Circuit Court for Baltimore County
Case No. C-03-CR-23-003056

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2327

September Term, 2023

KENISHA JONES

v.

STATE OF MARYLAND

Leahy,
Albright,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: September 10, 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).

The Circuit Court for Baltimore County denied appellant Kenisha Jones's motion to suppress evidence that was seized from her person and her car following her arrest. Jones then entered a conditional guilty plea to one count of possession of cocaine with intent to distribute and preserved her right to appeal the suppression ruling. She was then sentenced to two years' incarceration. Jones timely filed this appeal, presenting a single question for our review: "Did the circuit court err in denying the motion to suppress evidence?"

Viewing the evidence in the light most favorable to the State, and evaluating the totality of the circumstances, we detect no violation of Jones's rights under the Fourth Amendment of the United States Constitution and affirm the judgment of the circuit court.

We hold that the police had the requisite probable cause to arrest Jones and search her person and vehicle. While conducting undercover operations in a high-crime area, a police officer observed an individual lean into Jones's car and "place[] his clenched hand into his pocket." The officer confronted the individual, who confessed that he was in possession of crack cocaine and that he had purchased the crack cocaine from Jones. Officers then arrested and searched Jones, finding controlled dangerous substances ("CDS") on her person. They then searched her vehicle, where they found a "digital scale with residue."

BACKGROUND

Jones was arrested on June 22, 2023, in Baltimore County. She was indicted by a grand jury and with the following eight criminal offenses: simple possession of cocaine,

heroin, and fentanyl; possession with intent to distribute cocaine, heroin, and fentanyl; unlawful distribution of cocaine; and possession with intent to use drug paraphernalia. Jones subsequently filed a motion to suppress,[1] contending that the police did not have probable cause to arrest her and, accordingly, any evidence seized following the arrest should be suppressed. The State filed an answer to Jones's motion on January 5, 2024, and the suppression hearing followed on January 10, 2024.

Evidence Adduced at the Suppression Hearing

At the suppression hearing, the State's sole witness was Detective Robert Francis, whom the court admitted as an "expert in the packaging and sale of [CDS]" without objection. Det. Francis had been a member of the Baltimore County Police Department since 2014. During his six-month training at the police academy, he learned to identify CDS and their packaging, as well as to identify behaviors consistent with the sale and distribution of narcotics. Before becoming a detective, Det. Francis spent four and a half years on patrol in Dundalk, during which time he participated in "approximately a hundred" drug investigations. After being assigned to the Eastern Community Drug Unit, Det. Francis continued to participate in approximately one hundred narcotics-related investigations. Alongside his work, he received training through federal and state programs related to drug investigations, which provided him with information on current

[1] From the record, it appears that only Jones's memorandum of law – and not the motion to suppress itself – was docketed. It also appears from the transcript of the suppression hearing that Jones's counsel handed the court "a hard copy" of the motion to suppress at the beginning of the proceedings. The court indicated that it had reviewed Jones's memorandum in support of the motion and the State's reply.

"drug trends[.]" He also attended a seminar where members of law enforcement educated each other about "different types of drug behavior amongst distributors, . . . the packaging that we might be observing, the analysis that's been coming back on the particular drugs that we're seizing." Det. Francis stated that he had also attended specific trainings with respect to confidential informants, major case investigations, and mid-level and street-level drug investigations.

On the day in question, June 22, 2023, at around 5:15 p.m., Det. Francis was working undercover in the Glenwood area of Essex, which he knew to have "a high volume of drug activity[.]" He observed two individuals walking out of the neighborhood who "appeared to be looking all around, checking their surroundings[.]" One of the individuals "appeared to be texting pretty frequently on his phone[.]" Det. Francis observed the two individuals sit down on a curb and begin "continuously looking around as if they[] [we]re waiting for somebody." This struck Det. Francis as "odd[,]" as there was not a "bus stop[] or anything like that in the area." He testified that "based off of the totality of what [he] observed[,]" this suggested to him that there could be drug activity afoot, though he agreed this was "mere speculation" at that point.

