

Circuit Court for Queen Anne's County
Case No. C-17-CR-23-000275

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2308

September Term, 2023

RASHAWN TIREAC CUFFEE

v.

STATE OF MARYLAND

Arthur,
Ripken,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: June 9, 2025

*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).

Rashawn Cuffee was charged in the District Court of Maryland, sitting in Queen Anne’s County, with multiple traffic violations. He requested a jury trial, and his case was transferred to the Circuit Court for Queen Anne’s County.

Cuffee moved to suppress evidence on the ground of an allegedly unlawful traffic stop for a suspected window-tint violation. The circuit court denied the motion to suppress.

Cuffee pleaded not guilty on an agreed statement of facts to one count of driving a motor vehicle on a highway without the required license and authorization.

The court found Cuffee guilty and imposed a one-year sentence, with all but 60 days suspended, followed by two months of supervised probation.

Cuffee noted a timely appeal, challenging the court’s denial of his motion to suppress. For the following reasons, we shall affirm.

BACKGROUND

On April 2, 2023, at around 6:17 p.m., Maryland Transportation Authority Officer Soto Ocasio was on “stationary patrol” near the first crossover on eastbound Route 50, just east of the Chesapeake Bay Bridge. He observed a car with tinted windows pass by his location. He testified: “As the vehicle passed me, there was no ambient light getting in the vehicle.” He could not see how many people were in the car.

Officer Ocasio pulled out from his location and began following the car eastbound on Route 50. He activated his siren, and the car came to a stop. The entire stop was recorded on the officer’s dash-cam video, which the court admitted into evidence.

Officer Ocasio testified that he walked up to the passenger side of the vehicle and observed Cuffee in the driver’s seat. He said that he was unable to make any observations of what was happening inside the car until Cuffee rolled down the passenger window.

Officer Ocasio testified that in his training he has learned the difference between an untinted window, a window that is lawfully tinted with 35 percent or greater visible light transmission, and a window that is tinted beyond the legal limit. *See generally* Maryland Code (1977, 2020 Repl. Vol.), § 22-406(i) of the Transportation Article.¹ Officer Ocasio estimated that, of the approximately 2,000 traffic stops that he has conducted, “probably a couple hundred” related to window-tint violations.

Officer Ocasio testified that, as a vehicle passes him, he looks to see how many people are in the car, whether the driver and any passengers have their seatbelts buckled, and, what, if any, movements the occupants make. When asked what he looks for to determine whether the tint on a vehicle’s windows exceeds the 35 percent threshold, Officer Ocasio explained that if a vehicle with lawful tinting passed by, he would be able to see the number of occupants and the “shiny buckle on a seatbelt[.]” He testified that he can see “landmarks[.]” like poles, “on the other side” of vehicles with legally tinted windows.

¹ Visible light transmission or VLT measures the percentage of visible light that passes through the window. A lower VLT percentage means a darker window. A 35 percent VLT means that 35 percent of visible light passes through the window; the remaining 65 percent of visible light is blocked by the tint.

Officer Ocasio was unable to make any of those observations in this case. Based on his training, knowledge, experience, and observations of the vehicle Cuffee was driving, the officer concluded that the window tint was unlawful.

Officer Ocasio testified that the stop occurred around dusk, and that it was getting dark outside.² He admitted that, during the stop, he did not look for or observe any stickers on the windows indicating that the tint had been certified as being within the legal limit. He agreed that he did not test the tint or issue an equipment repair order.

Cuffee testified on his own behalf. He agreed that he was driving the vehicle in question and that it belonged to the mother of his child. He testified that the window tinting was present when she bought the vehicle and that she had never been stopped because of excessive tinting in the three years that she owned the car.

Cuffee claimed that he tried to show Officer Ocasio a sticker on the back of the window, showing that the tint did not exceed the legal limit. He also claimed that he asked the officer to test the tint. He asserted that if the officer had done the test, the car would have passed.

Cuffee agreed that he did not have any documentation concerning the legality of the window tint at the time of the hearing. The parties were unable to find anyplace on

² The dashcam recording shows that the sun was well above the horizon and that it was still light outside at the time of the stop. On April 2, 2023, the sun set in Stevensville, Maryland, on the east side of the Bay Bridge, at 7:30:11 p.m. E.D.T., about an hour after the stop.
https://sunrise.maplogs.com/stevensville_md_usa.37732.html?year=2023_

the dash-cam video recording where Cuffee can be heard trying to show the sticker to the officer or asking the officer to test the tint.

After hearing Officer Ocasio’s and Cuffee’s testimony, the court denied Cuffee’s motion to suppress evidence based on an allegedly unlawful stop. The court found that Officer Ocasio had reasonable articulable suspicion, “based on his training, knowledge, and experience[,]” and “the totality of his observations,” to believe that the vehicle’s windows were tinted beyond the legal limit and therefore, to conduct the traffic stop.

QUESTION PRESENTED

Cuffee presents one question: “Did the trial court err in denying Appellant’s motion to suppress?”

Because we see no error, we shall affirm.

