

Circuit Court for Baltimore City
Case No. 123291021

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 272

September Term, 2024

DEVONTE BROWN

v.

STATE OF MARYLAND

Tang,
Kehoe, S.,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: March 5, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Appellant, Devonte Brown (“Mr. Brown”), was indicted in the Circuit Court for Baltimore City and charged with possession with intent to distribute cocaine, possession of a firearm in relation to a drug trafficking crime, wearing, carrying, and transporting a handgun, and related offenses. After his motion to suppress was denied, Mr. Brown entered a conditional guilty plea to illegal possession of a handgun after a prior disqualifying conviction and possession with intent to distribute cocaine. Mr. Brown was sentenced to ten years, with all but six years suspended, the first five years without the possibility of parole, for the handgun conviction, and to a concurrent suspended sentence of five years for the narcotics conviction. On this timely appeal, Mr. Brown asks us to determine if the court erred in denying his motion to suppress. For the following reasons, we shall affirm.

BACKGROUND

The State’s sole witness during the motions hearing was Officer James Craig, III (“Officer Craig”), who is assigned to the Northern District Operations Unit for the Baltimore City Police Department. Officer Craig’s Statement of Probable Cause, along with body-worn camera footage from various officers, was submitted as evidence. Below, we summarize the pertinent evidence presented during the motions hearing.

Officer Craig’s Training and Experience

Officer Craig has been trained to identify armed individuals and has experience recognizing those who may be carrying or transporting firearms illegally. He explained that persons who are armed with firearms will often display certain “traits or characteristics” such as “security checks” “where an individual might grab their waistband

to ensure that the weapon is still present[.]” They may also or where they at least placed it before leaving the house, “do tucks with their arms to sort of conceal the . . . profile or a print that the gun may make whether it’s in a bag that’s too small for it, a pocket that’s too small for it, a pair of pants.” Officer Craig further explained that they may also “blade” their body. This means “they’ll turn to put themselves between let’s say the view of someone who may be watching them or in this case law enforcement.” In other words, “they’ll blade their body away to prevent the profile of the print from being seen from -- by public view.”

Officer Craig explained that based on his experience, “some handguns carried or transported illegally at or around public venues, namely those used for the furtherance of illegal drug sales, are commonly stored in or near the front midsection or waistband of persons[.]” According to Officer Craig, this “allows for seemingly reasonable concealment and ease of withdrawal.”

Stop and Frisk

At about 2:30 p.m. on September 25, 2023, Officer Craig and his team were patrolling the area of the 5100 block of Reisterstown Road, near the Park Heights neighborhood in Baltimore City. Police had responded about a week earlier to this same block for a “homicide by way of handgun” for which “[t]here were talks about retaliation in reference to it.” “[S]hortly thereafter,” the police arrested someone for a handgun violation. In addition, Officer Craig testified to his familiarity with the area as being associated with the “illegal drug trade” and with the “presence of firearms.” He explained

that he was “recently” offered illegal drugs when he sat in an unmarked vehicle in uniform, leading to the dealer’s arrest.

Officer Craig drove in an unmarked vehicle along with two other officers. Sergeant Gabriel Barnett (“Sergeant Barnett”) and another two officers drove in a marked police vehicle. All officers wore black tactical vests with “Police” inscribed across the front and back in large white lettering and their badges visible.

Officer Craig drove into the parking lot of the Sunoco gas station, a place where he knew “solicitation of illicit narcotics” occurred. The other officers in the marked police vehicle also drove into the lot.

Officer Craig observed Mr. Brown standing next to the open passenger’s side door of a brown Honda Accord, talking with an unidentified woman. He was about three car lengths from Mr. Brown, approximately 36 feet away, and could see the front of Mr. Brown’s body from “head to toe[.]” He observed “a slight bulge” in Mr. Brown’s “front midsection” around his “right femur” or “waistband area” that “didn’t appear natural to me, it had a protrusion, outward protrusion.” The officer explained that the bulge appeared “solid; it had a slight amount of weight to it. At that point, I believed that the suspect was possibly concealing a firearm in his waistband.”

