Circuit Court for Anne Arundel County
Case No. C-02-CR-24-000655

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1900

September Term, 2024

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DEONTAE JAYRON SIMMS

v.

STATE OF MARYLAND

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Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 12, 2025

*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.

Convicted by the Circuit Court for Anne Arundel County of illegal possession of a regulated firearm, Deontae Jayron Simms, appellant, presents for our review a single issue: whether the court erred in denying his motion to suppress. For the reasons that follow, we shall affirm the judgment of the circuit court.

On January 3, 2024, Annapolis Police Corporal Eric Newton submitted to the court an application for a warrant to search "708-B Newtowne Dr Annapolis, MD 21401," and seize "[a]ny and all controlled dangerous substances" and related items. In support of the application, Corporal Newton stated:

> During the months of November and December of 2023, Detectives from the Annapolis Police Department's Special Investigations Section, referred hereinafter as SIS, Drug Enforcement Unit (DEU) received information in reference to drug activity occurring in the Woodside Gardens Community. This community is considered a "High-Crime" area and is an "Open Air Drug Market". Seven buildings within the community comprise 13 apartment units. Each building has three floors with approximately four apartments on each floor. Some of the buildings have laundry rooms, or utility room on the ground floor, leaving only three apartments on that floor.
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> Detectives spoke with a confidential source, referred hereinafter as CS-1, who advised of drug activity occurring in the 708-B Newtown[e] Drive apartment. Brandy Taylor is the supposed leaseholder of the apartment. CS-1 further advised that Taylor allow[s] drug dealers from the neighborhood to store, package, and sell controlled dangerous substances, referred hereinafter as CDS, from the 708-B apartment. According to CS-1, these drug dealers are said to be armed while in the community, in the 708-B apartment, and Taylor allows them to store their guns in the 708-B Newtowne Dr. apartment to deter detection from law enforcement.
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> CS-1 advised that one of the drug dealers that stores drugs and guns in the 708-B Newtowne Dr. apartment is Deontae Jayron Simms . . . . I am familiar with Simms from contacts with APD and his involvement in multiple cases. I have also conducted surveillance in the area of the Woodside Gardens Community and observed Simms frequenting the area of the 708 building.

> Detectives further received information from a second confidential source, referred hereinafter as CS-2, that Brandy Taylor was allowing drug dealers to store, package, and sell CDS from her apartment. CS-2 also stated that Taylor was allowing the dealers to store their CDS and firearms in her apartment in exchange for drugs.
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> On December 22, 2023 at 0400 hrs, Detectives met with Det. Sgt. Gordon of the Public Safety and Correctional Services to conduct a K-9 scan of the 708-B Newtowne Drive apartment. Detective Gordon and his K9 partner Harley arrived in the area of Newtowne Dr. and conducted a scan of the 708-B apartment unit. Detective Gordon advised that K9 Harley displayed a positive alert to the presence of CDS emanating from the door of the 708-B apartment.
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> Using the APD in-house database, I learned that Brandy Lynn Taylor . . . lives within the Woodside Gardens Community. During the course of the investigation and utilizing multiple on-line databases, Taylor has used the address of 708-B Newtowne Drive since 07/03/2020 in a court proceeding. Taylor has also used the 708-B Newtowne Dr. address during a 2022 APD investigation for a missing person.

The court subsequently issued the warrant.

At the plea hearing, the prosecutor described the events that occurred following the issuance of the warrant:

> On January 9, 2024 at 5:41 a.m.[,] 708 Newtowne Drive, apartment B, Annapolis, Maryland, Anne Arundel County, officers executed a search and seizure warrant. Mr. Deontae Simms was one – identified as one of the three people in the apartment. Mr. Simms was arrested and dropped approximately four grams of cocaine and had digital scales on him.
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> A search of the apartment was conducted. There was an end-table with Mr. Simms'[s] ID card, which was also found next to three grams of cocaine, three grams of fentanyl. And underneath the couch cushion in the living room area was a SCY CPX-2 nine millimeter handgun, which was accessible and jointly possessed by all members in the house.
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> Mr. Simms has a prior conviction for assault in the first degree in 2020 under case number C-02-CR-20-001268, which prohibits him from possession of that firearm.

Mr. Simms was subsequently charged by indictment with 35 offenses. Mr. Simms subsequently moved to "[s]uppress any and all evidence obtained by the State in violation of [Mr. Simms's] rights." At a hearing on the motion, defense counsel argued, among other arguments, that "there is a complete and total lack of probable cause" to "support the issuance of the search warrant," and "[g]ood faith wouldn't apply at all."