DISCUSSION

The review of a circuit court’s denial of a motion to suppress evidence “is ‘limited to the record developed at the suppression hearing.’” *Richardson v. State*, 481 Md. 423, 444 (2022) (quoting *Pacheco v. State*, 465 Md. 311, 319 (2019)). A circuit court’s ruling on a motion to suppress evidence presents a mixed question of law and fact. *Id.*

Accordingly, we “assess the record ‘in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress[,]’” *id.* at 445 (quoting *Norman v. State*, 452 Md. 373, 386 (2017)), accepting the court’s factual findings unless clearly erroneous. *Id.* We review questions of law without deference. *Id.* “‘The ultimate determination of whether there was a constitutional violation . . . is an independent determination that is made by the appellate court alone, applying the law to

the facts found in each particular case.’” *State v. Carter*, 472 Md. 36, 55 (2021) (quoting *Belote v. State*, 411 Md. 104, 120 (2009)).

The Fourth Amendment to the United States Constitution protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]” Evidence obtained directly from or derived from an unreasonable search or seizure ordinarily is inadmissible in a state criminal prosecution. *Thornton v. State*, 465 Md. 122, 140 (2019).

A traffic stop involving a motorist is a seizure that implicates the Fourth Amendment. *See Brice v. State*, 225 Md. App. 666, 695 (2015). A traffic stop may “be constitutionally permissible where the officer has a reasonable belief that ‘criminal activity is afoot.’” *Rowe v. State*, 363 Md. 424, 433 (2001) (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)).

Section 22-406(i)(1) of the Transportation Article of the Maryland Code generally prohibits a person from operating a motor vehicle if the window tinting does “not allow a light transmittance through the window of at least 35%[.]” Section 22-406(i)(2) of the Transportation Article states that, “If a police officer observes that a vehicle is being operated in violation of paragraph (1) of this subsection, the officer may stop the driver of the vehicle and, in addition to a citation charging the driver with the offense, issue to the driver a safety equipment repair order”

In *State v. Williams*, 401 Md. 676, 679 (2007), a law enforcement officer was following a car that was suspected to be carrying illegal drugs, but the State did not argue that that suspicion alone provided an independent ground to stop the car. *Id.* The officer

had been instructed to stop the car if he observed a traffic violation. *Id.* He eventually stopped the car on the premise that the rear window was “darker than ‘normal.’” *Id.* The stop, which allowed a K-9 unit to scan the car and discover cocaine and marijuana, occurred at 12:40 a.m. *Id.*

The State argued that the stop was supported by reasonable articulable suspicion of an apparent violation of section 22-406(i) of the Transportation Article. The Court disagreed. *Id.* at 691.

“The problem,” the Court wrote, was that, “in noting that appellee’s rear window was darker than ‘normal,’ [the officer] was comparing the darkness of the rear window to a window without any tinting.” *Id.* The Court continued:

Obviously, a tinted window is going to appear darker than a window without any tinting, especially at night; that is the natural effect of tinting. The law permits a substantial tinting, however—substantial enough to block out 65% of the light striking the window.

Id.

The Court concluded:

The test urged by the State, and applied by [the officer], would allow police officers to stop any car with any tinted window, simply because it appears darker than an untinted window, and that cannot be the test for Fourth Amendment purposes, for it would effectively strip away Fourth Amendment protection for any person driving or owning a car with tinted windows. If an officer chooses to stop a car for a tinting violation based solely on the officer’s visual observation of the window, that observation has to be in the context of what a properly tinted window, compliant with the 35% requirement, would look like. If the officer can credibly articulate that difference, a court could find reasonable articulable suspicion, but not otherwise.

Id. at 692.

This Court addressed a similar issue four years later in *Turkes v. State*, 199 Md. App. 96 (2011). There, a police officer stopped a car with window tinting because the officer suspected the tinting “was darker than legally permissible[.]” *Id.* at 104. One issue on appeal was whether the stop was supported by reasonable articulable suspicion.

The stop occurred on a sunny day at 11:45 a.m. *Id.* at 108. The officer testified that “he was unable to see into the vehicle at all to tell the number of occupants in the car or to distinguish movement in the car.” *Id.* at 115-16. He observed the car approximately eight to ten seconds before he initiated the stop and did not see an inspection sticker on the tint. *Id.* at 116.

The officer testified that “he was familiar with the appearance of a legal tint at 35% and had observed the difference between legal and non-legal tints during traffic stop training at the police academy.” *Id.* He “had conducted at least 100 traffic stops for tinted windows.” *Id.* He testified, “based on his training and experience,” that “if a window’s tint is legal, a person should be able to see into the window because sunlight can get through.” *Id.* “Those facts[.]” this Court held, “justified the stop, especially in light of [the officer]’s training and experience in recognizing legally tinted windows.” *Id.*

Turkes seems to have served as a template for Officer Ocasio’s testimony in this case. He testified that, in his training, he had learned the difference between an untinted window, a window that is lawfully tinted, and a window that is too dark to have been tinted lawfully. He testified that he had done “a couple hundred” traffic stops for window-tint violations. He testified that if a window is tinted within the legal limits, he can see whether the occupants are wearing their seatbelts and can look through the

windows and see objects on the other side of the car. Finally, he testified that he could not see how many people were in Cuffee’s car and that he could not see into the car at all until Cuffee rolled down the window.

The court was not required to accept the officer’s testimony. It could have credited Cuffee’s testimony that he urged the officer to look at the sticker that allegedly certified that the window was legally tinted. The court could also have credited Cuffee’s testimony that he urged the officer to test the window to confirm that it was legally tinted. In light of *Turkes*, however, the court did not err in concluding, on the facts found in the record in this case, that Officer Ocasio had reasonable articulable suspicion to stop Cuffee’s car for a window-tint violation.

**JUDGMENT AFFIRMED. COSTS TO BE
ASSESSED TO APPELLANT.**