The presence of police “appeared to capture Mr. Brown’s attention[.]” As Officer Craig began to approach Mr. Brown for a closer look, Mr. Brown “abruptly” ended his conversation with the woman, then “turned and immediately left the gas station parking lot.” When Mr. Brown turned, he “appeared to sort of put his back toward my approach,

toward my view[.]” Specifically, Officer Craig testified that Mr. Brown appeared to “blade his body away from our approach” and “then turned and walked away abruptly.”

Upon blading his body away from the officers, Mr. Brown turned south and walked down Garrison Boulevard. Officer Craig followed Mr. Brown and drove “parallel” to him until he was no more than six feet away “at which point the bulge was even more prominent” and “even more obvious” that the bulge was a firearm.

Officer Craig loudly called out to Mr. Brown to stop. Mr. Brown “seemingly made eye contact” with him, ignored him, and then “began to slightly increase his walking pace[.]” Officer Craig continued to drive alongside Mr. Brown and ordered him to stop. By this time, Officer Craig had relayed to Sergeant Barnett information regarding reasons to stop Mr. Brown. Sergeant Barnett, who was nearby, exited the vehicle, stopped Mr. Brown, and patted him down in the midsection, where he felt what he immediately recognized to be a firearm.

Arrest and Search

As Sergeant Barnett started to retrieve the handgun from Mr. Brown’s waistband, Mr. Brown stated, “Hold on. It’s caught. It’s caught on my drawers.” Mr. Brown then stated, “It’s not my gun, I promise you.” Mr. Brown was arrested and then searched incident to arrest. Recovered from Mr. Brown’s person were the following: (1) a Beretta M9A3 9 mm handgun, loaded with one magazine containing 15 live 9 mm cartridges from his waistband; (2) two knotted plastic baggies from his left outer jacket pocket; (3) one

plastic zip bag containing 19 purple-topped glass vials of suspected crack cocaine, retrieved from Mr. Brown's left hand; and (4) two black smartphones.

Officers learned that the firearm was not listed, that Mr. Brown had no registered firearms listed to him in the State of Maryland, and that he did not have any firearm licenses. The officers also learned that Mr. Brown was prohibited from possessing a firearm and ammunition.¹

Motion to Suppress

Mr. Brown moved to suppress the evidence. He argued in relevant part that under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022) (hereinafter "*Bruen*") and related cases, possession of a gun alone could not justify a *Terry* stop. Specifically, the defense argued that possessing a gun alone cannot be considered suspicious behavior; police must have reasonable articulable suspicion that a suspect is possessing the firearm illegally.

The court denied the motion to suppress, concluding in relevant part that Officer Craig had reasonable suspicion to stop Mr. Brown based on the totality of the circumstances "including his observations of the bulge, not just in the parking lot but how he describes seeing it later when he got closer; based on his observations on Mr. Brown's behavior; based on his discussion about the area where this happened." The court further

¹ The Statement of Probable Cause included the following reasons for Mr. Brown's prohibited status: "Federal 1) Convicted of a crime punishable by imprisonment for more than 1 year. State 1) Convicted of a crime punishable by imprisonment with more than 2 years imprisonment. 2) Convicted of a crime of violence."

explained that based on the circumstances, it was “reasonable for a police officer to suspect that a person in an area with problems with gun violence, in an area that has problems with drug trafficking does not have a license for the gun in his pants[.]” The court clarified that while that might not amount to “probable cause to arrest him,” the circumstances supported reasonable suspicion that “a crime was being committed based on what [the officer] was seeing.” The court further concluded that the frisk for weapons was reasonable because an “encounter with an armed person is inherently dangerous, not just for the police but for everyone else[.]”²

STANDARD OF REVIEW

“When reviewing a trial court’s denial of a motion to suppress, we are limited to information in the record of the suppression hearing and consider the facts found by the trial court in the light most favorable to the prevailing party, in this case, the State.” *Washington v. State*, 482 Md. 395, 420 (2022) (citing *Trott v. State*, 473 Md. 245, 253–54, *cert. denied*, ___ U.S. ___, 142 S. Ct. 240 (2021)). “We accept facts found by the trial court during the suppression hearing unless clearly erroneous.” *Id.* “In contrast, our review of the trial court’s application of law to the facts is *de novo*.” *Id.* “In the event of a constitutional challenge, we conduct an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case.” *Id.* (cleaned up). *Accord State v. McDonnell*, 484 Md. 56, 78 (2023).