Det. Francis then saw a black Kia sedan pull up next to the two individuals, approximately "two car lengths" from where he was sitting in an undercover vehicle.[2] One of the individuals, whom Det. Francis referred to at the suppression hearing as

[2] Although Det. Francis testified that the Kia was partially blocking the travel lane on this two-lane road, he stated that he never witnessed the vehicle commit a traffic infraction.

"Donaldson," got up, opened the passenger door to the Kia, and briefly leaned into the vehicle. The driver of the Kia leaned towards Donaldson for a "brief interaction," and then drove away from the scene. The entire interaction took "less than five seconds." As Donaldson backed away from the vehicle, Det. Francis saw Donaldson "plac[e] his clenched hand into his pocket." Det. Francis surmised, "based on the totality of those circumstances" and the "training, knowledge, and experience[,]" he obtained, that the events he observed were "indicative of a hand-to-hand drug transaction." On cross-examination, Det. Francis agreed he did not see either money or drugs actually exchange hands.

After the Kia drove away, Det. Francis communicated his observations to fellow detectives working in the area. Det. Francis then got out of his vehicle and stopped Donaldson on foot. Donaldson said he was in possession of a small amount of crack cocaine, which was then recovered from his person. Donaldson told Det. Francis that he had purchased the crack cocaine from "the female that was driving" the Kia. During that time, police officers were conducting "constant uninterrupted surveillance" on the Kia. About five minutes after Det. Francis observed the interaction between Donaldson and the Kia's driver, the police stopped the Kia less than a mile away. Jones, the driver and sole occupant, stepped out of the vehicle and was placed under arrest. As police searched her, police saw that she had her arm clenched tight against her body. When her arm was released, a small "baggie" containing capsules of suspected heroin and/or fentanyl and a

"baggie" of crack cocaine, fell from her person. Appellant's vehicle was then towed and searched, revealing a digital scale with residue.

Closing Arguments and the Suppression Ruling

At the close of evidence, the parties presented closing arguments. The State argued that Det. Francis's observation of the interaction between Donaldson and the Kia's driver, coupled with the officer's expertise and experience, supported a finding of reasonable suspicion of criminal activity that "ripen[ed] . . . to probable cause for an arrest" when Donaldson said he had just purchased crack cocaine from Jones. The State continued that because Det. Francis had probable cause for arrest, he could also "search [Jones] incident to arrest." Because the search led to the discovery of CDS on Jones's person, and Det. Francis saw her "conducting a drug transaction out of the vehicle[,]" the State argued that the officer had "probable cause to believe evidence of crime may be in a vehicle," warranting the search of Jones's Kia vehicle under *Carroll v. United States*, 267 US. 132 (1925).

Defense counsel disagreed, arguing that Det. Francis only had "a mere hunch" of illegal activity, warranting the suppression of "the stop, the search, and any fruits" of the search of Jones's person and the Kia. Counsel highlighted that Det. Francis's initial suspicion was based on observing "innocent activity[,]" such as "two people walking down a high crime area[,]" and " two guys sit[ting] down on the ground." Counsel underscored that when Donaldson leaned into the Kia, Det. Francis did not see "items consistent to any narcotics, [] small objects" or money exchange hands. Counsel further noted that although

Donaldson told Det. Francis that he had purchased crack cocaine from the driver of the Kia, the police did not "know anything about Donaldson" that would make his statement credible.

The suppression court denied the motion, emphasizing the fact that Det. Francis was admitted as an expert "with respect to . . . his dealings with [] drug transactions" and that "[h]e's not sitting in a vacuum when he's doing his job" but rather "knows what to look for" when identifying a drug transaction. The court mentioned Det. Francis' training and experience, the fact that he was in a "high drug area, crime area," as well as the other "suspicious" activity Det. Francis observed. With respect to Donaldson's credibility, the court found that Det. Francis was "acting on all of the things that he's just observed" when he stopped Donaldson and emphasized that Det. Francis had an opportunity to "size up" Donaldson. The suppression court found that the brief interaction between Donaldson and the Kia's driver, prompted the detective to stop Donaldson, who then admitted to buying crack cocaine from the driver. The court summarized its ruling as follows:

