

Circuit Court for Baltimore City
Case No. 419340011

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1446

September Term, 2021

TYRELL WILLIAMS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: August 26, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Convicted by a jury in the Circuit Court for Baltimore City of illegal possession of a regulated firearm, illegal possession of ammunition, and related offenses, Tyrell Williams, appellant, presents for our review a single issue: whether the court erred in denying his motion to suppress “the search of the car in which the firearm and ammunition were recovered.” For the reasons that follow, we shall affirm the judgments of the circuit court.

At a hearing on the motion, the State called Baltimore City Police Sergeant Frank Friend, Jr., who testified that on November 8, 2019, he was “patrolling the Brooklyn-Curtis Bay area . . . in Baltimore City,” when he “observed a Honda” that “was parked in the middle of the roadway which led into the parking lot of [a] Family Dollar with no lights on, just sitting there.” When “emergency lights were . . . put on,” Sergeant Friend observed a passenger of the Honda, “who was later identified as” Mr. Williams, “move towards . . . center console area [and] driver.” As Sergeant Friend spoke with Mr. Williams, the sergeant “could smell an odor of marijuana, which [he] believed was coming from the inside of the vehicle.” Sergeant Friend subsequently searched the Honda and discovered a handgun. Following the hearing, the court denied the motion.

Mr. Williams contends that because Md. Code (1982, 2019 Repl. Vol.), § 13-3313(a) of the Health-General Article, “renders some possession of marijuana legal, the odor of that marijuana being transported in a vehicle would not be illegal[,] and the odor of marijuana on a person licensed to use marijuana for medical purposes would likewise not give rise to the conclusion that the car contained illegal marijuana.” Conceding that in *Robinson, Williams & Spriggs v. State*, 451 Md. 94 (2017), the Court of Appeals stated

“that a law enforcement officer has probable cause to search a vehicle where the law enforcement officer detects an odor of marijuana emanating from the vehicle . . . and the odor of marijuana gives rise to probable cause to believe that the vehicle contains contraband or evidence of a crime,” *id.* at 99, Mr. Williams contends that *Robinson* “does not properly take the legalization of medical marijuana into account,” and “should be revisited and reversed.”

We disagree. We have stated that “[i]t is not up to this Court . . . to overrule a decision of the Court of Appeals that is directly on point,” *Foster v. State*, 247 Md. App. 642, 651 (2020) (citation omitted), and the rulings of the Court of Appeals remain “the law of this State until and unless those decisions are either explained away or overruled by the Court of Appeals itself.” *Scarborough v. Altstatt*, 228 Md. App. 560, 577 (2016) (internal citation, quotation marks, and brackets omitted). Here, Sergeant Friend testified that he detected an odor of marijuana emanating from the Honda, and the suppression court credited this testimony. Hence, the sergeant had probable cause to search the Honda, and the court did not err in denying the motion to suppress.

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