Circuit Court for Baltimore County
Case No. C-03-CR-21-002020

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 879

September Term, 2024

LAJUAN SMITH

v.

STATE OF MARYLAND

Nazarian,
Zic,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kenney, J.

Filed: May 22, 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 Rule 1-104(a)(2)(B).

Appellant, Lajuan Smith, was indicted in the Circuit Court for Baltimore County, Maryland, with possession with intent to distribute cocaine, possession of cocaine, possession with intent to distribute marijuana, and possession of marijuana. After his motion to suppress was denied, Mr. Smith was tried by a jury.[1] He was convicted of the cocaine-related offenses and sentenced to ten years' imprisonment for possession with intent to distribute cocaine, and the possession count merged. In his timely appeal, he asks the following slightly modified questions:

1. Did the motions court err by denying the motion to suppress evidence?

2. Did the trial court abuse its discretion by allowing Detective Anderson to testify that Mr. Smith was on the "mid-level tier" of a drug trafficking organization?

3. Did the trial court err by admitting evidence that marijuana was recovered from the residence, where the State was not pursuing any charges related to marijuana?

For the following reasons, we shall affirm.

FACTS AND PROCEDURAL BACKGROUND

In the spring of 2021, Baltimore County Police began an investigation into an alleged cocaine distribution network on the east side of Baltimore County targeting another individual, Paul Demboski.[2] Wiretap information during that investigation identified other

[1] Prior to the jury's deliberations, the State nol prossed the marijuana-related counts.

[2] The Application and Affidavit for the warrant uses "Demboski," as does the appellant's brief. The State's brief uses "Dembowski," as does the transcript. We will use "Demboski."

participants, including Anthony Carwell, Andre Warren and Raymond Williams, as well as particular locations connected to the network's distribution activity, including Mr. Smith's residence at 6 Bryce Court, Nottingham, Maryland, for which a search warrant was obtained.

Officers from the Harford County Sheriff's Office and Baltimore County Police Department executed that warrant at around 5:00 a.m. on May 10, 2021. As they surrounded the residence, an officer observed movement inside and then saw a person exit the dwelling onto a deck, look in both directions, and return inside. Moments later, the person exited again and threw a dark, fabric object into a nearby wooded area. Officers recovered from that area a "balled up sock," which contained a plastic bag of white matter. When it was tested and weighed, the white matter was determined to be approximately sixty grams of cocaine. Mr. Smith was the only person present inside 6 Bryce Court when the warrant was executed.

Police recovered a number of items of evidence from inside the residence, including: approximately two ounces of suspected marijuana; "marijuana butter" in the refrigerator; digital scales; a laptop; packaging materials, including a heat sealer and Ziploc baggies; and $2,132 in U.S. currency. A police expert testified that, at the time of trial, an ounce of cocaine sold for between $900 and $1,400. But during the pandemic, when the search warrant was executed in this case, that number was higher. The expert opined that the sixty grams of cocaine found in the "balled up sock" outside the residence, coupled with the

other evidence recovered, was "indicative of somebody that has an intent – possession with intent to distribute."

We shall include additional details in the following discussion.

DISCUSSION

I.

Mr. Smith first contends that the court erred in denying his motion to suppress evidence seized pursuant to a search warrant because the warrant did not establish any nexus between his suspected drug activity and his residence at 6 Bryce Court, the residence that was identified in the search warrant. In support, he argues that a reasonably trained police officer could not have acted in good faith in relying on the warrant and that the evidence should have been suppressed. The State counters that there was a substantial basis for a finding of probable cause by the warrant-issuing judge, but even if not, the executing officers acted in good faith reliance on that warrant. Thus, the court properly denied the motion to suppress.

The Fourth Amendment to the United States Constitution commands that, "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." U.S. CONST. amend. IV.[3] *Accord Richardson v. State*, 481 Md. 423, 450 (2022). In the context of search warrants, probable cause has been defined as a "fair probability that

[3] These same constitutional rights are provided to Marylanders in Article 26 of the Maryland Declaration of Rights.

contraband or evidence of a crime will be found in a particular place." *Illinois v. Gates*, 462 U.S. 213, 238 (1983); *see also Maryland v. Pringle*, 540 U.S. 366, 370-71 (2003) (restating the well-known doctrine of probable cause to be a "a fluid concept – turning on the assessment of probabilities in particular factual contexts[,]" involving "the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act[,]" and that "depends on the totality of the circumstances" (cleaned up)); *Pacheco v. State*, 465 Md. 311, 324 (2019) ("In describing probable cause, the Supreme Court has rejected rigid rules, bright-line tests, and mechanistic inquiries in favor of a more flexible, all-things-considered approach" (cleaned up)).

Although the probable cause standard is meant "to safeguard citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime[,]" *Brinegar v. United States*, 338 U.S. 160, 176 (1949), it does not set a particularly "'high bar.'" *State v. Johnson*, 458 Md. 519, 535 (2018) (cleaned up) (quoting *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018)). While arresting officers must have "more than bare suspicion[,]" *Brinegar*, 338 U.S. at 175, they need not have proof sufficient to establish guilt beyond a reasonable doubt or even by a preponderance of the evidence, *Gates*, 462 U.S. at 235. Probable cause rests on a "fair probability," *id*. at 246, or a "substantial chance," *id*. at 243 n.13.

In determining whether there is probable cause, both an issuing judge and a reviewing court are confined to averments within the four corners of the search warrant application. *Sweeney v. State*, 242 Md. App. 160, 185 (2019) ("When we review the basis

of the issuing judge's probable cause finding, we ordinarily apply the 'four corners rule' and confine our consideration of probable cause solely to the information provided in the warrant and its accompanying application documents." (cleaned up)). We consider those averments under the totality of the circumstances. *Stevenson v. State*, 455 Md. 709, 727 (2017) ("No single item of information in the affidavit stands alone in supplying the requisite probable cause for the warrant-issuing judge, or the 'substantial basis' analysis that reviewing courts must use in assessing that judge's probable cause determination.").

In other words, rather than conducting a *de novo* inquiry into whether the warrant was supported by probable cause, our review is directed to whether the "'*issuing judge had a substantial basis* for concluding that the [court order] was supported by probable cause.'" *Whittington v. State*, 474 Md. 1, 31 (2021) (emphasis in *Whittington*) (quoting *Patterson v. State*, 401 Md. 76, 89 (2007), in turn citing *Greenstreet v. State*, 392 Md. 652 (2006)). *Accord Tomanek v. State*, 261 Md. App. 694, 713 (2024). Like this Court, the suppression court "sits in an appellate-like capacity with all of the attendant appellate constraints." *State v. Johnson*, 208 Md. App. 573, 578 (2012) (cleaned up); *see also State v. Jenkins*, 178 Md. App. 156, 170 (2008) ("In a review posture such as the present one, the deference that is owed by us is to the warrant-issuing judge, just as the deference of the suppression hearing judge was owed to the warrant-issuing judge."). For that reason, a suppression hearing judge may be "called upon to uphold the warrant-issuing judge for having had a substantial basis for issuing a warrant even if the suppression hearing judge himself would not have

found probable cause from the same set of circumstances." *Johnson*, 208 Md. App. at 578. *Accord State v. Amerman*, 84 Md. App. 461, 463 (1990).

