Circuit Court for Prince George's County
Case No.: C-16-CR-24-001566

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1649

September Term, 2024

ARTHUR STANLEY RICHARDSON

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 23, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In February 2024, Officer Steven Tucker, a police officer with the Prince George's County Police Department, saw appellant Arthur Stanley Richardson pull into a gas station and park his jeep at a pump. Officer Tucker suspected Richardson had a windshield tint violation, so he and four additional officers—each in separate police vehicles—surrounded Richardson's jeep, parking behind, beside, and in front of him. At no point did Officer Tucker inform Richardson why he was stopped—even after Richardson asked him why.

During the stop, Officer Tucker also noticed that Richardson's registration tag was expired. When asked for his license and registration, however, Richardson explained that he had an updated registration. He presented proof of his valid registration, but the officers did not check its validity. Officer Tucker then asked Richardson to step out of his vehicle, and he immediately complied,[1] though he declined to consent to a search of his person.

After Richardson was out of his vehicle, while he was discussing the registration issue with Officer Tucker, another officer opened the passenger-side front door to see "if there [were] other people in the car [and] what else [wa]s in the car." Another officer then opened the passenger-side rear door. No officer had notified Richardson that his vehicle would be impounded or searched. Indeed, the officers had not yet even called for a tow truck.

At this point, Richardson asked why multiple officers were searching his vehicle. He was told to go stand behind his jeep and directed to sit on the hood of Officer Tucker's

[1] At the suppression hearing, Officer Tucker testified that Richardson "refused" to step out of the vehicle. His body-worn-camera footage, which was played at the hearing, showed otherwise.

cruiser. The other officers continued their search. One of them eventually reached under the passenger seat, opened the battery compartment by removing the "plastic" cover, and discovered a handgun stowed "within the battery compartment." He then alerted the other officers to the weapon, and Richardson was arrested.

After the Circuit Court for Prince George's County denied Richardson's motion to suppress the evidence found during the inventory search of his vehicle, he entered a conditional plea of guilty to possession of a loaded handgun in a vehicle and was sentenced to two years of probation. This appeal followed.

On appeal, Richardson argues that the court erred in denying his motion to suppress because the police did not conduct a valid inventory search. The State agrees. So do we.

When reviewing the denial of a motion to suppress, we look only to the record of the suppression hearing and are "limited to considering facts in the light most favorable to the State as the prevailing party on the motion." *State v. Wallace*, 372 Md. 137, 144 (2002). We review factual findings for clear error, but we review *de novo* the circuit court's application of the law to its findings of fact. *State v. McDonnell*, 484 Md. 56, 78 (2023). Moreover, "when assessing the constitutionality of a search or seizure, we conduct an independent constitutional evaluation[,] applying the law to the facts found in each particular case." *Id.* (cleaned up).

Police officers may conduct warrantless inventory searches of the contents of automobiles lawfully in police custody. *South Dakota v. Opperman*, 428 U.S. 364, 375–76 (1976); *Briscoe v. State*, 422 Md. 384, 396 (2011). That said, this "search exception to the warrant requirement is narrow[,]" *Sellman v. State*, 152 Md. App. 1, 21 (2003), and an

inventory search is improper when used as "a ruse for a general rummaging in order to discover incriminating evidence[,]" *Florida v. Wells*, 495 U.S. 1, 4 (1990). At a suppression hearing on this issue, the State must show "both that the vehicle was in lawful police custody at the time of the search *and* that the search was conducted in accordance with a sufficiently standardized departmental policy or routine." *Briscoe*, 422 Md. at 397.

The only written policy before the suppression court indicated that "[v]ehicles shall not be routinely impounded for parking violations," and "the officer will allow reasonable opportunity for the vehicle to be moved." It further provided that, "[g]enerally, officers are not permitted to impound vehicles from private property." There was no testimony that the search here specifically complied with the written policy. Instead, the officers testified about their own discretion to conduct searches when they deemed appropriate.[2] But Richardson's jeep was on private property when he was stopped. *See Duncan v. State*, 281 Md. 247, 259 (1977) (invalidating inventory search where the State failed to provide any evidence that "authoriz[ed] the police . . . to impound a vehicle parked on private property"). What's more, the record does not suggest that the vehicle was an impediment to anyone, that the proprietor of the gas station wanted it moved, or that there was not a parking space immediately available for it to be left in for a period of time until Richardson

[2] In denying Richardson's motion, the suppression court seemed to agree that the officer had discretion to conduct the search here and that the officer's perception that Richardson "was not compliant, [and] was talking back to him" was a proper consideration for the officer to decide whether to exercise that discretion. We note that "[t]he value in standardized inventory search policies and the reason their existence is critical to the inventory search exception is that external, objective, and routine controls *remove the individual police officer's discretion over whether to conduct a search*[.]" *Sellman*, 152 Md. App. at 22 (emphasis added).

could arrange for its relocation. *See Dixon v. State*, 23 Md. App. 19, 38 (1974) (invalidating inventory search because there was no "necessity for impounding [a] car" that was in a parking lot and "posed no irremediable danger to the flow of traffic").

Put simply, the State failed to "ensure that the record of the suppression hearing reflects both that the vehicle was in lawful police custody at the time of the search *and* that the search was conducted in accordance with a sufficiently standardized departmental policy or routine." *Briscoe*, 422 Md. at 397. The circuit court, therefore, erred in denying Richardson's motion to suppress, and we must reverse his conviction.[3]

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY REVERSED. CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY PRINCE GEORGE'S COUNTY.

[3] Also pending before the Court is Richardson's "Motion for Summary Reversal and to Expedite Issuance of the Mandate." Given our holding here, we shall deny as moot the request for summary reversal but grant the request to expedite the mandate. Upon entry of this Opinion, the Clerk shall issue the mandate forthwith.