

Circuit Court for Prince George's County  
Case No. C-16-CR-25-000088

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 591

September Term, 2025

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JONATHAN ALEXANDER GUZMAN

v.

STATE OF MARYLAND

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Graeff,  
Friedman,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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Filed: April 17, 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 Md. Rule 1-104(a)(2)(B).

Jonathan Guzman, appellant, was indicted in the Circuit Court for Prince George’s County with one count of possession of fentanyl and two counts of possession with the intent to distribute a controlled dangerous substance. He filed a motion to suppress the fentanyl pills discovered during a warrantless search of his person, as well as statements he made while detained. After a hearing, the court denied appellant’s motion to suppress the fentanyl and granted his motion to suppress the statements he made while in custody. The court reaffirmed its rulings on reconsideration.

Appellant subsequently entered a conditional guilty plea to possession of a controlled dangerous substance. The court sentenced him to one year of incarceration, all suspended, and eighteen months of supervised probation.

On appeal, appellant presents the following question for this Court’s review, which we have rephrased slightly, as follows:

Did the circuit court err in denying appellant’s motion to suppress the evidence recovered during a warrantless search of his person?

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

### **FACTUAL AND PROCEDURAL BACKGROUND**

On May 15, 2024, Corporal Dennis Smith, a member of the Narcotics Enforcement Division of the Prince George’s County Police Department, was conducting surveillance at the Bedford Station Apartment Complex in Hyattsville. Corporal Smith testified that, sometime in 2023, the apartment complex became overrun with open air fentanyl usage and dealing. In 2023 and 2024, there were always large crowds “hanging out” at the

complex smoking and selling fentanyl pills and crack cocaine. The police made “a lot of arrests trying to put a stop to the problem taking place at that location.”

While seated in his vehicle, which was approximately 40 yards away from the apartment complex, Corporal Smith conducted surveillance. He observed “a large amount of people milling around” and “known drug users congregating in stairwells to buildings.” He had an unobstructed view of the area.

Corporal Smith observed appellant walk from one of the stairwells and briefly stand in front of it. A person then approached appellant, and after a brief conversation, the person handed appellant “a folded paper currency.” Appellant took the currency and then reached into the left inner pocket of his jacket. He removed a small item from his pocket, and in a pinching motion, he placed the item into the outstretched cupped hand of the customer. The customer then inspected the item in his hand and walked away. Corporal Smith previously had seen appellant many times; he saw appellant at the complex “nearly every day” that he was there conducting surveillance.

Corporal Smith explained that the people at the complex “were always moving around” between different stairwells and different buildings, and he lost sight of appellant for approximately 45 minutes. Corporal Smith then observed appellant walk into a stairwell and disappear again. Corporal Smith and Officer Singh approached the stairwell to make contact with appellant. They saw appellant inside the stairwell with several other individuals who were “always out there.” Corporal Smith testified that he directed

everyone in the stairwell to stop.<sup>1</sup> He then directed appellant to stand up and take off his bag. Corporal Smith searched the left breast pocket of appellant's jacket because that was where he "observed [appellant] dealing drugs . . . earlier." He stated that he searched appellant because he had probable cause to search and arrest appellant based on "the earlier hand-to-hand narcotics transaction" he observed.

The State then played portions of the body cam video. Corporal Smith testified that the body cam video showed him searching appellant and recovering nine suspected fentanyl pills from appellant's pocket, as well as crumpled money from appellant's pants pocket. Corporal Smith testified that he had seen the type of exchange that occurred – an exchange of currency followed by pinching an item and placing it in the cupped hand of the payee – "many, many times." He had been a police officer for 15 years, and he had conducted "extensive periods of surveillance throughout [his] career." Corporal Smith stated that he had witnessed "tens of thousands of hand-to-hand narcotics transactions," including those involving open air drug dealing, controlled buys, and transactions where undercover officers purchased narcotics.

Corporal Smith testified that appellant's actions were "consistent with what [he] knew to be a hand-to-hand narcotics transaction." On cross-examination, however, he acknowledged that he could not specifically identify the small item appellant placed in the customer's hand.

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<sup>1</sup> The State introduced Corporal Smith's body worn camera video into evidence without objection. This footage shows Corporal Smith telling everyone to sit.