Indeed, "[t]he substantial basis standard involves something less than finding the existence of probable cause, and [it] is less demanding than even the familiar 'clearly erroneous' standard by which appellate courts review judicial fact finding in a trial setting." *State v. Coley*, 145 Md. App. 502, 521 (2002) (quotation marks and citations omitted). "[R]eviewing courts must assess affidavits for search warrants in 'a commonsense and realistic fashion,' keeping in mind that they 'are normally drafted by nonlawyers in the midst and haste of a criminal investigation.'" *State v. Faulkner*, 190 Md. App. 37, 47 (2010) (quoting *United States v. Ventresca*, 380 U.S. 102, 108 (1965)). Therefore, reviewing courts need to bear in mind not only

> "the Fourth Amendment's strong preference for searches conducted pursuant to a warrant," *Gates*, 462 U.S. at 236, but also the Supreme Court's recognition that "[r]easonable minds frequently may differ on the question whether a particular affidavit establishes probable cause," [*United States v. Leon*, 468 U.S. 897, 914 (1984)]. In consideration of both principles, the Supreme Court has "concluded that *the preference for warrants is most appropriately effectuated by according 'great deference' to a magistrate's determination." Id. Thus, "in a doubtful or marginal case a search under a warrant may be sustainable where without one it would fall." Id*. "[S]o long as the magistrate had a 'substantial basis for . . . conclud[ing]' that a search would uncover evidence of wrongdoing, the Fourth Amendment requires no more." *Gates*, 462 U.S. at 236. If that "substantial basis" standard is met, then any court called upon thereafter to review the warrant is required to uphold it.

Stevenson, 455 Md. at 723-24 (some internal citations omitted; emphasis added).

Here, the Search and Seizure Warrant permitted the search of both Mr. Smith's person and the premises known as 6 Bryce Court, Nottingham, Maryland, 21236, a multi-

story row house in Baltimore County. As we will detail further, the investigation at issue centered on multiple individuals, one of whom was Mr. Smith, and two properties. One was 6 Bryce Court, which was associated with Mr. Smith and Raymond Williams; the other was 2332 Ocala Avenue in Baltimore, which was identified as a suspected stash location for narcotics.

According to the Application and Affidavit supporting the search warrant, the target was Paul Michael Demboski, who police believed was involved in a cocaine distribution scheme. The Affidavit alleged that Anthony Carwell supplied Demboski approximately 500 grams of cocaine every month. Carwell's sources, in turn, were Andre Warren and Raymond Williams. The Affidavit states that the investigation into these individuals involved wiretaps, GPS tracking of vehicles, and direct observation.

As the investigation progressed in March and April 2021, the affiants on the search warrant, Detectives Anderson, Owensby, and Trageser, associated 2332 Ocala Avenue with Warren's and Williams's narcotics operations. The repeatedly-observed activity at 2332 Ocala Avenue was consistent with narcotics trafficking that included frequent short-stay visitors, suspected drug exchanges, and individuals carrying items in and out of their meetings. Warren was once observed leaving 2332 Ocala Avenue and traveling to 300 Saint Paul Street, where he was directly observed engaging in "several suspected drug transactions[.]" On a separate occasion, Carwell, after meeting with Williams, was observed leaving Ocala Avenue and traveling to a BP gas station where the police observed activity "consistent with a narcotics transaction."

On April 15, 2021, police observed several individuals enter 2332 Ocala Avenue, while Williams's vehicle was parked outside, including Mark Brown, an individual with numerous felony drug arrests. Later that afternoon, Williams, carrying a white plastic bag, exited the location and drove to 303 E. 29th Street in Baltimore City. There, he met briefly with an unidentified individual. The affiants characterized the conduct in that meeting as consistent with a narcotic-related transaction. After Williams was observed meeting with Kason Stephens, the affiants suspected Williams was in possession of proceeds generated from narcotics transactions.

Further investigation revealed that Williams listed 6 Bryce Court as his primary residence on the information provided to the Maryland Motor Vehicle Administration. In addition, the Baltimore County Narcotics Section had received a complaint from an unidentified complainant that Mr. Smith also resided at 6 Bryce Court and was "utilizing fake businesses and vehicles rented from Enterprise Rent-A-Car to conceal his involvement in the interstate trafficking of narcotics."

Further facts related to Mr. Smith were provided. On an unspecified date, apparently in mid-April 2021, detectives conducting surveillance on 2332 Ocala Avenue observed Mr. Smith arrive in a rented vehicle around 5:25 p.m. and leave approximately twenty minutes later. From there, he proceeded to the 900 block of Sun Circle Way where he entered a residence carrying a white plastic bag. Shortly thereafter, he and an unknown male exited without the bag. From there, he drove to 6 Bryce Court and entered using a key. Further

investigation revealed that the physical description of the unknown male at 939 Sun Circle Way was consistent with Allan Crankfield, a known drug dealer. The Affidavit then states:

> Based upon the investigation detailed above, your Affiants believe that Lajuan SMITH obtained a quantity of Cocaine from 2332 Ocala Avenue which he then distributed to the unknown male at 939 Sun Circle Way. Furthermore, your Affiants believe that Lajuan SMITH is a co-conspirator of Raymond WILLIAMS and the two are working in concert to distribute Cocaine in the Baltimore Metropolitan area.

The Affidavit provides the following summary:

> Intercepted communications, surveillance, and historical information, detailed in this Affidavit, demonstrate that Andre WARREN, is managing a Cocaine distribution organization operating in Baltimore County.
>
> Raymond WILLIAMS has been identified as a co-conspirator of Andre WARREN who is also involved in the distribution of Cocaine. Raymond WILLIAMS currently has a listed address of 6 Bryce Court, 21236 in the MVA database. A check of available databases revealed that Raymond WILLIAMS has provided the address 6 Bryce Court during prior encounters with law enforcement. The check also revealed that a complaint was recently received by the Baltimore County Police Department advising that Lajuan SMITH was residing a [sic] 6 Bryce Court and was involved in the trafficking of narcotics.
>
> During surveillance operations Lajuan SMITH was observed at the address 2332 Ocala Avenue. This location is being utilized by Andre WARREN and Lajuan SMITH to facilitate the distribution of narcotics. After leaving 2332 Ocala Avenue, Lajuan SMITH was observed engaging in a suspected narcotics transaction. After the narcotics transaction, Lajuan SMITH drove to 6 Bryce Court where he entered the front door using a key.

