Circuit Court for Carroll County
Case No. C-06-CR-23-000697

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2365

September Term, 2024

DENZEL GRANDSON

v.

STATE OF MARYLAND

Zic,
Ripken,
Eyler, James R.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: May 15, 2026

*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).

This appeal involves a challenge to the denial of a motion to suppress by the Circuit Court for Carroll County. In November of 2023, during an investigation into drug activity, a deputy with the Carroll County Sheriff's Office followed a vehicle as the investigation had indicated that an occupant in the car may have recently been involved in a drug transaction. The deputy performed a traffic stop of the vehicle for suspected illegal tint and subsequently requested a K-9 unit to the scene. Denzel Grandson ("Appellant") was a passenger in the vehicle. Upon arrival, the K-9 alerted, indicating the presence of drugs. A search of the vehicle produced no drugs; however, a pat-down of Appellant for weapons by two deputies revealed that each deputy felt an unusual "bulge" in Appellant's "groin area[.]" Thereafter, a deputy searched inside Appellant's pants under several layers of clothing and found a bag of what was later confirmed to be cocaine. Appellant was subsequently arrested and charged with possession of, as well as possession with intent to distribute, cocaine. Prior to trial, Appellant moved to suppress the evidence found in the search. The suppression court found that, based on the totality of the circumstances, the deputies had probable cause to search Appellant. A jury subsequently found Appellant guilty of both charges. Appellant noted a timely appeal and presents the following issue for our review.[1]

Whether the trial court erred in denying the motion to suppress.

[1] Rephrased from:

> Where the police conducted a warrantless sexually invasive roadside search of [Appellant] in broad daylight, did the trial court err in denying the motion to suppress the evidence found on his person?

For the reasons to follow, we shall affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND[2]

Underlying Facts

In November of 2023, deputies with the Carroll County Sheriff's Office were conducting an investigation into suspected drug activity near Monroe Street, which was known to deputies as a "high drug area." Deputies were surveilling a woman and observed her meet with a "known drug user" and appear to exchange phone numbers. Thereafter, the deputies witnessed the woman meet with another individual who was a "known drug dealer" and conduct what appeared to them to be a drug transaction.[3] Subsequent to the apparent drug transaction, the woman and that person parted, moving in opposite directions. The woman headed toward Pennsylvania Avenue, and the "known drug dealer" entered a property on Monroe Street (the "Monroe House"). Deputy James Martin—a member of the department's Proactive Community Enforcement ("PACE") team, which conducts drug enforcement—stopped the woman, who surrendered apparent crack cocaine into Deputy Martin's custody. The deputies concluded that the woman had obtained the crack cocaine from the apparent drug transaction that they had just witnessed.

At the same time as the interaction with the woman who was found to have what appeared to be crack cocaine, other deputies surveilling the Monroe House observed

[2] The following facts were adduced at the suppression hearing.

[3] Deputy Daren Metzler, who was present at the scene and testified at the suppression hearing, indicated that he knew the "known drug dealer" as he had assisted with a previous arrest of the individual for selling cocaine.

another individual exit the house and enter the back seat of a green car that had arrived at the location of the Monroe House. The car was driven from the house and pulled into a parking lot, where it was stopped for a short period before being driven directly back to the Monroe House. The same individual who had gotten into the back seat of the green car then got out and went back into the residence. Deputies who observed this brief meeting between Appellant, the driver, and the back seat occupant noted that "the short meet up" during the brief drive was "indicative of a transaction, a drug transaction or an exchange of drugs for U.S. currency[.]" After the green car left the Monroe house, Deputy Daren Metzler—another member of the PACE team—began to follow the car.

Deputy Metzler subsequently stopped the vehicle on suspicion of illegal tint and requested a K-9 unit to respond to the scene of the stop. Deputy Metzler obtained the occupants' identifying information and, upon searching their names in the police database, learned that the driver and the passenger seated in the front seat—Appellant—both had histories of violent offenses, including robbery and firearm offenses. The K-9 unit arrived shortly after the stop, and Deputy Metzler informed the K-9 officer that the driver and Appellant were suspected of having conducted a drug transaction. Having determined that there was sufficient basis for pat-downs of the driver and Appellant, Deputy Metzler relayed that information to other officers.[4] Then, the K-9 officer and Deputy Martin

[4] The State inquired about the basis for the initial pat-downs of Appellant and the driver during its direct examination of Deputy Metzler, and the following colloquy ensued:

> [The State]: Why did you tell [Deputy Martin and the K-9 officer] to pat [] down [Appellant and the driver]?

removed the driver and Appellant from the vehicle. The K-9 scan alerted, indicating the presence of drugs.