In closing, the State argued that Corporal Smith had probable cause to conduct a search incident to arrest based on his observation of appellant engaging in a suspected narcotics transaction. Corporal Smith described his experience conducting surveillance of the location of the arrest, which was an area known for extensive drug dealing and usage, and his observation of appellant taking currency from a customer, reaching into his jacket pocket, pinching an item and putting the item in the cupped hand of the customer, who inspected the item before walking away. This transaction was consistent with Corporal Smith's prior experiences involving hand-to-hand narcotics transactions. The State argued that there was probable cause to arrest appellant and search him incident to arrest.

Defense counsel argued that Corporal Smith did not have probable cause to arrest, which was demonstrated by the fact that appellant was never placed in handcuffs. Counsel also noted that Corporal Smith did not see the object exchanged.

The court issued its ruling on the record. Noting that it had the opportunity to observe Corporal Smith testify and judge his credibility, the court found that Corporal Smith observed conduct during surveillance that appeared to him to be a hand-to-hand transaction. It noted Corporal Smith's testimony that the location of transaction was "a high crime area and basically an open air drug market," and Corporal Smith observed appellant exchange something he retrieved from the interior left pocket of his jacket for money provided by another individual. The other individual "inspected what it was that was placed in his hand and then walked away." Corporal Smith subsequently approached and searched appellant, finding nine suspected fentanyl pills in the left interior pocket of

appellant's jacket. Based on the testimony and the credibility of the witness, the court found that Corporal Smith had probable cause to arrest appellant and search him incident to an arrest. Accordingly, the court denied appellant's motion to suppress the evidence recovered from his person.<sup>2</sup>

On May 13, 2025, appellant filed a motion to reconsider the denial of his motion to suppress. He argued that, to justify the warrantless search of his person, there must have been an actual lawful arrest, not merely probable cause to arrest him. He asserted that the court incorrectly based its decision "on the belief that because the officer had probable cause to arrest, that could then justify a search incident to arrest despite the fact that no arrest actually occurred." The court denied the motion to reconsider.

As indicated, after the court denied appellant's motion to suppress the evidence discovered on his person, appellant entered a conditional guilty plea to possession of a controlled dangerous substance. The court sentenced him to one year of incarceration, suspended, and eighteen months of supervised probation. This appeal followed.

### **STANDARD OF REVIEW**

This Court has described the standard of review for a motion to suppress as follows:

When reviewing a circuit court's denial of a motion to suppress evidence, we are "limited to the record developed at the suppression hearing." *Moats v. State*, 455 Md. 682, 694, 168 A.3d 952 (2017). "We review the evidence and

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<sup>2</sup> As indicated, the court granted appellant's motion to suppress statements appellant made after Corporal Smith stopped and seized him. No issue relating to this ruling is raised on appeal.

the inferences drawn therefrom in the light most favorable to the prevailing party.” *Thornton v. State*, 465 Md. 122, 139, 214 A.3d 34 (2019). As a “mixed question of law and fact[.]” we accept “the hearing court’s findings of fact unless they are clearly erroneous” but “review the hearing judge’s legal conclusions *de novo*[.]” *Id.* (citations omitted). Thus, we independently evaluate without deference to the circuit court whether a police officer’s conduct violated the constitutional rights of the defendant. *Sizer v. State*, 456 Md. 350, 362, 174 A.3d 326 (2017).

*Rodriguez v. State*, 258 Md. App. 104, 114-15 (2023). *Accord State v. Stone*, 493 Md. 78, 96 (2026).

## DISCUSSION

Appellant contends that the circuit court erred in denying his motion to suppress. He contends that evidence of “a hand-to-hand exchange, without more, does not justify probable cause for an arrest.” He further asserts that a hand-to-hand exchange, even in a high crime area, does not establish probable cause, and the cases that have found probable cause based on a hand-to-hand exchange involved an “intent to conceal.”

The State contends that the circuit court properly denied appellant’s motion to suppress. It argues that, based on the totality of the circumstances, including Corporal Smith’s extensive experience investigating illegal drug transactions and the occurrence of the transaction in an area known for “open air fentanyl usage and dealing,” Corporal Smith had probable cause to believe that appellant “had committed CDS offenses.” Accordingly, Corporal Smith had probable cause to arrest appellant and to search him incident to arrest.

