Circuit Court for Baltimore City
Case No. 423353003

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 838

September Term, 2024

JEREMIAH TAYLOR

v.

STATE OF MARYLAND

Ripken,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kenney, J.

Filed: July 3, 2025

*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 Rule 1-104(a)(2)(B).

Jeremiah Taylor, appellant, was charged with illegal possession of a firearm and related offenses. Before trial in the Circuit Court for Baltimore City, Taylor moved to suppress the firearm from being introduced in evidence on the grounds that it was obtained in a search that violated his Fourth Amendment rights. The circuit court denied the motion.

Taylor then entered a conditional plea of guilty to one count of illegal possession of a firearm that preserved his right to appellate review of the denial of his motion to suppress. The court accepted the plea and sentenced Taylor to five years of incarceration, with all but time served suspended, and three years of supervised probation.

On appeal, Taylor asks "Did the circuit court err in denying [the] motion to suppress?" We perceive no error and shall affirm.

BACKGROUND

The only witness to testify at the suppression hearing was Officer Antonio Johnson, a five-year veteran of the Baltimore City Police Department who had been assigned to the Southwest District Action Team ("SDAT") for three years. The SDAT is a specialized unit focused on carjacking, motor vehicle theft, and crimes involving drugs and firearms. Officer Johnson was accepted by the court as an expert in the characteristics of an armed person.

On November 15, 2023, at approximately 10:40 a.m., Officer Johnson and three other SDAT officers were patrolling "high crime areas" in an unmarked vehicle. The officers were wearing black tactical vests with the word "police" on the front and back, and their badges were clearly visible.

Officer Johnson, who was driving the patrol vehicle, observed a group of six males standing on the corner of the 1700 block of Lemmon Street, which is "one of the areas [SDAT] focus[es] on." Officer Johnson testified that the 1700 block of Lemmon Street is a "real big drug shop" that is active "pretty much 24 hours out of the day." He stated, "[i]n that area there's . . . a lot of CDS [controlled dangerous substance] calls . . . and armed person calls as well [as] stolen autos."

Officer Johnson stopped the unmarked vehicle in front of the group of men, and his partners started a conversation with them through the open windows of the vehicle. As the vehicle was pulling up, one member of the group "immediately stepped in front of" Taylor, "as if he was obstructing [the officers'] view for some reason, of Mr. Taylor."

Officer Johnson moved the car forward slightly to "get a better view" of Taylor. Taylor was looking at his phone and did not engage in conversation with the officers. Officer Johnson described Taylor's demeanor as "calm . . . like pretty much ignoring us, just didn't want nothing to do with us, just doing his own thing." Officer Johnson continued:

> I immediately noticed a bulge in his front waistband. When I saw that bulge, I saw his shirt. His shirt didn't come and lie flat[.]
>
> * * *
>
> Mr. Taylor's shirt was pinched at his waistband as if there's like an object in his waistband keeping his shirt pinched up. The rest of his shirt just flew down regularly.
>
> * * *

> So I began observing him closer . . . . [W]hen doing so, I observed like a cylinder shape going parallel down his right leg, coming from that same bulge from his waistband[.]

Based on his observations, Officer Johnson suspected that Taylor had a gun. He stated:

> At this time I believe [Taylor] was in possession of a handgun due to the fact that individual stepped between us[,] kind of blocking him, as if he was trying to like guard him[;] the original bulge with his shirt pinched up like laying on the handle of the handgun[;] and then the cylinder shape going parallel down his right leg[,] which I believe would be the barrel of the handgun coming from the bulge[,] which would be the handle[.]

Taylor was immediately detained and patted down for weapons. A loaded firearm was recovered from Taylor's waistband. Footage from Officer Johnson's body-worn camera was admitted into evidence.

In announcing its ruling from the bench, the suppression court made the following findings:

> [The police] were operating an unmarked patrol vehicle in the 1700 block of Lemmon Street . . . . The area is known to law enforcement as a high crime area. Officer Johnson observed a group of males conversing. Officer Johnson observed a[n] unidentified male position himself in front of [Taylor] which caused Officer Johnson to believe that the male was purposely blocking [the police] from clearly observing [Taylor]. The other individuals in the group were engaged with the officers; however, [Taylor] did not speak to the officers or look at the officers.
>
> Officer Johnson moved the unmarked patrol vehicle forward and observed the bulge protruding from [Taylor's] front waistband area[.] Officer Johnson observed a non-anatomical cylinder-shaped object protruding vertically down the side of [Taylor's] right leg. Through his training, knowledge, and experience, Officer Johnson believed that [Taylor] exhibited the characteristics of an armed person.

The court concluded that police had reasonable, articulable suspicion that Taylor was armed and dangerous and denied the motion to suppress.

STANDARD OF REVIEW

"Our review of a circuit court's denial of a motion to suppress evidence is 'limited to the record developed at the suppression hearing.'" *Pacheco v. State*, 465 Md. 311, 319 (2019) (quoting *Moats v. State*, 455 Md. 682, 694 (2017)). "We assess the record 'in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress.'" *Id.* (quoting *Norman v. State*, 452 Md. 373, 386 (2017)). "We accept the trial court's factual findings unless they are clearly erroneous, but we review de novo the court's application of the law to its findings of fact." *Id.* (cleaned up). " When a party raises a constitutional challenge to a search or seizure, this Court renders an 'independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case.'" *Id.* (cleaned up) (quoting *Grant v. State*, 449 Md. 1, 15 (2016)).