> So, [Det. Francis] did have the reasonable, articulable suspicion that there was drug activity going on, and that it, it rose to that, to that level by all of the -- he said, Detective Francis said, any number of times totality of the circumstances. It's not just one thing. It's taking everything into account. And that's what he did. And that led to the stop and arrest of, of, you know, of the Defendant, Miss Jones, in this case, because there was at that time probable cause to believe that a crime had been committed. And a search was conducted of her, a search was conducted of her vehicle for reasons stated by [The State] in terms of what the law is as to that. And the Court finds that there was no issue with any Fourth Amendment violation, and there, there was something [] of substance here. You know, . . . there was something of substance more than just, again, sitting in a vacuum with nothing more. The Motion to Suppress in this case is denied.

On February 1, following the denial of her motion to suppress, Jones tendered a conditional guilty plea to possession with intent to distribute cocaine. At the plea hearing, defense counsel renewed the objection "to the stop, search, and what was seized[,]" preserving Jones's right to appeal the suppression ruling. She timely noted this appeal on February 7, 2024.

DISCUSSION

A. Parties' Contentions

Jones concedes that Det. Francis "had reasonable articulable suspicion to believe that a [CDS] offense might have occurred, and that the driver of the Kia might have been involved in the offense." However, she argues that Det. Francis' suspicion only "permitted officers to stop the vehicle" for the limited purpose of "confirm[ing] or dispel[ling]" the suspicion and did not rise to probable cause justifying her immediate arrest. Jones emphasizes that Det. Francis "only observed the Kia for a matter of seconds" and that there was no evidence Det. Francis knew Donaldson "to be a truthful or reliable person." Jones further contends that in delivering its ruling, the circuit court "d[id] not address the fact that . . . [she] was arrested immediately upon the stopping of her vehicle" and "searched immediately pursuant to that arrest." Without probable cause to arrest and search her, Jones asserts the scale recovered from her car is "fruit of the poisonous tree pursuant to *Wong Sun v. United States*, 371 U.S. 471 (1963)[.]"

The State counters that Det. Francis had probable cause for Jones's arrest, emphasizing that his "training, knowledge, and experience . . . told him that a crime had

occurred in his presence, even before speaking with Donaldson." Citing *Williams v. State*, 188 Md. App. 78 (2009), the State notes that Det. Francis "did not need to see" drugs "in order to believe that what he witnessed was a hand-to-hand drug transaction" and points to the fact that Det. Francis was conducting "proactive investigative work in a neighborhood with 'a high volume of drug activity.'" "Suspecting that criminal activity was afoot," the State asserts, Det. Francis "investigated further by stopping and questioning Donaldson," who then "confirmed that Detective Francis did, in fact, witness a hand-to-hand drug transaction." The State posits that "if Detective Francis did not already have probable cause" at this point, his interaction with Donaldson provided probable cause to arrest Jones. In turn, the State argues that Det. Francis' observation of Jones apparently selling drugs out of her car, along with "the presence of contraband on Jones's person[,] . . . generated probable cause [for] the warrantless search of Jones's vehicle."

B. Legal Framework

When we review "a trial court's denial of a motion to suppress, we are limited to information in the record of the suppression hearing and consider the facts found by the trial court in the light most favorable to the prevailing party[.]" *Washington v. State*, 482 Md. 395, 420 (2022). "We accept facts found by the trial court during the suppression hearing unless clearly erroneous." *Id.* On the other hand, we review "the trial court's application of law to the facts [] *de novo*." *Id.* In addition, "[w]hen a party raises a constitutional challenge to a search or seizure, we undertake an 'independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and

circumstances of the case.'" *Trott v. State*, 473 Md. 245, 254 (2021) (quoting *Grant v. State*, 449 Md. 1, 14-15 (2016))*; accord State v. McDonnell*, 484 Md. 56, 78 (2023).