I.

**Fourth Amendment and Probable Cause**

The Fourth Amendment to the United States Constitution provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” U.S. Const. amend. IV. Fourth Amendment protections are binding on the State through the Due Process Clause of the Fourteenth Amendment. *See Williams v. State*, 188 Md. App. 78, 90, *cert. denied*, 411 Md. 742 (2009). The Fourth Amendment does not protect against all searches; rather, “it proscribes only those that are unreasonable.” *Brown v. State*, 261 Md. App. 83, 92 (2024).

The general rule is that warrantless searches “are *per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.” *Id.* (quoting *Arizona v. Gant*, 556 U.S. 332, 338 (2009)). The exception at issue in this appeal is the exception for a search incident to a valid arrest. *Id.*

An “officer may arrest an individual without a warrant if he or she has probable cause to believe that the individual has committed a felony or misdemeanor in his or her presence.” *Id.* at 94. A search incident to arrest allows police to search the arrestee’s person and areas within the arrestee’s immediate control to ensure officer safety and prevent the destruction or concealment of evidence. *See Borges v. State*, 262 Md. App. 538, 549 (2024).

The question raised in this appeal is whether the police had probable cause to arrest appellant, which would permit a search incident to arrest. “To determine whether an officer

had probable cause to arrest an individual, we examine the events *leading up* to the arrest, and then decide ‘whether these historical facts, viewed from the stand-point of an objectively reasonable police officer, amount to’ probable cause.” *Pacheco v. State*, 465 Md. 311, 331 (2019) (quoting *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)). The Supreme Court of Maryland has explained the standard for establishing probable cause, as follows:

Probable cause . . . is a nontechnical conception of a reasonable ground for belief of guilt. A finding of probable cause requires less evidence than is necessary to sustain a conviction, but more evidence than would merely arouse suspicion. Our determination of whether probable cause exists requires a nontechnical, common sense evaluation of the totality of the circumstances in a given situation in light of the facts found to be credible by the trial judge. Probable cause exists where the facts and circumstances taken as a whole would lead a reasonably cautious person to believe that a felony had been or is being committed by the person arrested. Therefore, to justify a warrantless arrest the police must point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warranted the intrusion.

*Donaldson v. State*, 416 Md. 467, 481 (2010) (quoting *State v. Wallace*, 372 Md. 137, 148 (2002)). Probable cause “requires only a probability or substantial chance of criminal activity, not an actual showing of such activity.” *Brown*, 261 Md. App. at 95 (quoting *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018)). It “is not a high bar.” *State v. Johnson*, 458 Md. 519, 535 (2018) (quoting *Wesby*, 583 U.S. at 57)). Moreover, “‘context matters: actions that may appear innocuous at a certain time or in a certain place may very well serve as a harbinger of criminal activity under different circumstances.’” *Williams*, 188 Md. App. at 95 (quoting *Crosby v. State*, 408 Md. 490, 508 (2009)).

## II.

### Analysis

As indicated, appellant argues that Corporal Smith's observation of the hand-to-hand exchange in this case did not provide probable cause to believe that a drug transaction had occurred. Based on the totality of the circumstances here, we disagree.

Several cases are instructive in assessing circumstances that provide probable cause to arrest an individual for a suspected illegal drug sale based on a hand-to-hand exchange. In *Williams*, 188 Md. App. at 82-83, 92-93, a police officer witnessed what he believed was a hand-to-hand drug transaction while monitoring police surveillance cameras from the precinct. The officer observed the defendant hand an individual a small object and then retrieve currency from that individual using a "kind of a grip." *Id.* at 84. The exchange occurred in an open air drug market, and the individuals attempted to conceal the drugs during the exchange. *Id.* at 84, 93. Although the officer could not specifically identify the object exchanged, based on the officer's "experience and training," which included observing "thousands of street distribution methods," he believed the exchange was an illegal drug sale, and he arrested the defendant. *Id.* at 84, 88, 96. This Court upheld the search, noting that, based on the totality of the circumstances, including the officer's extensive training and experience, the location of the transaction in a known drug market, the manner of the defendant's hand gestures and gripping of the object, which attempted to conceal the object being exchanged, and that the purchaser left the area after the

purchase, the officer had probable cause to believe he had observed a drug transaction. *Id.* at 92-97.