The court subsequently issued an order in which it denied the motion to suppress. In an accompanying opinion, the court stated, in pertinent part:

> Defendant argued that the affidavit lacked a "substantial basis" for issuance of a search warrant and cited numerous cases. The Court reviewed these cases. First, Defendant stated that the affidavit did not establish the informants' veracity due to a lack of information on their reliability. Defendant cited *McCray v. Illinois*, 386 U.S. 300 (1967), *Frankis v. State*, 11 Md. App. 534 (1971), *Holland v. State*, 13 Md. App. 635 [(1971)], *McCarthy v. State*, 22 Md. App. 722 (1974), and *State v. Kraft*, 269 Md. 583 (1973). These cases all reach the same conclusion; an informant that lacks proof of reliability to amount to substantial basis on its own will pass muster when, under the totality of the circumstances, the informant corroborates other evidence in the affidavit. *Frankis* at 538. Second, Defendant argued that the affidavit's description of the K9 was not sufficient under *Florida v. Harris*, 568 U.S. 237 (2013). However, the Court finds the case at hand to be distinguishable from *Florida v. Harris*. *Harris* states that the evidence of a K9's training was not sufficient in a hearing for probable cause, whereas here the question is what about the K9's training and reliability must be written in an affidavit for a warrant. Additionally, the K9 in *Florida v. Harris* alerted, and no narcotics were found, so the Defendant had reason to question the K9's reliability and training. Here, the K9 accurately alerted to drugs. Lastly, this Court must determine whether [the judge that issued the warrant] lacked a substantial basis to issue the search warrant. The Court finds that [the judge] had substantial basis to issue the search warrant based on the totality of the circumstances addressed in the affidavit.
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> Moreover, it should be noted that, even if the Court found . . . Defendant's arguments compelling, the Court finds that reasonably well-trained officers could have relied in good faith on the search warrant. *Agurs*

> *v. State*, 415 Md. 62, 77 (2009). There are four circumstances in which the good faith exception does not apply: "(1) the magistrate was misle[]d by information in an affidavit that the officer knew was false or would have known was false except for the officer's reckless regard for the truth; (2) the magistrate wholly abandoned his detached and neutral judicial role; (3) the warrant was based on an affidavit that was so lacking in probable cause as to render official belief in its existence entirely unreasonable; and (4) the warrant was so facially deficient, by failing to particularize the place to be searched or the things to be seized, that the executing officers cannot reasonabl[y] presume it to be valid." *United States v. Leon*, 468 U.S. 897, 907 (1984). The Court does not find that the case at hand falls under any of these four circumstances. While the Court holds that [the judge that issued the warrant] had the substantial basis to issue the search warrant, even if he did not, the good faith exception to the exclusionary rule would still apply and the items seized pursuant to the warrant would not be suppressed.

Mr. Simms subsequently submitted a conditional plea of guilty to the aforementioned offense on an agreed statement of facts. The court convicted Mr. Simms of the offense.

Mr. Simms contends that, for two reasons, the court erred in denying the motion to suppress. First, "[t]here was no substantial basis to support the warrant," because the "uncorroborated confidential sources add nothing to substantial basis analysis," and "the K-9 alert . . . lacked indicia of reliability or accuracy." Second, the "good faith exception does not apply." Conceding that "CS-1 and CS-2's reports alone would not pas[s] muster," the State contends that "when [they are] viewed under the totality of the circumstances in combination with the K9 alert, there was a substantial basis for the court to issue the warrant." Alternatively, the State contends that "the officers reasonably relied on the warrant in good faith."

Assuming, without deciding, that the information obtained from the confidential sources and the K-9's "positive alert" are insufficient to support the warrant, we agree with

the State that the officers reasonably relied on the warrant in good faith. "Under the good faith exception to the Fourth Amendment's exclusionary rule, evidence obtained pursuant to a search warrant, later determined or assumed to have been issued improperly, should not be suppressed unless the officers submitting the warrant application were dishonest or reckless in preparing their affidavit or could not have harbored an objectively reasonable belief in the existence of probable cause." *Marshall v. State*, 415 Md. 399, 408 (2010) (internal citations, quotations, and brackets omitted). "Cases in which courts have refused to apply the good faith exception demonstrate that the safe harbor of the exception is foreclosed only when there exists essentially no evidence to support a finding of probable cause." *Id.* at 410. *Accord Whittington v. State*, 246 Md. App. 451, 494 (2020).

Here, Corporal Newton stated in the application for a warrant that the community in which 708-B Newtowne Drive is located is a high crime area and open air drug market. The corporal further stated that two confidential sources reported that the "leaseholder of the apartment," Brandy Taylor, was allowing "drug dealers from the neighborhood," including Mr. Simms, to use the apartment "to store, package, and sell controlled dangerous substances," and to store guns. One of the confidential sources stated that the "drug dealers [were] armed while in the community" and apartment. Corporal Newton discovered that Ms. Taylor had previously claimed the apartment as her residence "in a court proceeding" and an "investigation for a missing person." The corporal stated that he was "familiar with [Mr.] Simms from contacts with APD," "involvement in multiple cases," and "observ[ing Mr.] Simms frequenting the area of the 708 building." Finally, Corporal Newton stated that a K-9 used by a detective of the Department of Public Safety and Correctional Services

"conducted a scan of the . . . apartment" and "displayed a positive alert to the presence of CDS." We conclude that this evidence supports a finding of probable cause and gave the corporal an objectively reasonable belief in the existence of probable cause. The court did not err in concluding that the good faith exception is applicable, and hence, the court did not err in denying the motion to suppress.

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