

Circuit Court for Prince George's County
Case No. CJ152456

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2176

September Term, 2016

DARIN HARRISON

v.

STATE OF MARYLAND

Woodward, C.J.,
Leahy,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 3, 2017

*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 jury trial in the Circuit Court for Prince George’s County, Darin William Harrison, appellant, was convicted of driving on a suspended license and possessing a suspended license. His sole claim on appeal is that the trial court erred in denying his motion to suppress because, he claims, the police lacked a reasonable articulable suspicion to stop his vehicle. For the reasons that follow, we affirm.

For the purposes of the suppression hearing, the parties stipulated that the officer stopped Harrison’s vehicle because he believed that Harrison had a broken headlight on the driver’s side of his vehicle. During the stop, the officer determined that the left headlight was, in fact, broken and cited Harrison for violating Section 22-226(a) of the Transportation Article, which requires every motor vehicle driving at night to display “two lighted lamps . . . one on each side, at the front of . . . vehicle[.]” Although the left headlight was inoperable, the State conceded that, at the time of the stop, the side lamp that was located next to the left headlight was working and emitting a yellow light that could be seen from the front of the vehicle.

Although the officer did not testify, the parties allowed the suppression court to watch a video of the stop that was obtained from the officer’s dashboard camera. After, viewing the video, the court made the following findings:

I see what appears to be the left hand side of the car, the driver’s side of the car, which is not extremely lit . . . which leads me to the inference that you’re really only seeing one bulb on the right hand side lit. There is, however, a lighting on the left hand side which does appear to be again some sort of different type of bulb, not a headlight with high intensity, with the intensity that I would expect to see. So that’s what I’m seeing [in the video].

Based on these findings, the court determined that the officer had a reasonable articulable suspicion to stop Harrison’s vehicle to investigate a possible equipment violation and denied his motion to suppress.

On appeal, Harrison contends that Section 22-226 of the Transportation Article does not require a vehicle being driven at night to display two headlamps, only two “lighted lamps” on each side of the vehicle. Because the light from his vehicle’s left side lamp was visible from the front of the vehicle, he claims that the officer did not have a reasonable suspicion for the stop. However, even if we accept Harrison’s argument, the stop of his vehicle was justified on other grounds.

Section 23-105 of the Transportation Article provides that “[i]f a police officer observes that a vehicle registered in this State is being operated with any equipment that apparently does not meet the standards established under this subtitle . . . the officer shall stop the driver of the vehicle and issue to him a safety equipment repair order.” Section 23-104 delineates the equipment standards required of vehicles operating in the state of Maryland. It requires every vehicle to have lights “meeting or exceeding the standards established jointly by the Administration and the Division.” Pursuant to its authority under the Transportation Article, the Motor Vehicle Administration requires every vehicle be equipped with two functioning headlamps. Code of Maryland Regulations (“COMAR”) 11.14.02.10(1)(c)(v). If the headlamp fails to illuminate, the vehicle fails inspection. *Id.*

Here, the suppression court watched the video of the stop and found that the left side of the vehicle appeared to be a “different type of bulb, not a headlight with high intensity.” Therefore, we are persuaded that the officer had a reasonable suspicion to believe

Harrison’s left headlamp was inoperable. Moreover, the fact that the officer did not issue a repair order for the headlight, and instead cited him for violating another statute, is not relevant because reasonable articulable suspicion turns on what the law enforcement officer observed prior to the initial traffic stop, not what the law enforcement officer did after the initial traffic stop. *See State v. Williams*, 401 Md. 676, 686 (2007) (A court should “judge [] the conduct of the officer based . . . on what was reasonably apparent at the time of the stop[.]”). Because not having two functioning headlamps violates Section 23-104(a), as supplemented by COMAR 11.14.02.10(1)(c)(v), the stop of appellant’s vehicle was lawful regardless of whether both headlights were required to be displayed. Consequently, the trial court did not err in denying Harrison’s motion to suppress.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**