The Fourth Amendment to the Constitution of the United States, made applicable to the States through the Fourteenth Amendment, *Mapp v. Ohio*, 367 U.S. 643, 655 (1961), guarantees, *inter alia*, "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]" In furtherance of this right, courts treat "searches conducted outside the judicial process, without prior approval by judge or magistrate," as "*per se* unreasonable under the Fourth Amendment – subject only to a few specifically established and well-delineated exceptions." *Richardson v. State*, 481 Md. 423, 445 (2022) (quoting *California v. Acevedo*, 500 U.S. 565, 580 (1991)). Under the "exclusionary rule[,]" evidence obtained as the result of an unreasonable search or seizure, in violation of the Fourth Amendment, is ordinarily not admissible against a defendant. *Id.* at 446.

However, the United States Supreme Court has cautioned that the exclusionary rule "generates 'substantial social costs,' . . . which sometimes include setting the guilty free and the dangerous at large." *Hudson v. Michigan*, 547 U.S. 586, 591 (2006) (quoting *United States v. Leon*, 468 U.S. 897, 907 (1984)). Accordingly, the Court has declared the exclusionary rule "applicable only . . . where its deterrence benefits outweigh" these social costs. *Utah v. Strieff*, 579 U.S. 232, 237 (2016) (alteration in original) (quoting *Hudson*, 547 U.S. at 591).

The Supreme Court has often said that "the ultimate touchstone of the Fourth Amendment is 'reasonableness.'" *Richardson*, 481 Md. at 445 (*quoting Riley v. California*, 573 U.S. 373, 381-82 (2014), in turn quoting *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006)). Courts assess the reasonableness of a search by applying "a totality of the circumstances analysis, based on the unique facts and circumstances of each case." *McDonnell*, 484 Md. at 80 (citing *Missouri v. McNeely*, 569 U.S. 141, 150 (2013)). In this analysis, the "nature of the intrusion, whether severe or 'negligible[,] is of central relevance[.]'" *Id.* (quoting *Maryland v. King*, 569 U.S. 435, 446 (2013)).

As the Maryland Supreme Court explained in *Swift v. State*, the Fourth Amendment is not implicated every time the police have contact with an individual. *Swift v. State,* 393 Md. 139 (2006); *id.* at 149-52; *California v. Hodari D.*, 499 U.S. 621, 625–26 (1991). There are different tiers of interaction, namely, an arrest, an investigatory stop, and a consensual encounter. *Swift*, 393 Md. at 151; *accord In re D.D.*, 479 Md. 206, 232-33 (2022); *Pyon v. State*, 222 Md. App. 412, 419 (2015). The most intrusive category of encounter between the police and the public is an arrest, which, in the absence of a warrant, "requires probable cause to believe that a person has committed or is committing a crime." *Trott*, 473 Md. at 255 (quoting *Swift*, 393 Md. at 150); *see also* Maryland Code (2001, 2018 Repl. Vol.), Criminal Procedure Article ("CP") § 2-202 (providing that a police officer may conduct a warrantless arrest for: (1) crimes committed or attempted within their presence; (2) where there is probable cause to believe a crime is being committed in their

presence; and/or (3) where there is probable cause to believe that a felony was committed or attempted whether or not in their presence).

Appellant concedes there was reasonable articulable suspicion to stop her vehicle but maintains her immediate arrest was not justified. Both parties agree this is the determinative issue before us. As we have explained, "[p]robable cause exists where the facts and circumstances within the arresting officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed." *Brown v. State*, 261 Md. App. 83, 94 (2024) (citation omitted). Demonstrating probable cause "is not a high bar[,]" *Kaley v. United States*, 571 U.S. 320, 338 (2014), and does not require "an actual showing" of criminal activity. *Brown*, 261 Md. App. at 95 (quoting *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018)).

When determining whether there was probable cause to arrest an individual, courts must be mindful that "context matters: actions that may appear innocuous at a certain time or in a certain place may very well serve as a harbinger of criminal activity under different circumstances." *Crosby v. State*, 408 Md. 490, 508 (2009) (quoting *United States v. Branch*, 537 F.3d 328, 336 (4th Cir. 2008)). Probable cause is a "'practical, nontechnical conception' that deals with 'the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.'" *Bowling v. State*, 227 Md. App. 460, 468 (quoting *Maryland v. Pringle*, 540 U.S. 366, 370 (2003)). A police officer may "draw inferences based on his own experience in deciding whether probable cause

exists." *State v. Johnson*, 458 Md. 519, 534 (2018) (quoting *Ornelas v. United States*, 517 U.S. 690, 700 (1996)). In particular, "considerable credit can be given to the expertise of law enforcement officers in conducting investigations into illegal drug activity." *Williams v. State*, 188 Md. App. 78, 92 (2009) (quoting *Birchead v. State*, 317 Md. 691, 703 (1989)).