DISCUSSION

"The Fourth Amendment to the United States Constitution bars the government from subjecting people to 'unreasonable searches and seizures[.]'" *Washington v. State*, 482 Md. 395, 420 (2022) (quoting U.S. CONST. amend. IV). "'The exclusion of evidence obtained in violation of these provisions is an essential part of the Fourth Amendment protections.'" *Id.* (cleaned up) (quoting *Trott v. State*, 473 Md. 245, 254 (2021)).

Subject to a "'few specifically established and well-delineated exceptions[,]'" "warrantless searches and seizures are presumptively unreasonable and, thus, violative of

the Fourth Amendment." *Thornton v. State*, 465 Md. 122, 141 (2019) (quoting *Grant*, 449 Md. at 16-17). One exception to the warrant requirement is the "'stop and frisk' doctrine," which was recognized by the United States Supreme Court in *Terry v. Ohio*, 392 U.S. 1 (1968). *Id.*

> A "frisk" is, in essence, a limited search, which is constrained to a pat-down of an individual's outer clothing. The purpose of a protective *Terry* frisk is not to discover evidence, but rather to protect the police officer and bystanders from harm. As such, a law enforcement officer may legitimately frisk an individual if the officer has reasonable articulable suspicion that the person with whom the officer is dealing is armed and dangerous.

Id. at 142 (cleaned up).

In other words, an officer's reasonable suspicion justifying a frisk does not require absolute certainty "that an individual is armed and dangerous." *Id.* (citing *Sellman v. State*, 449 Md. 526, 541 (2016)). "It does, however, require an officer to have 'specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant th[e] intrusion.'" *Id.* (quoting *Sellman*, 449 Md. at 542). "A hunch or general suspicion is not enough, but reasonable suspicion can be supported by circumstances and conduct that, viewed alone, appear innocent yet 'collectively warrant further investigation.'" *Washington*, 482 Md. at 422 (quoting *Trott*, 473 Md. at 257). Accordingly, "[w]hen a court is faced with deciding whether an officer possessed reasonable suspicion to frisk an individual, the court must take an objective view of the totality of the circumstances." *Thornton*, 465 Md. at 142-43 (citing *Bailey v. State*, 412 Md. 349, 365 (2010)). "The court should give due weight to an officer's 'specific reasonable inferences which he [or she] is entitled to draw from the facts in light of his [or her] experience.'" *Id.*

at 143 (quoting *Sellman*, 449 Md. at 541). 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 v. State*, 408 Md. 490, 508 (2009) (cleaned up) (quoting *United States v. Arvizu*, 534 U.S. 266, 273 (2002)).

Taylor asserts that the stop and frisk at issue violated his Fourth Amendment rights because "the 'bulge' is too unreliable to establish reasonable suspicion[, a]nd neither the alleged 'blocking' nor the 'high-crime area' factors change that." The State counters that the police had reasonable suspicion to justify the frisk based on the totality of the circumstances, including "the bulges in Taylor's waistband and along his inner thigh, and the fact that this behavior occurred in a high crime area that police had specifically targeted[.]"

Taylor relies on *Ransome v. State*, 373 Md. 99 (2003), to support his claim that police lacked reasonable suspicion to stop him and pat him down for weapons. In *Ransome*, the Supreme Court of Maryland declined to hold that a "large bulge" in a man's pocket, standing alone, gives rise to reasonable suspicion that the man is armed.[1] The Court reasoned:

> We can take judicial notice of the fact . . . that, as most men do not carry purses, they, 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

[1] The Court in *Ransome* noted "[t]here have been, to be sure, many cases in which a bulge in a man's clothing, *along with other circumstances*, has justified a frisk, and those cases are entirely consistent with *Terry* [*v. Ohio*]." *Ransome v. State*, 373 Md. 99, 108 (2003) (emphasis added).

> matter occupies space, will create some sort of bulge. To apply [*Pennsylvania v.*] *Mimms*, [434 U.S. 106 (1977),] which involved a large bulge in the waist area observed upon the stop of a man who had been driving on an expired tag, uncritically to any large bulge in any man's pocket, would allow the police to stop and frisk virtually every man they encounter. We do not believe that *Mimms*, or any other Supreme Court decision, was intended to authorize that kind of intrusion.

Id. at 107-08. Taylor argues that, compared to the facts in *Ransome*, there is "even less justification" for the stop and frisk in this case because Officer Johnson "offered almost no evidence to dispel innocent explanations for the bulge" in Taylor's waistband and the cylindrical object in his pant leg. Taylor further claims that there were no "other objective non-bulge factors to enhance Officer Johnson's suspicions."