² Mr. Brown does not challenge the frisk on appeal.

DISCUSSION

Mr. Brown contends the circuit court erred in denying his motion to suppress. Relying on *Ransome v. State*, 373 Md. 99 (2003), he argues that having a “slight bulge” at his midsection while in a high-crime area does not amount to reasonable suspicion that criminal activity is afoot. He argues that, under the Second Amendment, *Bruen*, and related cases, the police cannot assume that a person possessing a handgun is doing so illegally. He argues that a “slight bulge” at his midsection and signs of a high crime area are not enough to establish reasonable suspicion that criminal activity (i.e., unlawfully carrying a firearm) is afoot.

Terry Stop

It is well settled that the police may stop and briefly detain a person for purposes of investigation if the officer has a reasonable suspicion, supported by articulable facts, that criminal activity may be afoot. *See Terry v. Ohio*, 392 U.S. 1, 30 (1968); *accord Holt v. State*, 435 Md. 443, 459 (2013). Reasonable suspicion is “a particularized and objective basis for suspecting the particular person stopped of criminal activity.” *Illinois v. Wardlow*, 528 U.S. 119, 128 (2000) (Stevens, J., concurring in part) (quoting *United States v. Cortez*, 449 U.S. 411, 417–18 (1981)). Further, “[w]e have described the standard as a common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and prudent people act.” *Holt*, 435 Md. at 460 (cleaned up). “While the level of required suspicion is less than that required by the probable cause standard, reasonable suspicion nevertheless embraces something more than an ‘inchoate

and unparticularized suspicion or hunch.” *Id.* (further quotation marks omitted) (quoting *Crosby v. State*, 408 Md. 490, 507 (2009), in turn quoting *Terry*, 392 U.S. at 27).

In determining reasonable suspicion, officers must “draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them.” *Booker v. State*, 267 Md. App. 315, 324 (2025) (citations omitted). “First, the officer must assess all the circumstances, using objective facts, reports, and knowledge of criminal methods to make informed inferences focused on probabilities and practical context rather than academic certainty.” *Id.* “Second, the analysis ‘must yield a particularized suspicion’ that the person stopped is involved in criminal conduct.” *Id.* (citing *Terry*, 392 U.S. at 21 n.18).

Even seemingly innocent behavior, under the circumstances, may permit a brief stop and investigation. *Wardlow*, 528 U.S. at 125 (recognizing that even in *Terry*, the conduct justifying the stop was ambiguous and susceptible of an innocent explanation, but that, because another reasonable interpretation was that the individuals were casing the store for a planned robbery, “*Terry* recognized that the officers could detain the individuals to resolve the ambiguity”). As with other standards under the Fourth Amendment, reviewing courts “must look at the ‘totality of the circumstances’ of each case to see whether the detaining officer has a ‘particularized and objective basis’ for suspecting legal

wrongdoing.” *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (quoting *United States v. Sokolow*, 490 U.S. 1, 7 (1989)).