To support a no-knock warrant at 6 Bryce Court, the Affidavit states that Mr. Smith has a significant criminal history in Maryland. He was convicted of possession with intent to distribute following his arrest on that charge on January 25, 1993. He was convicted of first-degree arson and malicious destruction of property following an arrest on February

17, 1994. And he was convicted of first-degree murder and various handgun-related charges following an arrest on June 7, 2000.

Based on their training, knowledge, and experience,[4] the affiants averred that drug traffickers keep on hand large amounts of narcotics, currency, and paraphernalia where they are "readily accessible" to them, as in "their residence, vehicles, and places of business." They were also aware that drug traffickers "maintain firearms and ammunition in connection with their drug trafficking activities" along with "photographs and videos of themselves, their associates, their property and/or assets, and their drugs[.]" In addition, drug traffickers "commonly use vehicles to move quantities of drugs and currency to other locations for storage and further distribution" and they "often rent vehicles instead of using their own to prevent their own vehicles from being seized by law enforcement."

At the suppression hearing, Defense Counsel stated that Mr. Smith was "not the initial target" of the investigation and that the investigation "was really not about [him] but about the other individuals that the police are focusing on." According to Defense Counsel, the averments in the warrant concerning Mr. Smith's relation to 2332 Ocala Avenue and 6 Bryce Court did not indicate any involvement in narcotics activity. In addition, Defense Counsel noted that the rental car Mr. Smith was driving was not registered to 6 Bryce

[4] The affiants provided detailed information about their knowledge, training, and experience in narcotics-related investigations, including familiarity with the manner in which illegal narcotics are transported, stored and distributed, the use of counter-surveillance techniques to investigate these crimes, including wiretap investigations, and their participation in the preparation and execution of search and seizure warrants resulting in the recovery of narcotics-related evidence and the arrest of dealers and users of narcotics.

Court, and there was no evidence that the white plastic bag referenced in the warrant application contained narcotics. Moreover, any allegation in the warrant application of his involvement in narcotics trafficking was based on anonymous sources. After arguing that there was no connection between Mr. Smith's alleged drug activity and 6 Bryce Court, Defense Counsel concluded:

> But I don't think, even if we're viewing it under the substantial basis standard, I don't think there's a substantial basis for an issuing judge to find probable cause. But on top of that, it's so lacking in probable cause that leaning on good faith does not save it. No reasonable officer, reasonably trained officer would believe that this set of facts could lead a judge to sign a warrant for an address, again, which there has been no nexus shown that in fact narcotics would be found at that location.
>
> So for all those reasons, Your Honor, we're asking the Court most respectfully to grant the motion to suppress, to suppress any items found in the home but in addition to that, any items found within the curtilage of the home as the warrant was being executed.

The State responded that there was a substantial basis for the search warrant and that, in the alternative, the executing officers relied on the warrant in good faith.

The court ruled as follows:

> This was a very lengthy investigation. The application for the search warrant includes substantial evidence pointing to primarily Mr. Williams and Mr. Warren involved in a conspiracy to distribute cocaine.
>
> They received at some point during the course of the investigation a complaint from a person who was not identified in the application that [Mr. Smith] was residing at 6 Bryce Court and that he was utilizing fake businesses and renting vehicles from Enterprise to traffic narcotics.
>
> So there was in this case a lot of surveillance and there was an ongoing wiretap where calls were being intercepted.

During the residence -- during surveillance of the residence at -- a residence at Ocala Avenue, the detectives see a Toyota Camry driving up to the residence and parking there. Now there had been a lot of surveillance of this particular address and comings and goings that very strongly suggested that there was narcotics trafficking taking place out of this residence or around it.

So they ran a check on this Toyota Camry and found that it was rented from Enterprise and then were able to identify the rentee as [Mr. Smith]. They then obtained photographs of [Mr. Smith] from their database and they were able to identify him as the person that they saw at Ocala Avenue.

The investigation continues, but at some point they follow [Mr. Smith] and observe him entering a residence at 6 Bryce Court, consistent again with the information provided by the caller, and he's carrying a white plastic bag.

[DEFENSE COUNSEL]: Your Honor, I'm sorry, he didn't enter Bryce Court with the bag.

THE COURT: Okay. That's what I had written down. He entered a residence -- oh, I'm sorry, you're right. It was another residence that he entered with the white bag. He leaves the residence and he does not have the white bag at the time he leaves the residence and then he drives to 6 Bryce Court which is when he enters that residence using a key.

Raymond Williams who was one of the primary targets of this investigation had also used the 6 Bryce Court address as his residence. And based on the totality of this investigation, all of the information which I'm not going to go through, it was very lengthy, a lot of very strong evidence that Mr. Warren and Mr. Williams were heavily involved in drug trafficking, that association along with the -- what the caller said and along with the observations of the officers when they followed [Mr. Smith] amounted to probable cause to believe that evidence of a crime would be found at that location at Bryce Court.

I find that there was probable cause to issue the warrant in this case and therefore clearly [the issuing judge] had a substantial basis to approve it.

I would also say that even if that somehow fell short of probable cause, I would find that the good faith exception would definitely apply in this case.

So the motion to suppress is denied.

As he did in the suppression court, Mr. Smith asserts that there was not a substantial basis for the issuing judge to find probable cause because the averments in the Application and Affidavit do not establish a sufficient nexus between the narcotics activity, 6 Bryce Court, and Mr. Smith. To be sure, a nexus is required "between the item to be seized and criminal behavior" before a person's property can be seized by the police. *Warden, Md. Penitentiary v. Hayden*, 387 U.S. 294, 307 (1967). In other words, there must be probable cause to believe that the evidence to be seized "will aid in a particular apprehension or conviction." *Id*.

"[T]hat perpetrators of crimes of violence will likely keep the weapons or other instrumentalities of crime in their homes" is a "permitted inference[.]" *Joppy v. State*, 232 Md. App. 510, 524 (citing *Holmes v. State*, 368 Md. 506, 520 (2002)), *cert. denied*, 454 Md. 662 (2017). That principle applies in cases "involving drugs as well as weapons." *Id.* at 525 (citing *Holmes*, 368 Md. at 521-22). As stated by our Supreme Court, that same deductive approach has been:

> used by a number of courts in finding a nexus between observed or documented drug transactions and the likelihood that drugs or other evidence of drug law violations may be found in the defendant's car or home. The reasoning, supported by both experience and logic, is that, if a person is dealing in drugs, he or she is likely to have a stash of the product, along with records and other evidence incidental to the business, that those items have to be kept somewhere, that if not found on the person of the defendant, they are likely to be found in a place that is readily accessible to the defendant but not accessible to others, and that the defendant's home is such a place.

Holmes, 368 Md. at 521-22. *Accord Whittington*, 474 Md. at 32-33.