For instance, the Supreme Court of Maryland has recognized that "there can be probable cause to arrest an individual who has exchanged an unidentified item for money, if the totality of the circumstances supports the conclusion that the exchange involved an unlawful substance." *Donaldson v. State*, 416 Md. 467, 487 (2010); *see also Williams*, 188 Md. App. at 93 (holding that "probable cause may be found even if a trained, experienced police officer is not able to see whether the object transferred by one person to another was contraband"). The Court has also recognized that the occurrence of activity in "a high-crime area" is "a 'relevant contextual consideration[]' that an officer is 'not required to ignore' when 'determining whether circumstances are sufficiently suspicious to warrant further investigation.'" *Johnson*, 458 Md. at 541 (quoting *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000)).

Furthermore, in developing probable cause to arrest a suspect, an officer "may rely on information received through an informant, rather than upon direct observations, so long as the informant's statement is reasonably corroborated by other matters within the officer's knowledge." *Massey v. State*, 173 Md. App. 94, 104 (2007) (quoting *Jones v. United States*, 362 U.S. 257, 269 (1960), *overruled on other grounds in United States v. Salvucci*, 448 U.S. 83 (1980)). An informant's "reliability, veracity, and basis of

knowledge are relevant factors in the probable cause determination[,]" but it is "'improper to discount [out of hand] an informant's information simply because he has no proven record of truthfulness or accuracy.'" *Id.* at 105, 107 (quoting *United States v. Canfield*, 212 F.3d 713, 719 (2d Cir. 2000)). In *Massey*, we reasoned that an informant who the police caught "red-handed" while engaged in illegal activity "would be motivated to cooperate" in an investigation of his co-conspirator. *Id.* at 107-08. When that informant subsequently provided "verified corroborative details" that accurately "predicted" the actions that his co-conspirator later took, we concluded that "the police had sufficient probable cause to arrest" the co-conspirator. *Id.* at 109-111.

An investigatory stop or detention, commonly referred to as a *Terry* stop,[3] is somewhat less intrusive than an arrest. *Id.* A *Terry* stop is "limited in duration and purpose and can only last as long as it takes a police officer to confirm or to dispel his suspicions." *In re D.D.*, 479 Md. 206, 233 (2022). "To satisfy the Fourth Amendment, a *Terry* stop 'must be supported by reasonable suspicion that a person has committed or is about to commit a crime[.]'" *Trott*, 473 Md. at 256 (quoting *Swift*, 393 Md. at 150). The distinction between probable cause and reasonable suspicion is merely "quantitative." *Freeman v. State*, 249 Md. App. 269, 282 n.2 (2021). In both cases, the "principal components of a determination" of whether the standard has been met are "the events which occurred

[3] This name comes from the United States Supreme Court case *Terry v. Ohio*, 392 U.S. 1 (1968), which recognized that the Fourth Amendment governs not only arrests, but also searches and seizures by police "which do not eventuate in a trip to the station house and prosecution for crime[.]" *Id.* at 16.

leading up to the stop or search, and then the decision whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to reasonable suspicion or probable cause." *Ornelas v. United States*, 517 U.S. 690, 696 (1996). The difference is that in developing reasonable suspicion, the police may rely on information "different in quantity or content" and "less reliable" than that required to show probable cause. *In re D.D.*, 479 Md. at 231 (quoting *Alabama v. White*, 496 U.S. 325, 330 (1990)).

