Circuit Court for Cecil County
Case No. C-07-CR-24-000311

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1655

September Term, 2024

JOSEPH CAIRO

v.

STATE OF MARYLAND

Arthur,
Ripken,
Hotten, Michele D.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: February 13, 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).

In May of 2024, a grand jury in Cecil County indicted Joseph Cairo ("Appellant") on a myriad of charges related to evidence recovered during a traffic stop. Appellant moved to suppress the evidence, arguing that it was the fruit of an unlawful seizure. The Circuit Court for Cecil County denied Appellant's motion to suppress. Appellant then entered a plea of not guilty with an agreed-upon statement of facts.[1] The court then considered whether the agreed-upon facts met the State's burden to convict Appellant and subsequently found him guilty of illegal possession of a regulated firearm. The court imposed a sentence of five years' incarceration with all except eighteen months suspended. Appellant noted this timely appeal and presents the following sole issue for our review:[2]

Whether the circuit court erred in denying Appellant's motion to suppress.

For the reasons to follow, we shall answer in the negative and affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

The following facts were agreed upon by the parties. One evening in April of 2024, Deputy First Class Alexander Dowling ("Deputy Dowling") of the Cecil County Sheriff's

[1] In Maryland, when a defendant enters a plea of not guilty with an agreed upon statement of facts, their trial proceeds in an abbreviated form. *See Ingersoll v. State*, 65 Md. App. 753, 763–64 (1986). "Following a recitation of the [agreed upon] statement of facts and after allowing for any additions or corrections to be made by the defense, the trial judge determines the legal sufficiency of the evidence to convict." *Id.*

[2] Rephrased from:

> Did the circuit court err in denying [Appellant's] motion to suppress evidence that the police seized following a traffic stop for purported traffic violations pertaining to headlamp requirements?

Office was on patrol near a Wawa.[3] In the Wawa parking lot, Deputy Dowling noticed a man, later identified as Appellant, sitting in a parked car with only one low beam headlight working. According to Deputy Dowling, when he made eye contact with Appellant through their respective car windows, Appellant "began to look around frantically within the vehicle, [and] reach around the vehicle." When Appellant's passengers returned from inside the Wawa, Appellant pulled the car out of the parking spot and turned on the high beam headlights. Unlike the low beams, both high beam headlights were working. Deputy Dowling proceeded to follow Appellant's vehicle.

With the high beams on, Appellant drove to the back entrance of the parking lot, then onto the connected roadway. Appellant stopped briefly at a stop sign located at the next intersection. While Appellant was paused at the intersection, another vehicle—coming from the roadway perpendicular to Appellant—approached from the left of the vehicle Appellant was driving and then executed a right turn onto the road where Appellant's vehicle was stopped. Appellant then turned the vehicle he was driving right onto the other roadway. At that time, Deputy Dowling activated the emergency lights on his patrol vehicle and stopped the vehicle Appellant was driving. During the stop, Deputy Dowling noticed drug paraphernalia in plain view and, upon running Appellant's information "through dispatch[,]" discovered that there were two active arrest warrants for Appellant. Deputy

[3] Wawa is an American convenience store chain with over five hundred locations nationwide. *See Our History*, WAWA, https://perma.cc/MXV3-EA8X.

Dowling then placed Appellant in custody. Deputy Dowling conducted a K-9 scan[4] of the vehicle, which resulted in a positive alert, leading to a search in which he found a vial with white powder, firearm parts,[5] and ammunition.

Appellant was subsequently charged with (1) transportation of a firearm after being convicted of conspiracy to possess with the intent to distribute controlled dangerous substances, (2) possession of a regulated firearm with a disqualifying conviction, (3) illegal possession of ammunition, (4) illegal possession of a firearm, and (5) possession of a controlled dangerous substance. Appellant moved to suppress all evidence seized from the vehicle, arguing that they were fruits of an illegal traffic stop. At the suppression hearing, after testimony and argument from both sides regarding the legality of the stop as it related to the missing low beam headlamp apparent when the vehicle was parked, as well as the ensuing driving with high beams on, the court denied Appellant's motion, stating that:

> I mean, ultimately, I'm not sure [about] the distinctions and the fine points that we're addressing here with respect to the use of high beams or bright lights[.] I think where the officer sees that the low beams or the regular beams, one of them is inoperable, driving a vehicle at night, and the officer doesn't have to have proof beyond a reasonable doubt that a violation of the [T]ransportation [A]rticle is occurring, the officer needs to have probable cause or some reasonable suspicion beyond a mere hunch that a violation of the [T]ransportation [A]rticle is occurring.