But, "[d]irect evidence that contraband exists in the home is not required for a search warrant; rather, probable cause may be inferred from the type of crime, the nature of the items sought, the opportunity for concealment, and reasonable inferences about where the defendant may hide the incriminating items." *Holmes*, 368 Md. at 522; *see also Coley*, 145 Md. App. at 530 (recognizing that, in *Holmes*, the "nexus test was satisfied with very little, if any, direct evidence[,]" and "[i]nstead, there was adequate circumstantial evidence that, when combined with reasonable inferences generated from that evidence, would support the finding of probable cause by the issuing magistrate").[5]

[5] In *Agurs v. State*, 415 Md. 62, 86-87 (2010), discussed *infra*, our Supreme Court observed:

> [W]e have never provided a definitive test for establishing whether a sufficient nexus exists between alleged criminal activity and the suspected criminal's home. These cases do, however, establish some relevant principles. As evidenced by *Holmes*, there is more likely to be probable cause to search a suspected drug dealer's home when the police have seen the suspect engage in a drug sale near his home, when the police have found drugs on the suspect before the search, and when the defendant has been in and out of his home near the time of the drug sale. These factors support the "reasonable inference . . . that the contraband may be found in the home." *Holmes*, 368 Md. at 523; *see also Coley*, 145 Md. App. at 530-31 (asserting similar facts). On the other hand, there must be facts shown from which this reasonable inference may be drawn. *Holmes*, 368 Md. at 523. Our decision in *Holmes* twice states that a suspect's home cannot be searched unless there are facts supporting a reasonable inference that contraband might be found there, 368 Md. at 522-23, and the [Appellate Court] reiterated that requirement in *Coley*, 145 Md. App. at 526, 530. We conclude that these principles are sufficiently well-established that the police must be aware of them.

The substantial basis standard is at the heart of appellate review of a search warrant. Even in marginal cases, we do not "decide probable cause but instead . . . decide whether there was a substantial basis for the issuing court's probable cause finding[,]" and in our review, "we are to resolve a marginal case with preference to the warrant." *Faulkner*, 190 Md. App. at 60. Mr. Smith on appeal contends, as he did in the circuit court, that the evidence of a nexus between the drug dealing alleged in the warrant and 6 Bryce Court was insufficient to support the warrant. We begin our analysis with a summary of the information provided within the four corners of the Application and Affidavit.

The investigation at issue involved an ongoing cocaine distribution conspiracy. Based on intercepted communications, surveillance, and historical investigative information, the Affidavit averred that Demboski obtained 500 grams of cocaine monthly from Carwell, who obtained the cocaine from Warren, who co-conspired with Williams. It identifies 2332 Ocala Avenue as a suspected stash house in the distribution scheme and specifically details suspected narcotics-related activity at that location involving Carwell, Warren, Williams, and Mr. Smith. Their shared association connects both Mr. Smith and Williams with 2332 Ocala Avenue and 6 Bryce Court, which, the affiants' believed, were being used to facilitate and support the distribution of cocaine.

On about April 14, 2021 at approximately 5:25 p.m., Mr. Smith was observed arriving at 2332 Ocala Avenue in a rented vehicle and entering the premises. About twenty minutes later, he drove to 939 Sun Circle Way in the Essex area of Baltimore County. There, he exited his vehicle carrying a white plastic bag. Later, Mr. Smith and a person

matching the description of Crankfield, who was known to be involved in the distribution of drugs, exited the premises. From 939 Sun Circle Way, Mr. Smith traveled to 6 Bryce Court and entered the premises using a key. At this point in the application, the affiants sought authorization to search Mr. Smith and the premises of 6 Bryce Court.

Clearly, the application provided a substantial basis to believe 2332 Ocala Avenue was central to the cocaine distribution conspiracy under investigation, and that Williams and Mr. Smith had engaged in suspected narcotics-related activity there. It also provided a substantial basis to connect Williams and Mr. Smith to 6 Bryce Court. Williams listed it as his address, and, in addition to other information regarding his use of the premises, Mr. Smith was seen entering the premises using a key.

On the other hand, there was no direct evidence of drug dealing by Mr. Smith at or near 6 Bryce Court. Using Google Maps, we take judicial notice that 6 Bryce Court is approximately twenty-one miles from 2332 Ocala Avenue and between ten and eleven miles from 939 Sun Circle Way, to which Mr. Smith was seen traveling to after visiting 2332 Ocala Avenue.[6] The assertions in the Affidavit only indicates that, on some date at

[6] *See* Md. Rule 5-201; *Ray v. Mayor & City Council of Baltimore*, 203 Md. App. 15, 34-35 (2012) (using MapQuest to measure distance, including driving distance, between residence and proposed development to determine whether party had standing to object to development), *aff'd*, 430 Md. 74 (2013); *Cobrand v. Adventist Healthcare, Inc*., 149 Md. App. 431, 442 n.7 (2003) (using MapQuest to compare travel time between a residence and courthouses); *Burral v. State*, 118 Md. App. 288, 295 (1997) ("Under Md. Rule 5-201, we take judicial notice of a topographic map prepared by the U.S. Geological Survey, which shows that there are several dirt roads and mountains within one mile of Clear Spring proper."), *aff'd*, 352 Md. 707 (1999), *cert. denied*, 528 U.S. 832 (1999); *see also Pahls v. Thomas*, 718 F.3d 1210, 1216 n.1 (10th Cir. 2013) (taking judicial notice of a Google Map and satellite image).

around 5:25 p.m., Mr. Smith arrived at 2332 Ocala Avenue, stayed for twenty minutes, drove to 939 Sun Circle Way, entered with a white plastic bag, and then exited empty-handed a few moments later. Although both Mr. Smith and the person believed to be Crankfield were known to police as being involved in drug distribution, and although there was arguably enough to suggest a drug transaction had occurred inside 939 Sun Circle Way based on the belief that the Ocala Avenue premises was a stash location, nothing indicates the storage of narcotics at 6 Bryce Court other than Mr. Smith's access to the premises. There was also a substantial basis to conclude that Williams was engaged in drug dealing from the Ocala Avenue property, but the only connection between Williams and 6 Bryce Court was his listing it as his address with the Motor Vehicle Administration. In short, we are not persuaded that the averments in the Affidavit establish a sufficient nexus between the alleged drug dealing and 6 Bryce Court. That said, however, we agree with the motions court that the police acted in good faith and with reasonable reliance on the allegations in the warrant application when they executed the warrant.

Under the exclusionary rule, evidence seized unlawfully under the Fourth Amendment is generally inadmissible. *Richardson*, 481 Md. at 446. Due to the rule's "significant costs," however, the exclusion applies "where its deterrence benefits outweigh its substantial social costs." *Id*. (cleaned up). For that reason, "evidence will not be suppressed under the exclusionary rule if the officers who obtained it acted in objectively reasonable reliance on a search warrant." *Id*. (citing *Leon*, 468 U.S. at 922-24). Notably, searches pursuant to a warrant do not require a "deep inquiry into reasonableness" because

the warrant itself indicates good faith on the part of the officer. *Leon*, 468 U.S. at 922 (cleaned up).

