

Circuit Court for Baltimore City  
Case No. 823164012

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1370

September Term, 2023

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JEREMIAH T. TAYLOR

v.

STATE OF MARYLAND

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Graeff,  
Albright,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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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).

Jeremiah Taylor, appellant, was charged with illegal possession of ammunition. Appellant filed a motion to suppress the evidence recovered during a search of his vehicle after the police arrested him for an outstanding warrant. The court denied the motion and appellant subsequently entered a conditional guilty plea to possession of ammunition. The court sentenced appellant to six months of incarceration.

On appeal, appellant presents the following question for this Court’s review:<sup>1</sup>

Did the circuit court err in denying the motion to suppress because appellant should benefit from new legislation that was passed before the car search and that went into effect before the motions hearing?

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

#### **FACTUAL AND PROCEDURAL BACKGROUND**

On May 10, 2023, Detective Zedric Lelleby of the Baltimore City Police Department was on patrol with Detective Klein.<sup>2</sup> They were driving around in an unmarked vehicle and engaging with the community. They went to the 1600 block of Cole Street to look for appellant, who frequently “hangs out” there, because he had an open warrant for not providing updated information to the gun offender registry. Detective Lelleby testified that the area was known for drug activity. The detectives saw Mr. Taylor

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<sup>1</sup> This appeal was one of several cases stayed by Order of this Court on October 1, 2025, pending the Supreme Court of Maryland disposition in *Cutchember v. State*, 493 Md. 187 (2026). The stay was lifted after the Supreme Court issued its opinion on March 3, 2026.

<sup>2</sup> Detective Klein’s first name is not stated in the transcript.

standing in the street with a group of people. He was wearing all black and a ski mask. Detective Lelleby recognized appellant, called out his name, and arrested him.

The State introduced footage from Detective Lelleby's body camera. During the arrest, appellant denied having an open warrant and stated that his daughter and daughter's mother were in his car, parked a block away. Thinking that appellant wanted to say goodbye to his daughter and daughter's mother before police transported him, Detective Klein started walking appellant to the car while Detective Lelleby drove to the car.<sup>3</sup>

The body camera footage showed that, when the police approached the car, the mother and child stepped outside the vehicle and stood next to it. As Detective Lelleby approached the car, he looked inside the driver's-side window. He "saw a package of material of marijuana on the passenger side of the car," and he smelled a strong odor of burnt marijuana.<sup>4</sup> Appellant denied having or smoking marijuana in the car and stated that the packaging was old and empty.

Detective Lelleby then searched the car. He found rolling papers in the cup holder, a cup of "[j]oint butts," and marijuana in the back of the car. He found four 9mm bullets inside of a lunch box in the trunk and three 9mm bullets in the glove compartment.

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<sup>3</sup> Detective Zedric Lelleby stated that he and Detective Klein would not have approached appellant's vehicle if appellant "never told [them] to go to his car."

<sup>4</sup> Detective Lelleby acknowledged that, as of July 1, 2023, law enforcement officers in Maryland could no longer use the "smell test" as the only reason to stop and search a vehicle. Md. Code Ann., Crim. Proc. ("CP") § 1-211(a) (2024 Supp.).

In closing, the State argued that there was probable cause to search appellant's vehicle based on the sight and smell of marijuana, and the officer properly searched the vehicle under the *Carroll* doctrine.<sup>5</sup> The State acknowledged that, effective July 1, 2023, the odor of marijuana was no longer probable cause to conduct a vehicle search, but it stated that the search occurred prior to the law's effective date, and the law did not apply retroactively.

Defense counsel argued that the *Carroll* doctrine did not apply because there was no exigency involved in the search of the vehicle. Counsel also argued that the search was illegal under H.B. 1701,<sup>6</sup> and as a remedial statute, the court should apply the new law retroactively.

The court denied appellant's motion to suppress. It stated that the law allowing vehicle searches based solely on the odor of marijuana was "still the law" before July 1, 2023. Accordingly, the police lawfully searched appellant's vehicle after they detected the odor of marijuana coming from his car.

As indicated, appellant entered a conditional guilty plea to possession of ammunition, and the court sentenced appellant to six months. This appeal followed.

### **DISCUSSION**

Appellant argues that the court erred in denying his motion to suppress the evidence found in his car. He contends that he should benefit from the change in the law codified in

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<sup>5</sup> *Carroll v. United States*, 267 U.S. 132 (1925).

<sup>6</sup> At the hearing, defense counsel referred to CP § 1-211(a) as H.B. 1701.

Md. Code Ann., Crim. Proc. (“CP”) § 1-211(a) (2024 Supp.), because the “legislation creating the statute was passed before the search in this case,” and it went into effect before the suppression hearing.

The State contends that the court did not err in denying appellant’s motion to suppress. It argues that CP § 1-211 does not apply retroactively to searches that occurred prior to the statute’s effective date. It asserts that, because the search of appellant’s vehicle occurred after CP § 1-211’s effective date of July 1, 2023, it did “not invalidate the search of [appellant’s] car.”

In *Cutchember v. State*, 493 Md. 187, 204 (2026), the Supreme Court of Maryland held that the exclusionary remedy in CP § 1-211(c) applies only to evidence discovered or obtained in violation of the statute’s substantive prohibitions in subsections (a) and (b). Because those prohibitions did not take effect until July 1, 2023, no violation occurs during searches conducted before that date. *Id.* The Court determined that the statute contained a “right” prong and a “remedy” prong: subsection (a) creates a substantive right to be free from searches based on the odor of cannabis alone, and subsection (c) provides an exclusionary remedy triggered only by a violation of that right. *Id.* The Court concluded that, “[b]ecause a violation of subsection (a) was legally impossible before July 1, 2023, the exclusionary remedy in subsection (c) is unavailable to these Petitioners.” *Id.*

The Court in *Cutchember* rejected the same arguments that appellant advances here. *Id.* at 204-05. The Court held that CP § 1-211(a) is not merely procedural. *Id.* at 205. Instead, CP § 1-211(a) created a new substantive right, as “Marylanders did not have a

specific right to be free from cannabis-odor searches” before the statute’s effective date.  
*Id.*

*Cutchember* controls here. Appellant’s vehicle was searched on May 10, 2023, just under two months before CP § 1-211 took effect. At the time of the search, the odor of cannabis emanating from a vehicle provided probable cause to search under *Robinson v. State*, 451 Md. 94, 137 (2017), *superseded by statute as stated in Cutchember*, 493 Md. at 195. Because there was no right to be free from cannabis odor-based searches in May 2023, Detective Lelleby did not violate CP § 1-211 when he searched appellant’s vehicle. *Cutchember*, 493 Md. at 204. That appellant’s suppression hearing occurred a little over a month after the statute’s effective date does not alter the analysis. Indeed, “the ‘date of the search is the key event in determining whether the right created by the statute in fact existed and thus whether a violation of that right had occurred.’” *Id.* (quoting *Cutchember v. State*, 265 Md. App. 690, 701 (2025)).

The circuit court did not err in denying the motion to suppress.

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