In *Donaldson*, 416 Md. at 480, the Supreme Court of Maryland addressed probable cause in the context of a hand-to-hand exchange. In that case, the police observed Donaldson walking with a group of people. *Id.* at 482. He then removed a clear plastic bag from the rear of his pants, took two small white objects from the bag, and exchanged those objects for money. *Id.* When the exchange occurred, appellant and other individuals were gathered in a corner by an alleyway. *Id.* The Court stated that, although gathering in a corner near an alleyway “by itself [did] not necessarily suggest illegal activity, it certainly support[ed] the conclusion that the group was engaged in some activity they wanted to conceal.” *Id.* at 482-83. The officer testified that this activity occurred in a high drug area, and based on the officer’s “training and experience with narcotics transactions,” he believed that Donaldson had engaged in a drug sale. *Id.* at 483. Under the totality of the circumstances, the Court held that the facts were sufficient to establish probable cause that a crime had been committed. *Id.*

Here, based on the totality of the circumstances, we similarly conclude that Corporal Smith had probable cause to believe that appellant engaged in a drug transaction. Corporal Smith testified that the transaction occurred in an area known for extensive drug dealing, particularly the use and sale of fentanyl pills. He had “done extensive periods of surveillance throughout [his] career” and “witnessed tens, at least tens of thousands of hand-to-hand narcotics transactions involving open air drug dealing.” He testified that the

type of transaction he observed here, an exchange of currency followed by pinching an item and placing it in the cupped hand of the payee, was one that he had seen many times, and it was consistent with what he knew to be a drug transaction. The circuit court found this testimony to be credible and appropriately gave it weight in the probable cause analysis. *See Williams*, 188 Md. App. at 92 (“[C]onsiderable credit can be given to the expertise of law enforcement officers in conducting investigations into illegal drug activity.”) (quoting *Birthead v. State*, 317 Md. 691, 703 (1989)).

Appellant argues that an intent to conceal the transaction is required before a hand-to-hand exchange can suffice to generate probable cause. We disagree. Rather, we look at the totality of the circumstances. As indicated, the totality of the circumstances here provided probable cause to believe that appellant had engaged in a drug deal.<sup>3</sup>

Appellant argues that appellant’s pinching of the object exchanged during the transaction was not a “criminal indicator of a drug transaction.” He contends that finding probable cause based on this motion could potentially punish “a person for grabbing any small object,” which would “disproportionately affect lower-income communities” who often rely on cash transactions. As the Supreme Court has stated, however, “context matters.” *Crosby*, 408 Md. at 508. Thus, actions – such as pinching an item taken from an

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<sup>3</sup> That Corporal Smith could not specifically identify the object exchanged for the currency also is not dispositive here. *See Williams v. State*, 188 Md. App. 78, 93 (“Probable cause may be found even if a trained, experienced police officer is not able to see whether the object transferred by one person to another was contraband.”), *cert. denied*, 411 Md. 472 (2009). *Accord Sivells v. State*, 196 Md. App. 254, 295 (2010), *cert. dismissed as improvidently granted*, 421 Md. 659 (2011).

inner pocket and placing it in another's hand after money was exchanged – “that may appear innocuous at a certain time or in a certain place may very well serve as a harbinger of criminal activity under different circumstances.” *Id.* (quoting *United States v. Branch*, 537 F.3d 328, 336 (4th Cir. 2008)). *Accord Freeman v. State*, 249 Md. App. 269, 276 (2021) (location of suspected drug transaction is a “critical facet” of probable cause analysis).

Here, Corporal Smith testified that the stairwells in the apartment complex under surveillance had become “over raided with open air fentanyl usage and dealing” at the time of the arrest. The law did not require him to rule out all innocent explanations for appellant's actions before determining that appellant's actions during the exchange, viewed together with other circumstances, suggested that appellant was selling fentanyl pills. *Williams*, 188 Md. App. at 96-97.

Considering the totality of the circumstances here, including the location of the transaction in a known open air fentanyl market, the officer's extensive experience surveilling drug transactions, and his conclusion, based on the manner in which the exchange was conducted, that the exchange was a drug transaction, the circuit court properly concluded that Corporal Smith had probable cause to arrest appellant. The court properly denied appellant's motion to suppress.

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE'S COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**