Reasonable suspicion and probable cause differ more significantly with respect to the nature and scope of the actions they entitle the police to take. Reasonable suspicion only entitles an officer to conduct "a brief investigative 'stop' of an individual[.]" *In re D.D.*, 479 Md. at 223 (citation omitted) The stop may extend into "a reasonable search for weapons" for the officer's own protection if the officer "has reason to believe that [they are] dealing with an armed and dangerous individual[.]" *Id.* However, the object of the search, "known in common parlance as a frisk, 'is not to discover evidence, but rather to protect the police officer and bystanders from harm.'" *In re David S.*, 367 Md. 523, 533 (2002) (quoting *State v. Smith*, 345 Md. 460, 465 (1997)).

Once there is sufficient probable cause to make an arrest, the police may search "the person of the arrestee and any area within his immediate control to protect themselves from danger and to prevent the destruction or concealment of evidence." *Borges v. State*, 262 Md. App. 538, 549 (2024). In addition, police may search a vehicle incident to arrest when either: (1) the arrestee is within reaching distance of the passenger compartment at the time of the search; or (2) it is reasonable to believe the vehicle contains evidence of the offense

at issue. *Arizona v. Gant*, 556 U.S. 332, 351 (2009); *accord Rodriguez v. State*, 258 Md. App. 104, 119-20 (2023).

The *Gant* exception is not the only legal basis upon which police may search a vehicle without a warrant. The *Carroll* doctrine authorizes "the warrantless search of a lawfully-stopped vehicle where there is probable cause to believe the vehicle contains contraband or evidence of a crime[,]" regardless of whether an arrest has been made. *See Carroll v. United States*, 267 U.S. 132 (1925); *Johnson*, 458 Md. at 533. In *White v. State*, 248 Md. App. 67 (2020), we clarified the difference between the *Gant* exception and the *Carroll* doctrine:

> Like the *Carroll* Doctrine, [the *Gant* exception] authorizes the search of an automobile for evidence of crime upon a likelihood that such evidence is present in the car. Whereas the *Carroll* Doctrine requires that the likelihood satisfy the probable cause standard, the *Arizona v. Gant* special exception lowers the bar of likelihood to one of reasonable suspicion. The *Arizona v. Gant* exception, on the other hand, does insist, unlike the *Carroll* Doctrine that the likelihood occurs in conjunction with an arrest. Whereas the *Carroll* Doctrine permits a search of the entire car including the trunk, the *Arizona v. Gant* exception limits the search to the passenger compartment. Whereas the *Carroll* Doctrine places no limits on the character of the suspected evidence, the *Arizona v. Gant* exception limits the predicate for the search to "evidence of the offense of arrest." The *Arizona v. Gant* exception is not in any way an arguable outgrowth of the *Carroll* Doctrine other than in the fact that it applies to an automobile.

Id. at 97-98; *see also Rodriguez*, 258 Md. App. at 118.

Analysis

While Jones concedes that the police had at least reasonable suspicion that she had participated in the sale of a CDS, she contends that the officers' grounds for reasonable suspicion never reached the "quantitative" threshold of probable cause. *Freeman*, 249 Md.

App. at 282 n.2. Jones insists that when the police pulled over her Kia vehicle, they did not have probable cause to immediately arrest her, and therefore all evidence obtained from the subsequent search of her person and car should have been suppressed under the Fourth Amendment's exclusionary rule. We disagree.

First, the record before the suppression court establishes that Det. Francis had extensive training in and experience with drug sales and packaging. Indeed, the court heard substantial testimony to that effect, and Jones did not challenge Det. Francis's admission as an "expert in the packaging and sale of [CDS]." We give "considerable credit" to Det. Francis's conclusion, based on his training and experience, that the behavior exhibited by Donaldson and his companion before Jones's arrival suggested that drug activity could be afoot. *Williams*, 188 Md. App. at 92 (quoting *Birchead*, 317 Md. at 703).

The scales tipped further toward probable cause when Det. Francis witnessed Jones arrive in her Kia, as Det. Francis saw Donaldson briefly lean into the vehicle, interact with Jones, and then place "his clenched hand into his pocket" as Jones drove away. According to Det. Francis, his knowledge of the illegal drug trade led him to believe that this sort of interaction was "indicative of a hand-to-hand drug transaction." Although Det. Francis stated he did not see any money or drugs exchange hands when Donaldson leaned into the Kia, our case law clearly instructs that "probable cause may be found even if a trained, experienced police officer is not able to see whether the object transferred by one person to another was contraband." *Williams*, 188 Md. App. at 93. The fact that the interaction between Jones and Donaldson took place in an area known by Det. Francis and his fellow

officers for its "high volume of drug activity" further buttressed a finding of probable cause to arrest Jones. *See Johnson*, 458 Md. at 541 (holding that occurrence of activity in "a high-crime area" can be considered when determining whether circumstances warrant further investigation).

