

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1635

September Term, 2015

ANTHONY FIGUEROA

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: July 22, 2016

*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 of possession of Alprazolam (a controlled substance), in the Circuit Court for Baltimore City, Anthony Figueroa, appellant, raises a single issue on appeal: whether the trial court erred in denying his motion to suppress evidence recovered from his person because he was arrested, appellant claims, without probable cause. Because the record establishes that appellant’s arrest was supported by probable cause, we affirm.

In reviewing the grant or denial of a motion to suppress, this Court views the evidence “in the light most favorable to the prevailing party, and the trial court’s fact findings are accepted unless clearly erroneous.” *Williamson v. State*, 413 Md. 521, 531 (2010). “The ultimate determination of whether there was a constitutional violation, however, is an independent determination that is made by the appellate court alone, applying the law to the facts found in each particular case.” *Belote v. State*, 411 Md. 104, 120 (2009) (citations omitted).

The testimony of Detective Charles Baugher at the suppression hearing established that, prior to Figueroa’s arrest, the following occurred: (1) Detective Baugher received an anonymous tip that someone was using a specific phone number to facilitate the sale of prescription pills and crack cocaine; (2) he followed up on that tip by texting the number several times to find out what type of narcotics the person sold and asking to buy drugs; (3) the person using the number agreed, via text message and over the phone, to sell him crack-cocaine at a pre-arranged location; (4) when he arrived at the pre-arranged location, he called the number and observed Figueroa pick up his phone; and (5) he then heard Figueroa, both in-person and through the phone, state: “Are you here? I’m coming out.” Based on those facts, we are persuaded that the trial court did not err in finding that

Figueroa's arrest and the search of his person incident thereto was supported by probable cause and therefore in denying his motion to suppress. *See Lawson v. State*, 25 Md. App. 537, 544-47 (1975) (finding that an undercover officer had probable cause to arrest the appellant and search his vehicle where the appellant, after meeting with the officer, expressed his willingness to sell heroin to the officer and followed the officer's vehicle for the purpose of the officer obtaining money to make the purchase).

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