There are four exceptions to the "good faith" exception itself. It does not apply: (1) where the issuing authority is misled by information in the affidavit that the affiant knew to be false or had been provided with reckless disregard for the truth; (2) where the issuing magistrate "wholly abandoned" his or her judicial role; (3) where "no reasonably well trained officer should rely on the warrant" – such as "an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable"; and (4) where the warrant is "so facially deficient" that "the executing officers cannot reasonably presume it to be valid." *Id.* at 923 (cleaned up). *Accord Richardson*, 481 Md. at 470; *Tomanek*, 261 Md. App. at 719-20.

Based on the third exception to the rule, Mr. Smith contends that the warrant here does not support good faith reliance. Whether the exception applies is a matter of law that we review *de novo*. *Marshall v. State*, 415 Md. 399, 407-08 (2010). In our review, we consider all the facts in the affidavit to determine the reasonableness of the officer's reliance. *Id*. at 408. Because of the preference for warrants, the factual support required for evidence "under the good faith exception is considerably lower than the standard for establishing a substantial basis for a finding of probable cause by a judge issuing a search warrant." *Id*. at 410 (collecting cases). Our Supreme Court has stated that cases where courts have not applied the good faith exception "demonstrate that the safe harbor of the

exception is foreclosed only when there exists essentially no evidence to support a finding of probable cause." *Id*.

To support his argument, Mr. Smith cites *Agurs v. State*, 415 Md. 62 (2010), which dealt with circumstances somewhat similar to what occurred here. There, two detectives applied for a search and seizure warrant for two residences (one of which belonged to Agurs), five vehicles, and four individuals. *Id*. at 68. The supporting affidavit advanced numerous allegations of narcotics dealing, including: Agurs being identified as a crack cocaine supplier by confidential informants; two controlled purchases from an alleged associate of Agurs, Andrew Lee Tillman; observing Agurs in a clothing store with an unidentified individual who left the store with a bulge in his pocket; police seeing Tillman and Agurs meeting at an auto detail shop; and Agurs's extensive criminal record. *Id*. at 70-72.

The trial court granted Agurs's motion to suppress evidence because there was "no substantial basis for the issuing judge to find probable cause to search Agurs' home and vehicles." *Id.* at 73. This Court's holding that the executing officers had relied on the warrant in good faith was rejected by our Supreme Court:

> While the affidavit included a significant number of facts about Agurs and Tillman, it failed to assert any facts suggesting a nexus between drugs and Agurs' home. As the [Appellate Court] noted, the only factual assertion that could have possibly suggested such a nexus was that Agurs once left his home and met with another individual who subsequently had a previously unnoticed bulge in his pocket. This single assertion, which could have a number of innocent explanations, does not constitute indicia of probable cause that drugs might be found in Agurs' home.

Id. at 89-90.

The *Agurs* Court also rejected the State's argument that the officers' expertise was sufficient to establish a nexus. *Id.* at 90. According to the Court, "[t]he police never saw Agurs with drugs of any kind, and he never exhibited any behavior that could not be easily interpreted as innocent." *Id*. at 92. In addition, the assertion that Agurs and his wife were living beyond their means or that he had engaged in a drug deal with an unidentified man at a store did not provide a substantial basis to find that Agurs was involved in drug distribution. *Id*. at 93-95. The Court also held that the allegations from reliable informants of Agurs's involvement in drug dealing were "similarly inconclusive" and lacked corroboration. *Id*. at 95-96. It also rejected our conclusion that "Agurs was 'somehow' involved with drugs," because it was "based entirely on inconclusive facts, uncorroborated statements by an informant with no stated personal knowledge to support those statements, and statements by unidentified and entirely uncorroborated informants." *Id*. at 97. It concluded that "no reasonably well-trained police officer could have believed there was probable cause to search Agurs' home under these circumstances" and held that the evidence recovered during the search had to be excluded. *Id*. at 98.

In contrast to *Agurs* is *Marshall*, *supra*. The *Marshall* Court held that the good faith exception applied where police obtained a search warrant for the defendant's residence based on information provided by a confidential informant regarding drug sales from the defendant's car. 415 Md. at 411-12. The police surveilled the defendant while the informant conducted a controlled buy from the defendant's vehicle. The probable cause for the search of the residence, however, rested on the sole fact that the police observed the

defendant return to his home after the controlled buy. *Id*. The Court concluded that the officers acted in good faith in relying on the warrant even though the evidence was assumed insufficient to provide a "substantial basis from which the issuing judge could infer a finding of probable cause." *Id*. at 413. *See also Minor v. State*, 334 Md. 707, 716-18 (1994) (holding that officers acted in objective good faith where an affidavit supporting a warrant was based only on the report of an undisclosed informant without further investigation, because the report was sufficiently detailed for the officer to find it was credible).

This case and *Agurs* are different. First, the warrant is for both 6 Bryce Court and Mr. Smith's person. In addition, there were significant allegations of drug dealing occurring out of the Ocala Avenue premises by Williams, who identified 6 Bryce Court as his address. Recognizing that drug dealers often store evidence and other items of interest in their residences and places where they are readily accessible, as stated throughout the Affidavit and in our case law, we hold that it was objectively reasonable for the executing officers to rely on the averments in the Affidavit and the issuing judge's finding of probable cause to search 6 Bryce Court.

As to the allegations relating to Mr. Smith personally, there is no direct evidence that he interacted with Williams, but there is evidence connecting him to drug distribution and to 6 Bryce Court. The Affidavit detailed an incident where Mr. Smith traveled from 2332 Ocala Avenue to a location associated with a person believed to be Crankfield, who had been previously arrested for distribution of narcotics. The Affidavit alleged a belief that Mr. Smith obtained cocaine from the Ocala Avenue premises and distributed it at 939

Sun Circle Way. In addition to observing him then entering 6 Bryce Court using a key immediately after what appeared to be a drug transaction, the Affidavit indicated that Mr. Smith resided at 6 Bryce Court and that the Baltimore County Narcotics Section had received complaints in the same timeframe alleging that he was using rented vehicles to conceal his "involvement in the interstate trafficking of narcotics."