[4] In conducting a K-9 scan, an officer allows a police-trained drug dog to smell a vehicle and its surroundings for the odor of controlled dangerous substances. *See State v. Ofori*, 170 Md. App. 211, 222 (2006) (citing *Wilkes v. State*, 364 Md. 554, 586 (2001)). When conducting the scan, if the dog alerts an officer to the presence of illegal drugs, sufficient probable cause exists to support a warrantless search of the vehicle. *See Wilkes*, 364 Md. at 586. *See also Gadson v. State*, 341 Md. 1, 8 (1995).

[5] The firearm parts discovered in Appellant's vehicle constituted the "receiver for a handgun[,]" which is a firearm under Maryland Code, Public Safety article, section 5-101. *See* Md. Code Ann., Public Safety, § 5-101(h)(1) (2003, 2022 Repl. Vol.).

> I think seeing the vehicle without an operative low beam and departing at night, turning onto [the roadway], the threshold for probable cause is not necessarily that high. I think what [Deputy Dowling] had an opportunity to observe clears that hurdle, and it did give rise to probable cause to effectuate the stop for purposes of investigating a possible violation of the Transportation Article.

Hence, the case proceeded. Appellant pled not guilty with an agreed upon statement of facts, accepting the above events as true. After presentation of the facts and consideration as to whether those facts met the prosecution's burden, the court found Appellant guilty of illegal possession of a regulated firearm.[6] Appellant was sentenced to five years' incarceration, with all except eighteen months suspended. Appellant noted this timely appeal. Additional facts are provided below as relevant.

DISCUSSION

THE CIRCUIT COURT DID NOT ERR IN DENYING APPELLANT'S MOTION TO SUPPRESS.

A. Party Contentions

Appellant contends that the circuit court erred in denying his motion to suppress because Deputy Dowling had no reasonable articulable suspicion to initiate the traffic stop that led to the discovery of his illegal firearm. Appellant's argument is two-fold. First, Appellant avers that his missing low beam headlight was not grounds for a traffic stop because his car was parked when he was using the low beams. Appellant asserts that the traffic code only requires two working headlights while driving the car, which he was not doing at the point the low beams were on, so the missing low beam was not grounds for

[6] The court found Appellant not guilty of possession of a firearm after conviction of a disqualifying crime, and the State *nolle prossed* the remaining counts.

reasonable articulable suspicion. Second, Appellant contends that his use of the high beam headlights on the roadway and at the intersection was proper because there were no cars "approaching" his vehicle; hence, he was not violating the traffic article that prohibits the use of high beam headlights with approaching vehicles.[7]

The State asserts that the police justifiably stopped Appellant's vehicle based on Deputy Dowling's belief that the car was not compliant with the traffic code. Notably, per the State, Maryland law requires each car to have two working headlights and limits the use of high beams when there is oncoming traffic. Thus, the State posits, Deputy Dowling had reasonable articulable suspicion that Appellant was violating the law when he saw Appellant drive a vehicle the deputy knew had a missing low beam light and observing Appellant drive that vehicle against traffic with the vehicle's high beams on.

B. Standard of Review

"When an appellate court reviews a trial court's grant or denial of a motion to suppress evidence under the Fourth Amendment, it will consider only the facts and information contained in the record of the suppression hearing." *Longshore v. State*, 399 Md. 486, 498 (2007) (citations omitted). In so doing, the appellate court views the evidence, and all reasonable inferences drawn from it, "in the light most favorable to the

[7] Appellant additionally argues that his use of high beams on the road was proper because the Transportation Article lacks a general requirement to use the lowest setting required for the lighting conditions on the street; thus, he was not violating the law when he had his high beams on while driving even if the road was well-lit. The State did not address this issue in its brief, although trial counsel did dispute that issue to the circuit court. Because the issue is not dispositive, as discussed *supra,* we likewise do not address it on appeal.

party prevailing on the motion, in this case, the State." *See id.* (citations omitted); *see also Carter v. State*, 367 Md. 447, 457 (2002); *Scott v. State*, 366 Md. 121, 143 (2001).

"Even so, we review legal questions [*de novo*], and where, as here, a party has raised a constitutional challenge to a search or seizure, we must make an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case." *State v. Wallace*, 372 Md. 137, 144 (2002) (citations omitted). In contrast, we defer to the factual findings of the trial court that heard the motion and do not disturb those findings unless they are clearly erroneous. *Id.*; *State v. Luckett*, 413 Md. 360, 375 n.3 (2010); *Carter*, 367 Md. at 457; *Longshore*, 399 Md. at 498.