Any reservation about whether the totality of the circumstances furnished probable cause to arrest Jones is eliminated by the evidence established by Donaldson confirming Det. Francis's suspicions that he had just witnessed an illegal drug transaction. Jones argues that nothing in the record suggests that the police had any preexisting information as to Donaldson's veracity or reliability as an informant. Donaldson, however, is "neither a confidential informant, nor an anonymous tipster[,]" but rather someone "caught red-handed" in possession of crack cocaine. *Massey*, 173 Md. App. at 107. We have instructed that such circumstances "ordinarily would suggest reliability." *Id.* at 108 (quoting *United States v. Gagnon*, 373 F.3d 230, 237 (2d Cir. 2004)). And, in any case, it is "improper to discount [out of hand] an informant's information simply because he has no proven record of truthfulness or accuracy." *Id.* at 107 (alteration in original) (quoting *United States v. Canfield*, 212 F.3d 713, 719 (2d Cir. 2000)). Donaldson's statement that he had purchased "a small amount of crack [c]ocaine" from Jones was "reasonably corroborated by" Det. Francis's immediately-preceding observation of Donaldson's behaviors, *i.e.*, surveying his surroundings, briefly leaning into Jones's car, and placing his clenched hand in his pocket after exiting Jones's car. *Id.* at 104. We are convinced that taken together, Det. Francis's

observations and the information provided by Donaldson furnished probable cause to arrest Jones.

Armed with probable cause to arrest Jones, Det. Francis and his fellow officers were permitted to search her person and any area within her immediate control "to prevent the destruction or concealment of evidence." *Borges*, 262 Md. App. at 549. From the record of the suppression hearing, it appears the search of Jones's person fell within the bounds of a lawful search incident to arrest. That search resulted in the discovery of suspected CDS – bags containing "capsules with suspected heroin and/or [f]entanyl" and "suspected crack [c]ocaine" – on Jones's person. Combined with the other facts and circumstances already known to the officers who arrested and searched her, that discovery provided not only reasonable suspicion, but "probable cause to believe the vehicle contain[ed] contraband" or further evidence of possession or distribution of CDS. *Johnson*, 458 Md. at 533. Furthermore, as "illegal drugs, by their very nature, can be stored almost anywhere within a vehicle[,]" the "location-specific principle that 'probable cause must be tailored to specific compartments and containers within an automobile[]' . . . does not apply[.]" *Wilson*, 174 Md. App. at 454 (citation omitted). As in *Wilson*, the police had "probable cause to believe that contraband [wa]s located *somewhere*" within Jones's Kia, "rather than in a specific compartment or container within the vehicle." *Id.* (emphasis added). As such,

the officers' search of Jones's Kia was permissible under the *Carroll* doctrine's automobile exception.[4]

In conclusion, viewing the evidence in the light most favorable to the State, we hold that the police had the requisite probable cause to arrest Jones and search her person and vehicle. Det. Francis observed Jones engage in what appeared to him to be an illegal drug transaction with Donaldson. He made this observation while conducting undercover operations in an area known for its high frequency of drug crimes, after already observing Donaldson and another individual exhibiting suspicious behavior. When Det. Francis approached Donaldson, Donaldson informed him that he had just purchased crack cocaine from Jones. This gave the police probable cause to arrest Jones and search her person, and that search produced controlled dangerous substances, which gave the police probable cause to search Jones's Kia. Accordingly, we hold that Jones's Fourth Amendment rights were not violated in this case, and the circuit court properly denied her motion to suppress.

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

[4] Because we conclude that the *Carroll* doctrine authorized a search of the entire vehicle, we need not analyze whether the search fell within the parameters of the *Gant* exception.