This is a close case, but we are persuaded that the officers executing the searches of 6 Bryce Court and Mr. Smith relied on the warrant in good faith:

> In applying *Leon*, we must bear in mind the euthanasia of pure reason that would result from holding police officers in the field, usually having no legal education besides the one they ostensibly acquire while on duty, to a higher legal standard than we hold the issuing judge himself, who has legal training and has the benefit of an objective and neutral perspective. It is the judge who possesses the legal acumen to objectively analyze the facts and render a decision as to the constitutionality of a search warrant.
>
> The warrant contained enough details to allow the issuing judge to make the determination that there was sufficient probable cause. We further point out that the suppression hearing judge, although using a deferential standard of review, believed the information provided within the affidavit sufficed to establish a substantial basis of probable cause. Further along the chronology of this case, we point out that our determination that there was not a substantial basis of probable cause was arrived at through a great deal of research and analogy, not while on the battlegrounds of crime, but rather from an arguably more serene environment, with more time for ample reflection, and with access to seemingly limitless resources. We certainly cannot hold the police officers in this case to a higher standard than we expect from ourselves or from the judges that became involved in this case prior to our review. *See Herbert v. State*, 136 Md. App. 458, 487-88 (2001), where Judge Moylan, writing for this [C]ourt, stated that, "[e]ven when the warrant is bad, the mere exercise of having obtained it will salvage all but the rarest and most outrageous of warranted searches." In the present case, we hold that "the reliance of the executing officers upon the presumptive validity of the warrant . . . exempted the search from the sanctions of the Exclusionary Rule." [*Trussell v. State*, 67 Md. App. 23, 29 (1986)].

West v. State, 137 Md. App. 314, 356, *cert. denied*, 364 Md. 536 (2001). *Accord State v. Jenkins*, 178 Md. App. 156, 206 (2008). *See Greenstreet*, 392 Md. at 679 ("Where the defect in the warrant is not readily apparent to a well-trained officer, or, where the warrant is based on evidence sufficient to create disagreement among thoughtful and competent judges as to the existence of probable cause, then the good faith exception will apply." (cleaned up)); *Connelly v. State*, 322 Md. 719, 735 (1991) (applying the good faith exception because "the officers, exercising professional judgment, could have reasonably believed that the averments of their affidavit related a present and continuing violation of law, not remote from the date of their affidavit, and that the evidence sought would likely be found at Connelly's store and at his residence"); *Minor*, 334 Md. at 715 ("[T]he officer has no duty to second guess the judge; the officer's duty is to withhold from presentation an application for a warrant that a well-trained officer would know failed to establish probable cause.").

II.

Mr. Smith contends the court erred in admitting Detective Anderson's testimony that he was on the "mid-level tier" of the drug trafficking organization. He argues the testimony was an improper lay opinion, impermissible expert testimony, and an opinion on his mental state that invaded the province of the jury. The State counters that the testimony arose after Defense Counsel's cross-examination about the roles of the various individuals involved in the organization and was the proper subject of expert testimony. In addition, it asserts that any error was harmless beyond a reasonable doubt. We agree.

Detective Ryan Anderson testified both as a lay and expert witness. On direct examination, he testified to obtaining a T-3 wiretap that permitted him to listen to phone conversations of Demboski, another target in the organization. By listening to those conversations over the course of five months, the police learned that Carwell supplied Demboski with cocaine. At some point, several individuals of interest were identified. Detective Anderson testified, without objection, that the police focus was not street-level users, but rather "the mid-level players to the higher people getting the supply." Because Mr. Smith was identified as one of those people, a search warrant was obtained for his Bryce Court residence. According to Detective Anderson, twelve to thirteen search warrants were executed on the same day in connection with the investigation. He did not participate in the execution of the search warrant at the Bryce Court address.

Detective Anderson was then accepted, without objection, as an expert in the field of narcotics, and more specifically in the distribution of cocaine in Baltimore County. Having reviewed the evidence recovered from Mr. Smith's residence, he testified that it was common for such items as the digital scales, the baggies, and the heat sealer to be used for street-level distribution. In addition, the amount of cocaine recovered, the cash, and the other recovered evidence indicated "a subject [who] is in fact selling."

On cross-examination, Defense Counsel inquired about the other persons being investigated, including Demboski, Carwell, Warren, and Williams. Defense Counsel's focus was Williams, and Detective Anderson's acknowledgment that Williams had listed 6 Bryce Court as his residence, and that Mr. Smith had listed 6 Farmingham Court as his

address when renting a vehicle from Enterprise Rent-A-Car. When Defense Counsel asked Detective Anderson at what tier level he would place Williams, Detective Anderson responded, "He was up there with Andre Warren. He was one of the high ones."

During the redirect examination of Detective Anderson, the following exchange occurred:

> Q Now counsel asked you a question, it was I guess an opinion question. The individuals who were the -- do you have an opinion as to the individuals who were the, sort of the highest level in the investigation overall?
>
> A Do I have an opinion?
>
> Q Yes.
>
> A Yeah. I mean based off the evidence of the case, yeah.
>
> Q And would those be basically -- three of those names that he indicated to you, Mr. Dembo[]ski, Mr. Carwell and then Mr. Warren?
>
> A Yes.
>
> Q Would you indicate them -- would you indicate that there's another level below that of individuals who were involved in the distribution of cocaine in this organization?
>
> A Yes.
>
> Q What is the term drug trafficking organization and what does that mean?
>
> A DTO, drug traffic organization means it's a group of individuals involved in a conspiracy to distribute a certain narcotic in an area.
>
> Q And there can be multiple people involved in those drug trafficking organizations and at different levels in those organizations; is that correct?
>
> A Correct.

Q And do you have an opinion as to the level of Mr. Smith in this drug trafficking organization?

[DEFENSE COUNSEL]: Objection.

THE COURT: Overruled.

A Yes.

Q And what is that opinion?

A I would say he was mid-level tier.

On rerecross examination, Detective Anderson testified that he normally got wiretaps for the mid-level and upper-level dealers, but he did not get a wiretap for Mr. Smith's phone.

We "defer to the trial court's evidentiary findings and 'are loath to reverse a trial court unless the evidence is plainly inadmissible under a specific rule or principle of law or there is a clear showing of an abuse of discretion.'" *Covel v. State*, 258 Md. App. 308, 322-23 (quoting *Merzbacher v. State*, 346 Md. 391, 404-05 (1997)), *cert. denied*, 486 Md. 157 (2023). A trial court's discretion is "particularly wide where the inquiry is directed toward developing facts made relevant during cross-examination or explaining away discrediting facts." *Joiner v. State*, 265 Md. App. 546, 570 (cleaned up), *cert. denied*, 492 Md. 647 (2025). In such situations, a "party is generally entitled to have his witness explain or amplify testimony that he has given on cross-examination and to explain any apparent inconsistencies." *Id*. (cleaned up).

The Maryland Rules of Evidence permit a lay witness to testify to opinions or inferences that are "(1) rationally based on the perception of the witness and (2) helpful to

a clear understanding of the witness's testimony or the determination of a fact in issue." Md. Rule 5-701. But "Md. Rules 5-701 and 5-702 prohibit the admission as 'lay opinion' of testimony based upon specialized knowledge, skill, experience, training or education." *Ragland v. State*, 385 Md. 706, 725 (2005).