Taylor's argument is unavailing for two reasons. First, his reliance on *Ransome* is misplaced. As the State points out, the *Ransome* Court drew a critical distinction between a bulge in a man's pocket and a bulge in a waistband, and commented that the latter "may well" give rise to reasonable suspicion "that the man is armed":

> We accept, as *Mimms* and our own knowledge of what occurs with alarming frequency on our streets require us to do, that a noticeable bulge in a man's waist area may well reasonably indicate that the man is armed. Ordinarily, men do not stuff bulky objects into the waist areas of their trousers and then walk, stand, or drive around in that condition; regrettably, the cases that we see tell us that those who go armed do often carry handguns in that fashion.

Id. at 107. Second, upholding a stop and frisk does not require the State to disprove innocent explanations for suspicious behavior. *See Trott*, 473 Md. at 268 ("'[A] determination that reasonable suspicion exists . . . need not rule out the possibility of innocent conduct.'" (quoting *Arvizu*, 534 U.S. at 277)).

Viewed in the light most favorable to the State, the evidence before the suppression court demonstrated that Taylor was among a group of six individuals gathered on the corner of a block specifically monitored by police because of round-the-clock illegal drug activity. When the unmarked police vehicle occupied by four officers in tactical vests stopped in front of the group, one of the males immediately stepping in front of Taylor appeared to Officer Johnson to be an attempt to block Taylor from view. By moving the vehicle forward, Officer Johnson observed a bulge in Taylor's front waistband, which could "reasonably indicate" the presence of a weapon. *Ransome*, 373 Md. at 107. The front of Taylor's shirt was caught up in the waistband bulge, and Officer Johnson observed a cylindrical object, which he described as consistent with the shape of the barrel of a handgun, positioned vertically between the bulge in Taylor's waistband and the right leg of Taylor's pants.

Taylor argues that Officer Johnson's characterization of Taylor's companion's behavior as an attempt to block the officers' view of Taylor is speculation and should not be considered in the analysis of reasonable suspicion because (1) Officer Johnson did not know whether the companion was aware that Taylor had a gun, and (2) when Officer Johnson pulled the patrol vehicle forward to get a better view of Taylor, the companion did not also move. We do not agree. Reasonable suspicion '"does not deal with hard certainties, but with probabilities. Long before the law of probabilities was articulated as such, practical people formulated certain common sense conclusions about human behavior; . . . fact-finders are permitted to do the same—and so are law enforcement officers."' *Cartnail v. State*, 359 Md. 272, 288 (2000) (quoting *United States v. Cortez*, 449

U.S. 411, 418 (1981)). According to Officer Johnson, who was accepted by the court as an expert in the characteristics of an armed person, it is "common" for someone to stand between a police officer and an individual carrying a gun, and he had personally witnessed that behavior on prior occasions. His belief that Taylor's companion attempted to block Taylor from the view of the police was supported by "specific reasonable inferences" that he was "entitled to draw from the facts in light of his . . . experience." *Thornton*, 465 Md. at 143 (cleaned up). The court did not err in considering the "blocking" behavior evidence in its analysis of reasonable suspicion.

Taylor further asserts that the court erred in finding the 1700 block of Lemmon Street to be a high crime area because the evidence was insufficient to satisfy the standard announced by the Supreme Court of Maryland in *Washington*, 482 Md. at 443:

> [T]he reasonable suspicion analysis requires support from specific facts such that testimony concerning a location being a high-crime area must be particularized as to the location or geographic area at issue, the criminal activity known to occur in the area, and the temporal proximity of the criminal activity known to occur in the area to the time of the stop. Testimony must identify a location or geographic area, not an overly broad region, and particular criminal activity occurring in the not-too-distant past, to support the conclusion that the location is indeed a high-crime area. Additionally, the conduct giving rise to officers' suspicions must not be inconsistent with the nature of the crimes alleged to establish the high-crime area.

In our view, Officer Johnson's testimony satisfied these considerations in that it identified a particular location (the 1700 block of Lemmon Street); the criminal activity known to occur there (illegal drug distribution); and the time when the criminal activity is

known to occur ("pretty much 24 hours" a day).[2] Furthermore, the conduct giving rise to Officer Johnson's suspicion that Taylor was in possession of a firearm was not inconsistent with the nature of the crimes that, according to Officer Johnson, established the 1700 block of Lemmon Street as a high crime area. *See, e.g.*, *Bost v. State*, 406 Md. 341, 360 (2008) ("Guns often accompany drugs, and many courts have found an 'indisputable nexus between drugs and guns.'" (quoting *United States v. Sakyi*, 160 F.3d 164, 169 (4th Cir. 1998))).

In short, and based on the totality of the circumstances in this case, the court did not err in determining that police had reasonable, articulable suspicion that Taylor was armed and dangerous.

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

[2] Taylor claims that Officer Johnson's testimony that there was illegal drug activity on the 1700 block of Lemmon Street "pretty much 24 hours out of the day" was too "wide-ranging" to establish temporal proximity to the stop in question. Taylor provides no legal authority in support of his claim, however. We note that, in a different context, our Supreme Court has observed that "[o]nce an area is known as a drug market, it may draw prospective drug purchasers or sellers throughout the course of the day." *Dawson v. State*, 329 Md. 275, 286 (1993).