Thereafter, Deputy Metzler conducted an initial search of the vehicle, and Deputy Martin simultaneously conducted initial pat-downs of the driver and Appellant for weapons, finding no weapon on either occupant. However, during Deputy Martin's initial pat-down of Appellant for weapons, he detected a "glassine baggie located near [Appellant's] groin region." Following the completion of the initial search of the vehicle, Deputy Metzler conducted a search of the driver. The driver did not have any drugs on his person. However, Deputy Metzler recovered $2,000 in cash from the driver's pants pocket,[5] which had been separated into two stacks; the driver described the cash as "trust fund" money.

Deputy Metzler then conducted an "initial search" of Appellant, which included Appellant's pockets.[6] Deputy Metzler did not seize any contraband at that point. Upon

> [Deputy Metzler]: Just on the totality of the circumstances. One, because of their history involving guns and a robbery and the serious nature of those charges, as well as they are coming from a known drug area, suspected of being involved in possibly some sort of drug transaction at that point. And through my training, knowledge[,] and experience[,] I know that drug dealers as well as oftentimes users do carry firearms to protect themselves; to protect their property and their money.
>
> [The State]: So was it for officer safety at that point?
>
> [Deputy Metzler]: Yes, absolutely.

[5] The driver confirmed the total amount of money on his person.

[6] At the suppression hearing, Deputy Metzler testified that he "did the initial search[.]" after Deputy Martin "did the initial pat down."

conferring with one another, Deputy Metzler indicated that he felt "something crunch[,]" as well as a "bulge" in Appellant's groin area. Deputy Martin indicated that he felt a "very non-anatomical" bulge in Appellant's groin area during his initial pat-down of Appellant. At the suppression hearing, Deputy Martin also testified that the "bulge" "squished" and made a "crinkling" sound consistent with "glassine baggies."

Deputy Martin conducted another search of the car and another pat-down of the driver, finding no drugs. Then, Deputy Martin informed Appellant that he was going to "search inside Appellant's waistband based off what [he] felt." Deputy Martin and Deputy Metzler positioned Appellant between their police vehicles and surrounded him for privacy. Thereafter, Deputy Martin pulled Appellant's waistband "outwards" and searched inside several layers of clothing; he recovered a baggie containing a large amount of a "white rock-like substance" between a jockstrap and underwear Appellant was wearing.[7] Within the three small bags were a total of twenty-eight individually wrapped baggies of crack cocaine, as well as another seven grams of cocaine broken down into what appeared to be for individual sale.

Procedural History

Appellant was arrested and charged with possession of, as well as possession with intent to distribute, cocaine. Prior to trial, Appellant moved to suppress admission of the

[7] Specifically, the drugs were hidden inside the jockstrap, where the cup for the jockstrap would have been, but separated from Appellant's genitalia by underwear. Thus, Appellant's genitalia was not exposed during the search.

drugs recovered from his person. The court conducted a suppression hearing in July of 2024 and denied the motion to suppress, finding that, based on the totality of the circumstances, the deputies had probable cause to search Appellant. Specifically, the suppression court noted:

> So when you -- when I look at the totality of the circumstances leading up to the ultimate search, we have observations of a suspected drug transaction, you know, a half hour or 45 minutes or so before. We have the positive K9 alert. We have evidence of criminal history on the part of [the driver and Appellant]. We have the female having been found with cocaine in her possession, which the officers reasonably believed was obtained as part of that interaction she had earlier with the known drug user. And the cash found in the pocket of the driver.
>
> And as Deputy Martin testified, the fact that the K9 alerted positive and no drugs were found in the car and no drugs were found on the driver increased the likelihood that drugs would be found on [Appellant], because he was the only other occupant in the vehicle. And then, of course, the search occurs.
>
> Now Deputy Metzler believes, and Deputy Martin testified, that they had probable cause to arrest much earlier, to arrest and search much earlier than they ultimately did. I don't need to reach that conclusion in this case.
>
> But the [c]ourt does find that based on all of the circumstances and evidence and information available to Deputy Metzler and Deputy Martin at the time of search, which led to the recovery of drugs from the Defendant's groin area, that the police did have probable cause to search [Appellant][.]
>
> * * *
>
> So the [c]ourt respectfully denies the motion to suppress.