We are persuaded that Detective Anderson's testimony concerning Mr. Smith's role in the organization was based on his training and experience and was not a lay opinion. *See generally Cook v. State*, 84 Md. App. 122, 139 (1990) ("Since the court had accepted Officer Trogdon as an expert in the field of drug dealing . . . , it would certainly have been permissible for the officer to describe how such operations are normally or typically conducted."), *cert. denied*, 321 Md. 502 (1991); *see also United States v. Boney*, 977 F.2d 624, 628 (D.C. Cir. 1992) ("The operations of narcotics dealers repeatedly have been found to be a suitable topic for expert testimony because they are not within the common knowledge of the average juror."); *State v. Cain*, 133 A.3d 619, 628 (N.J. 2016) ("Experts may also provide insight into the roles played by individuals in street-level drug transactions[.]").

As to whether the introduction of expert opinion evidence was proper expert opinion, we review for "an abuse of discretion." *Abruquah v. State*, 483 Md. 637, 652 (2023). As our Supreme Court has stated, an abuse of discretion occurs "where no reasonable person would take the view adopted by the trial court[.]" *Md. Bd. of Physicians v. Geier*, 451 Md. 526, 544 (2017) (cleaned up).

Maryland Rule 5-702, the rule governing expert testimony, provides as follows:

> Expert testimony may be admitted, in the form of an opinion or otherwise, if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue. In making that determination, the court shall determine
> (1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education,
> (2) the appropriateness of the expert testimony on the particular subject, and
> (3) whether a sufficient factual basis exists to support the expert testimony.

We previously considered the admissibility of expert testimony regarding the role of a criminal defendant in a drug organization. *Cook*, 84 Md. App. at 128. There, police observed Cook and his co-defendant seated in a room containing multiple vials of cocaine and drug paraphernalia. Cook drew a handgun and pointed it in the direction of the police. *Id*. We held that the trial court erred in admitting expert testimony by a police officer that one of the defendants was the "head of the cocaine organization" and the other was "the distributor." *Id.* at 136-37. Explaining that "the standard for the admissibility of expert evidence is whether the finder of fact can receive appreciable help from an expert on the subject matter[,]" *id*. at 138, we held the admission of this evidence as expert testimony was an abuse of discretion because the officer could simply have described a typical drug operation where the head of the organization is normally armed and has the organization's money on his person. *Id*. at 139. From that information, the jury could have concluded for themselves that Cook, who was armed and the only person in the room with money, was the head of the organization, and draw its own conclusions as to guilt or innocence. The Court concluded that the prejudice arising from the expert testimony regarding Cook's role "so outweighed the usefulness [of its] admission" that its admission was an abuse of discretion. *Id*. at 142.

The Court in *Cook* recognized, however, that there is no "hard and fast rule for the acceptance or rejection of expert opinion evidence as to ultimate facts that may tend to encroach upon the jury's function to determine guilt or innocence, or the credibility of witnesses, or to resolve contested facts." *Id*. Instead, the court must decide in each case "whether the prejudice to the defendant will outweigh the usefulness to the jury of the opinion sought to be elicited from the expert." *Id*. We explained:

> Some matters may be within the understanding of the average person and the jury might not require the expert's opinion. Or the expert may testify that a certain pattern of conduct or the presence of certain factors is often found in a particular criminal enterprise, leaving it to the jury to apply that expertise to the facts of the case. As to some matters, on the other hand, it may be necessary for the expert to express his opinion on the ultimate fact in issue in such a manner as to come close to an encroachment on the jury's function to resolve contested facts in order for the jury to get the benefit of the expert's knowledge, where such knowledge is necessary for an understanding of the facts and cannot reasonably be imparted in a less prejudicial manner.

Id.

For example, in *Cantine v. State*, 160 Md. App. 391, 406 (2004), *cert. denied*, 386 Md. 181 (2005), we held that the circuit court properly admitted a police officer's expert opinion regarding "a complex, multi-state, multi-defendant prosecution that grew out of months of investigation and surveillance." We determined that an expert's "opinion as to the roles of the various callers organized the evidence, and his specific expertise in interpreting the callers' vernacular could be helpful to the jury." *Id*.

The matter now before us involved a multi-party and prolonged investigation into an alleged cocaine distribution organization that included Demboski, the main supplier, Carwell, and at least three other individuals, namely, Warren, Williams, and Mr. Smith.

Detective Anderson's expert testimony regarding the organization's overall operation and the different roles of those involved could be helpful to the jury in resolving disputed facts. Moreover, the testimony on redirect examination was a direct response to Defense Counsel's cross-examination regarding Williams's role in the organization. *See generally Conyers v. State*, 345 Md. 525, 545 (1997) ("The doctrine of 'opening the door' gives a party the right to introduce evidence in response to (a) admissible evidence, or (b) inadmissible evidence admitted over objection." (cleaned up)). Defense Counsel's theory was that the drugs and other items found at 6 Bryce Court belonged to Williams, who was a high-level dealer. Defense Counsel argued during closing that "Mr. Raymond Williams, his name is all over that place. And he's identified as someone who was upper in this hierarchy." We hold that the admission of this evidence, which related to an issue raised during cross-examination, was well within the court's discretion. *Joiner*, 265 Md. App. at 570.

As to whether Detective Anderson's testimony improperly invaded the province of the jury because it concerned Mr. Smith's mental state, our Supreme Court has made clear that "no expert is entitled to express the opinion that the defendant possessed a controlled dangerous substance with the intent to distribute it." *Gauvin v. State*, 411 Md. 698, 711 (2009); *see also* Md. Rule 5-704 (providing that, although an expert's opinion or inference is not objectionable "merely because it embraces an ultimate issue[,]" an expert may not "state an opinion or inference as to whether the defendant had a mental state or condition constituting an element of the crime charged").

Detective Anderson was not asked and did not testify that Mr. Smith possessed the recovered cocaine with intent to distribute. The question/answer exchange at issue related to his role in the organization, not his mental state. Indeed, the questions on direct examination concerned whether it was common for items such as those recovered from 6 Bryce Court, considered separately and together, to be used in street-level distribution. And, when asked to opine on the recovered sixty grams of cocaine, Detective Anderson limited his response to it being only an "indicator" or "indicative" of "somebody" with an intent to distribute. We hold that the trial court's admission of the testimony was not an abuse of discretion. But even if it were, we would conclude that its admission was harmless beyond a reasonable doubt. *See Dionas v. State*, 436 Md. 97, 108 (2013) (stating that an error is harmless when a reviewing court is "satisfied that there is no reasonable possibility that the evidence complained of – whether erroneously admitted or excluded – may have contributed to the rendition of the guilty verdict" (cleaned up)). When officers executed a search warrant at 6 Bryce Court at approximately 5:00 a.m. on May 10, 2021, they observed a person exit onto a deck and throw a balled-up sock containing approximately sixty grams of cocaine into a nearby wooded area, and officers also recovered from inside the residence marijuana, marijuana butter, digital scales, packaging materials, a heat sealer, and $2,132 in cash. A police expert testified that the cocaine alone was worth between $900 and $1,400 per ounce at the time of trial, and higher during the pandemic when the warrant was executed, and that the totality of the evidence was "indicative of somebody that has an intent – possession with intent to distribute."

