

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1531

September Term, 2021

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CAMERON A. BROOKS

v.

STATE OF MARYLAND

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Arthur,  
Tang,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 1, 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.

Following a not guilty plea upon an agreed statement of facts in the Circuit Court for Anne Arundel County, Cameron A. Brooks, appellant, was convicted of possession with intent to distribute fentanyl. His sole contention on appeal is that the court erred in denying his motion to suppress evidence that was found during a search of his vehicle. For the reasons that follow, we shall affirm.

At the suppression hearing, Corporal Jacob Schinault testified that he observed appellant sitting in the driver’s seat of a vehicle that was parked in Chesapeake Square Shopping Center. The driver’s side window was rolled down and when Corporal Schinault approached appellant, he smelled the odor of marijuana inside the vehicle. Thereafter, he conducted a search of the vehicle, during which, he located substances he believed to be fentanyl and marijuana.

On appeal, appellant contends that the search of his vehicle based solely on the odor of marijuana was unlawful and, therefore, that the court erred in denying his motion to suppress. He concedes, however, that the Court of Appeals addressed this issue in *Robinson v. State*, 451 Md. 94, 99 (2017) and held that, despite the recent decriminalization of marijuana, the odor of marijuana emanating from a vehicle provides probable cause for law enforcement officers to conduct a warrantless search of the vehicle. In asking us to reverse the suppression court, appellant asserts that *Robinson* “should be revisited” “in light of subsequent developments in the law regarding marijuana[.]” Specifically, he notes that some cannabis plants are no longer contraband, because the General Assembly legalized the possession of hemp in 2018, and that Corporal Shinault did not testify that he could distinguish the difference between marijuana and hemp “based on smell alone.” He

thus claims that the odor of marijuana is now insufficient, without more, to justify the search of a vehicle because it is “no longer indicative of contraband *per se*[.]” Appellant also notes that marijuana laws have become less restrictive since the decision in *Robinson*, citing the “booming medical marijuana industry;” a 2017 law lowering the maximum punishment for the possession of marijuana; and the fact that marijuana legalization will be put to a voter referendum in November. But he does not specifically indicate why those changes would affect the probable cause analysis set forth in *Robinson*.

“It is not up to this Court, however, to overrule a decision of the Court of Appeals that is directly on point.” *Foster v. State*, 247 Md. App. 642, 651 (2020). Rather, the rulings of the Court of Appeals remain “the law of this State until and [u]nless those decisions are either explained away or overruled by the Court of Appeals itself.” *Scarborough v. Altstatt*, 228 Md. App. 560, 577 (2016) (internal quotation marks and citation omitted). Thus, we are bound to follow *Robinson*. Under *Robinson*, Corporal Schinault had probable cause to search appellant’s vehicle based on his testimony, which was credited by the suppression court, that he smelled the odor of marijuana inside the vehicle. Consequently, we hold that the court did not err in denying appellant’s motion to suppress.

**JUDGMENT OF THE CIRCUIT  
COURT FOR ANNE ARUNDEL  
COUNTY AFFIRMED. COSTS TO BE  
PAID BY APPELLANT.**