Analysis

We need not resolve whether, in Maryland, possession of a gun alone could justify a *Terry* stop under *Bruen* and related cases. This is because, even if we assume for the sake of argument that simply possessing a gun is insufficient to support a *Terry* stop, there were additional circumstances that supported Officer Craig’s suspicion that criminal activity was afoot. The evidence established that the area at issue was known for illegal drug dealing, a recent fatal shooting with concern for retaliation for the homicide, a recent arrest for a handgun violation, and a recent arrest for drug-dealing, all known by Officer Craig. *See Washington v. State*, 482 Md. 395, 439 (2022) (“A court considers ‘the nexus between the type of crime most prevalent or common in the area and the type of crime suspected in the instant case’; the ‘limited geographic boundaries of the area’; and the ‘temporal proximity between evidence of heightened criminal activity and the date of the stop or search at issue[.]’”) (quoting *Sizer v. State*, 456 Md. 350, 381 (2017) (Adkins, J., concurring and dissenting)).

Detective Craig noticed a “slight bulge” in Mr. Brown’s midsection or waistband area that was solid, had a “slight amount of weight” to it, which later became “even more prominent” and “even more obvious” that it was a firearm. Officer Craig explained, that based on his experience and knowledge of the area, handguns that are carried illegally in

places like the particular gas station where “illegal drug sales” occur, “are commonly” carried around a person’s “front midsection or waistband.”

In addition, Mr. Brown took evasive action upon noticing the officers. He “abruptly” ended the conversation with the woman. He bladed his body away from the officers to “prevent the profile of the print from being seen” by police, and he “immediately” walked away from the gas station. *See Booker v. State*, 267 Md. App. at 330 (“Blading can be a factor supporting reasonable articulable suspicion.”); *Wardlow*, 528 U.S. at 124 (recognizing that evasive behavior is a pertinent factor in determining reasonable suspicion). Given his training and experience and under the totality of the circumstances, the officer had reasonable suspicion that criminal activity was afoot.

Mr. Brown’s reliance on *Ransome v. State*, 373 Md. 99 (2003), is unpersuasive. There, Ransome was standing on the sidewalk with another man in a high-crime area of Baltimore. *Id.* at 100–01. Three police officers patrolling in an unmarked car spotted the pair and slowed down to stop. *Id.* Ransome turned to look at the car, which an officer regarded as suspicious. *Id.* at 101. One officer noticed a “large bulge” in Ransome’s pockets, which he believed was “an indication” that he “might have a gun.” *Id.* The officer approached Ransome, asked him several questions, and then conducted a pat-down. *Id.* The frisk revealed a bag of marijuana in Ransome’s waist area, rather than the pocket area where the officer had noticed the bulge. *Id.* The officer placed Ransome under arrest and,

after an additional search, recovered zip-lock bags, some cocaine, and the roll of cash that constituted the observed bulge. *Id.* at 101–02.

The Supreme Court of Maryland held that the officer lacked particularized facts to justify the stop and frisk. *Id.* at 111–12. The Court explained that the officer’s decision to stop Ransome was based solely on his observation of the bulge in his pocket and the officer’s immediate conclusion from the bulge that he might have been armed. *Id.* at 105–06. The Court reasoned that, although a “noticeable bulge in a man’s waist area may well reasonably indicate that the man is armed,” it may also have any of a number of innocent explanations, as “most men do not carry purses” and, “of necessity, carry innocent personal objects in their pants pockets—wallets, money clips, keys, change, credit cards, cell phones, cigarettes, and the like—objects that, given the immutable law of physics that matter occupies space, will create some sort of bulge.” *Id.* at 107–08. The Court held that the mere presence of “any large bulge in any man’s pocket,” standing alone, does not create the reasonable suspicion necessary for a *Terry* stop, as otherwise, police could lawfully “stop and frisk virtually every man they encounter.” *Id.* at 108. The Court considered it significant that the officer “never explained why he thought that [Ransome’s] stopping to look at his unmarked car as it slowed down was suspicious or why [his] later nervousness or loss of eye contact, as two police officers accosted him on the street, was suspicious.” *Id.* Without more, the Court held that the officer lacked reasonable articulable suspicion. *Id.* at 111.

The circumstances in *Ransome* are in stark contrast to those in this case for reasons already discussed at length above. We find no error or abuse of discretion by the trial court in denying the motion to suppress. For the reasons stated, we affirm the judgment of the circuit court.

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