III.

Mr. Smith contends the trial court erred by admitting evidence that marijuana was recovered from his residence on the grounds of relevance because the State decided not to pursue the marijuana-related charges. The State contends that this argument is without merit and harmless in any event. We agree.

Generally, "all relevant evidence is admissible." Md. Rule 5-402. Evidence that has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence" is relevant. Md. Rule 5-401. Maryland courts have noted that "[h]aving 'any tendency' to make 'any fact' more or less probable is a very low bar to meet." *Williams v. State*, 457 Md. 551, 564 (2018) (citing *State v. Simms*, 420 Md. 705, 727 (2011)). But evidence that fails to clear this bar is inadmissible, and trial judges have no discretion to decide otherwise. *See* Md. Rule 5-402 ("Evidence that is not relevant is not admissible."). When the trial court's ruling under review concerns the weighing of relevance in relation to other factors, we apply the more deferential abuse of discretion standard. *J.L. Matthews, Inc. v. Md.-Nat'l Park & Plan. Comm'n*, 368 Md. 71, 92 (2002). And, when the ruling "involves a legal question, we review the trial court's ruling *de novo*." *Id.*

Mr. Smith was initially indicted for possession with intent to distribute marijuana and possession of marijuana. The present issue arose during Detective Andrew Gwinn's testimony. Detective Gwinn assisted in the execution of the search warrant at 6 Bryce

Court. He testified that he recovered a bag containing a "greenish brown vegetable matter" from the kitchen. The following exchange ensued:

> Q What charges did you charge [Mr. Smith] with regarding that baggie?
>
> [DEFENSE COUNSEL]: Objection.
>
> THE COURT: Overruled.
>
> A He was charged with two counts--
>
> [DEFENSE COUNSEL]: Objection. Your Honor, may we approach again. I'm sorry.
>
> THE COURT: Okay.
>
> (Bench discussion ensued at 3:19 p.m.)
>
> [DEFENSE COUNSEL]: [The Prosecutor] has indicated to me he's abandoning the charges involving marijuana in this case.
>
> [PROSECUTOR]: I do not intend to put the marijuana counts back to the jury.
>
> [DEFENSE COUNSEL]: So then this is not relevant.
>
> THE COURT: Well, that hasn't happened yet so it is relevant.
>
> [DEFENSE COUNSEL]: Well -- I mean, he's not the chemist. He can't testify it's marijuana.
>
> THE COURT: Well he can say what he charged it as. That's the question. That's what he charged him with. Whether, you know, that will possibly go away at the close of the State's case, that's fine.
>
> [DEFENSE COUNSEL]: But that's not the charging document that's before the jury, the indictment is. So why is it relevant as to what he charged him with initially?
>
> I'm just trying to figure out the relevancy.

THE COURT: Well, it's the totality of the circumstances is what it is, that's why it's relevant, as to everything that happened at the -- well, I'm not going to make an argument. You make an argument.

[PROSECUTOR]: And he's not charged with the paraphernalia count, I'm still introducing paraphernalia. The whole idea is that at some point I'm going to -- the next detective is going to indicate based upon his training and knowledge what he believes the items were for and that's part of the totality of that. Like the cash, the heat sealer bags.

[DEFENSE COUNSEL]: Since there's not going to be any evidence that this substance is in fact marijuana or meets the definition of marijuana and there's going to be no charges of marijuana sent back to the jury, I think just trying to introduce it for the sake of introducing it is not proper. I think it's irrelevant.

THE COURT: All right. I'll note your objection, but I'm going to overrule it.

[DEFENSE COUNSEL]: Thank you.

Detective Gwinn then was asked the following:

Q What did you think this baggie of greenish brown vegetable matter was?

[DEFENSE COUNSEL]: Objection.

THE COURT: Overruled.

A Based on my training, knowledge and experience as a detective who had been an officer on the street for 7 years, made hundreds of narcotics related arrests, a detective in Narcotics for 4 years at the time, based off of that I identified it as marijuana, THC, Schedule 1 substance.[7]

[7] The State entered a nolle pros to the two marijuana counts the next day. The State asks us to note that Mr. Smith's argument on appeal that the error invited the jury to infer he had a "propensity for engaging in drug activity" appears to suggest an other crimes argument that was not raised at trial. We agree with the State that, to the extent raised on appeal, an other crimes argument is not preserved for our review. Generally, "[i]t is well-settled that when specific grounds are given at trial for an objection, the party objecting (continued…)

The rule is "well established that physical evidence need not be positively connected with the accused or the crime to be admissible; it is admissible where there is a reasonable probability of its connection with the accused or the crime, the lack of positive identification affects only the weight of the evidence." *Doye v. State*, 16 Md. App. 511, 519 (1973). *Cf. Williams v. State*, 342 Md. 724, 738 (1996) (holding that the court erred in admitting a crowbar and mace found in Williams' possession because they were not linked to any of the charges), *disapproved of on other grounds by Wengert v. State*, 364 Md. 76 (2001).

Here, the State had not nol prossed the marijuana charges, and they were still pending before the jury. In addition, as the prosecutor noted, the presence of marijuana was a factor in the remaining charges because it tended to support an inference that the remaining narcotics were possessed with the intent to distribute. Detective Anderson would later testify with respect to whether the evidence recovered from Mr. Smith's residence suggested an intent to distribute. He testified that the heat sealer found in the residence was "usually [used] to seal up marijuana if they're distributing" it "to mask the smell[.]"

Mr. Smith never requested a limiting instruction with respect to the recovered marijuana. The only mention of marijuana during the closing argument was by Defense Counsel, who stated to the jury, "the heat sealer, that's used for marijuana" and that no charges involving marijuana were before it.

will be held to those grounds and ordinarily waives any grounds not specified that are later raised on appeal." *Klauenberg v. State*, 355 Md. 528, 541 (1999).

We hold that the marijuana evidence was relevant, and its admission was not error. We conclude also that its admission was harmless beyond a reasonable doubt, given the cocaine recovered from the property, as well as the other items inside the residence that tended to indicate that it was possessed with an intent to distribute. *See Gonzalez v. State*, 487 Md. 136, 184 (2024) (explaining that an error will be harmless when the reviewing court, upon "its own independent review of the record[,]" is "satisfied beyond a reasonable doubt" that there is no reasonable possibility that the error "influence[d] the outcome of the case" (cleaned up)). *Accord Dorsey v. State*, 276 Md. 638, 659 (1976).

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED.

COSTS TO BE ASSESSED TO APPELLANT.