C. Analysis

"The Fourth Amendment to the United States Constitution, applicable to the States through the Fourteenth Amendment, provides that 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated[.]'" *Longshore*, 399 Md. at 500 (quoting U.S. Const. amend. XIV). Regarding traffic stops, Maryland law requires police officers to have a minimum "reasonable articulable suspicion" that the vehicle or an occupant is subject to seizure for violation of the law. *State v. Williams*, 401 Md. 676, 690–91 (2007). Whether reasonable articulable suspicion exists to justify a stop depends on the totality of the circumstances. *Rowe v. State*, 363 Md. 424, 433 (2001).

The question here then is whether Deputy Dowling had reasonable articulable suspicion to conduct the stop of Appellant's vehicle; in other words, we must examine

whether the missing low beam light or Appellant's use of the high beam lights violated the traffic code. We take each issue in turn.

Missing Low Beam Light

Statutory analysis begins "with the plain language of the statute, and ordinary, popular understanding of the English language dictates [our] interpretation[.]" *Blackstone v. Sharma*, 461 Md. 87, 113 (2018) (quoting *Schreyer v. Chaplain*, 416 Md. 94, 101 (2010)); *Lawrence v. State*, 475 Md. 384, 404 (2021). "We read the 'statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.'" *Lawrence*, 475 Md. at 404 (internal citations and quotation marks omitted).

Maryland Code (1977, 2020 Repl. Vol.), section 22-101(a)(1)(ii) of the Transportation Article ("Transp.") prohibits the driving of a vehicle that "[d]oes not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this title[.]" Within the Transportation Article, section 22-203(b) dictates that "[e]very motor vehicle, other than a motorcycle, shall be equipped with *at least two headlamps* with at least one on each side of the front of the motor vehicle[.]" (Emphasis added). Thus, under the plain language of the traffic code, a police officer has reasonable articulable suspicion to stop a vehicle that the officer observes *being driven* without both working headlights because it does not meet the requisite safety standards required by law. *Compare* Transp. § 22-101(a)(1)(ii) *with* Transp. § 22-203(b).

Under Maryland law, to "drive" is defined as "driv[ing], operat[ing], mov[ing], or be[ing] in actual physical control of a vehicle[.]" Transp. § 11-114; Transp. § 11-141. In

this case, Appellant was driving the vehicle when he was stopped by Deputy Dowling. However, prior to the stop, Appellant was parked in the Wawa parking lot, sitting in the front seat of his car with only the single headlight on at which point Deputy Dowling observed that one of the car's low beam headlights was out.[8] As was the case in *Dukes v. State*, we note that

> "[d]rive" (as a definition), "operate" and "move" are not at issue here, for each of these terms clearly connotes either some motion of the vehicle or some physical movement or manipulation of the vehicle's controls. To "move" a vehicle plainly requires that the vehicle be placed in motion. "The term 'driving' means steering and controlling a vehicle while in motion; the term 'operating,' on the other hand, is generally given a broader meaning to include starting the engine or manipulating the mechanical or electrical devices of a standing vehicle."

178 Md. App. 38, 43 (2008) (alterations and ellipses omitted) (quoting *Atkinson v. State*, 331 Md. 199, 206 (1993)). Thus, we focus our analysis on whether Appellant was in "actual physical control of the vehicle" at the time Deputy Dowling observed the vehicle was missing a low beam light. *See* Transp. § 11-114.

In *Atkinson*, the Supreme Court of Maryland rejected the view of a majority of other states, which defines "actual physical control" as the situation where "a person is physically or bodily able to assert dominion in the sense of movement by starting the car and driving away[.]" *Atkinson*, 331 Md. at 211–12 (citations and quotation marks omitted). Instead, the Court identified six non-exhaustive factors relevant in determining whether an individual has "actual physical control" over the vehicle:

[8] Because the headlight was on, we reasonably infer the car was on and the keys were in the ignition.

1) whether or not the vehicle's engine is running, or the ignition is on;

2) where and in what position the person is found in the vehicle;

3) whether the person is awake or asleep;

4) where the vehicle's ignition key is located;

5) whether the vehicle's headlights are on;

6) whether the vehicle is located in the roadway or is legally parked.

Id. at 216. No one factor alone is dispositive in the *Atkinson* analysis; "[r]ather, each must be considered with an eye towards whether there is in fact present or imminent exercise of control over the vehicle or, instead, whether the vehicle is merely being used as a stationary shelter." *Id.* at 216–217. Applying these factors, the Court in *Atkinson* held that the individual was not in actual physical control of the vehicle, and thus not driving under Maryland law, because the car's engine was off, the car was lawfully parked on the side of the road, and the individual was sleeping inside the vehicle. *Id.* at 201–02.

