one factor for the court to consider when weighing Weldon’s overall credibility. Viewed in its entirety, we perceive no error in the court’s credibility assessment of the witness.

3. The Court Did Not Err by Denying Appellant’s Motion to Suppress.

Finally, we determine the court did not err in denying Appellant’s motion to suppress. Since Appellant was observed committing traffic violations in the operation of his bicycle, possessed a firearm that was in his waistband, reached toward it, and fled without provocation, we find these factors collectively established reasonable suspicion to justify the search.

CONCLUSION

For the foregoing reasons, we affirm the judgment of the Circuit Court for Baltimore City. The pursuit of Appellant following his unprovoked flight was constitutionally

justified based on the totality of the circumstances, including the observations of a firearm that was visible in his waistband. The presence of a white or silver rectangular object in the body camera footage, combined with Appellant's hand placement on his waistband, provides sufficient evidence to support the court's finding that Detective Weldon observed a firearm prior to arresting Appellant. Even if the body camera footage was inconclusive, the court was entitled to resolve any inconsistencies by crediting Detective Weldon's firsthand observations. Furthermore, any omissions or minor discrepancies in his testimony do not render this finding clearly erroneous; rather, they are mere factors for the trier of fact to weigh in the context of a chaotic, high-speed pursuit. The combination of traffic violations, unprovoked flight, and possession of a firearm with the placement of his right hand on his waistband, suggesting an intent to draw it, were sufficient to establish that Appellant was armed and dangerous. Finally, because Detective Weldon possessed at least a reasonable suspicion that Appellant was armed and dangerous, the limited search to recover the firearm was constitutional under *Terry*.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY IS AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

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I concur in the result. The majority’s reliance on the bicycle traffic violations in support of the search was unnecessary to decide this case. Those alleged violations were pretextual, and I renew my call for the Supreme Court of Maryland to reconsider its reliance on the *Whren* doctrine, which permits traffic violations of this sort to justify a stop. *See Snyder v. State*, No. 1127, Sept. Term 2021, 2023 WL 1497289 (App. Ct. Md. Feb. 3, 2023) (Friedman, J., concurring); *Brooks v. State*, No. 894, Sept. Term 2023, 2024 WL 4614684 (App. Ct. Md. Oct. 30, 2024) (Friedman, J., dissenting).