In contrast, the Supreme Court of Maryland, in *Atterbeary*, found an individual to be in "actual physical control," and therefore driving, where the defendant was awake, sitting in the driver's seat of his legally parked car, and had the vehicle's engine running. *Motor Vehicle Admin. v. Atterbeary*, 368 Md. 480, 500–01, 503 (2002). Similarly, in *Gore v. State*, this Court found that the appellant was in "actual physical control" of a parked vehicle, and therefore driving, where "the car key was in the ignition in the 'on' position,

with the alternator/battery light lit; the gear selector was in the "drive" position; and the engine was warm to the touch[.]" 74 Md. App. 143, 149–50 (1988).

Here, when Appellant was observed with a missing low beam headlight, he was sitting, awake, in the driver's seat of the vehicle, and legally parked in the Wawa parking lot with the keys in the ignition and the car on. Notably, he promptly drove the car from the lot. Considering the *Atkinson* factors, Appellant was "imminent[ly] exercis[ing] . . . control over the vehicle[.]" *Atkinson*, 331 Md. at 216–17. That is, Appellant was awake, and his movement or manipulation of the car was imminent. *See Atterbeary* 368 Md. at 503; *Gore*, 74 Md. App. at 149. Thus, this case is inapposite to *Atkinson*, where the appellant was asleep, and the car was parked, and more akin to *Atterbeary* and *Gore*. *See Atkinson*, 331 Md. at 201–02; *Atterbeary*, 368 Md. App. at 503; *Gore*, 74 Md. App. at 149. Accordingly, Appellant was in actual physical control of the vehicle, and therefore driving under the plain meaning of the Transportation Code, when Deputy Dowling observed his car with only one working low beam headlight.

Even if this were not the case, Deputy Dowling stopped the vehicle while Appellant was actively driving the vehicle on a roadway. Deputy Dowling knew that the vehicle did not have two functioning low beam lights; hence, he had reasonable articulable suspicion under the traffic code to conduct the traffic stop. *See* Transp. § 22-101(a)(1)(ii) ("A person may not drive and the owner may not cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles that[] . . . [d]oes not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this title"). Therefore, whether viewing reasonable articulable

suspicion from the moment Deputy Dowling observed the parked vehicle or when he stopped the vehicle once on the road, the circuit court did not err in denying Appellant's motion to suppress. *See Ray v. State*, 206 Md. App. 309, 329–30 (2012) ("A violation of the Transportation Article's statutes, even those that concern a vehicle's equipment rather than moving violations, provides reasonable articulable suspicion to initiate a traffic stop.")

Use of High Beam Lights

Under Maryland Rule 4-252(g)(1), "[i]f factual issues are involved in determining [a motion to suppress], the court shall state its findings on the record." A remand may be required when "the trial court failed to make findings of fact and effectively failed to rule on the suppression motion prior to trial." *Portillo Funes v. State*, 469 Md. 438, 475 (2020). Therefore, where the trial court made no specific findings on an issue in a suppression hearing, we generally cannot rule on the issue and should remand the matter to the circuit court for findings. *See Southern v. State*, 371 Md. 93, 104–05 (2002); *United States v. Lesane*, 361 Fed. Appx. 537, 538 (4th Cir. 2010). Regardless, where a trial court's findings on an issue are evident from the context of the court's other rulings, a remand is not necessary even if the court did not expressly state those findings. *See Barnes v. State*, 437 Md. 375, 386 n.8 (2014).

Here, the trial court did not make express findings regarding Appellant's use of his car's high beam headlights on the roadway. On the issue, the trial court stated, "ultimately, I'm not sure [about] the distinctions and the fine points that we're addressing here with respect to the use of high beams or bright lights[.]" The court then ruled on the motion to suppress based on the low beam issue, *supra*.

Despite this, remand on the high beam issue is unnecessary because only one mechanism of reasonable articulable suspicion is needed to justify a traffic stop. *See Padilla v. State*, 180 Md. App. 210, 222 (2008) (citing *Whren v. United States*, 517 U.S. 806 (1996)) ("[A] law enforcement officer may effect a traffic stop whenever he observes *a* traffic violation[.]" (emphasis added)). As discussed above, and as the record suggests the circuit court understood, the missing low beam light was sufficient to meet that standard. Accordingly, Deputy Dowling's stop of Appellant was lawful, and the circuit court did not err in denying Appellant's motion to suppress based on the stop.

JUDGMENT OF THE CIRCUIT COURT FOR CECIL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.