The case proceeded to trial, and a jury found Appellant guilty of both charges. The convictions merged for the purposes of sentencing, and the court imposed a sentence of fifteen years' incarceration with all but five suspended, as well as five years' probation upon release, three of which were to be supervised**.** Appellant filed a motion for a new trial, which was denied by the court. Appellant noted a timely appeal.

Additional facts will be incorporated below as necessary.

DISCUSSION

THE CIRCUIT COURT DID NOT ERR IN DENYING APPELLANT'S MOTION TO SUPPRESS.

A. Party Contentions

Appellant contends that the circuit court erred in denying the motion to suppress. Namely, Appellant asserts that the deputies unjustifiably conducted a "sexually invasive" search and thereby violated his Fourth Amendment rights when they searched inside his pants in the "groin area" and found the cocaine.

The State asserts that the manner and location of the search were reasonable under the circumstances; thus, there was no violation of Appellant's constitutional rights.

B. Standard of Review

"When an appellate court reviews a trial court's . . . denial of a motion to suppress evidence under the Fourth Amendment, it will consider only the facts and information contained in the record of the suppression hearing." *Longshore v. State*, 399 Md. 486, 498 (2007) (citations omitted). In so doing, we review the evidence, and all reasonable inferences drawn therefrom, "in the light most favorable to the party prevailing on the motion, in this case, the State." *Id.* (citations omitted); *see also Carter v. State*, 367 Md. 447, 457 (2002); *Scott v. State*, 366 Md. 121, 143 (2001).

"[W]e review legal questions [*de novo*], and where, as here, a party has raised a constitutional challenge to a search or seizure, we must make an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case." *State v. Wallace*, 372 Md. 137, 144 (2002) (citations omitted).

We defer to the factual findings of the suppression court and do not disturb those findings unless they are clearly erroneous. *Id.*; *Carter*, 367 Md. at 457; *Longshore*, 399 Md. at 498.

C. Analysis

"The Fourth Amendment to the United States Constitution, applicable to the States through the Fourteenth Amendment, provides that 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . and no [w]arrants shall issue, but upon probable cause[.]'" *Longshore*, 399 Md. at 500 (quoting U.S. Const. amend. IV). "Article 26 of the Maryland Declaration of Rights provides the same protections as the Fourth Amendment." *Rovin v. State*, 488 Md. 144, 182 (2024). As applicable here, to satisfy the requirements of the Fourth Amendment and Article 26 of the Maryland Declaration of Rights, officers must have probable cause to believe that a person has committed a felony, or is committing a felony or misdemeanor, to conduct a warrantless arrest. *Id.* at 182, 182 n.24. As the Supreme Court of Maryland has explained:

> probable cause is a non-technical conception of a reasonable ground for belief of guilt, requiring less evidence for such belief than would justify conviction but more evidence than that which would arouse mere suspicion. *Probable cause exists where the facts and circumstances within the officer's knowledge and of which he had reasonably trustworthy information would justify the belief of a reasonable person that a crime has been or is being committed.*

Johnson v. State, 356 Md. 498, 504 (1999) (citations omitted) (emphasis added). "To determine whether an officer had probable cause to arrest an individual, we examine the events leading up to the arrest, and then decide whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause."

Stokeling v. State, 189 Md. App. 653, 663 (2009), *cert. denied*, 414 Md. 332 (2010), (quoting *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)) (internal quotation marks and further citation omitted).

After officers lawfully arrest a suspect, they may conduct a search incident to arrest, which operates as a general exception to the requirement that officers otherwise obtain a warrant. *See Borges v. State*, 262 Md. App. 538, 549 (2024) ("[A] search incident to arrest allows the police to 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.") (citing *Chimel v. California*, 395 U.S. 752, 762–63 (1969)). *See also Belote v. State*, 411 Md. 104, 112 (2009) (noting that "a search incident to a lawful custodial arrest" is not a violation of the Fourth Amendment); *Spell v. State*, 239 Md. App. 495, 509 (2018), *cert. denied*, 462 Md. 581 (2019), ("Once a person is lawfully arrested, the police may search the person of the arrestee . . . to remove any . . . evidence that could be concealed or destroyed.") (citation and internal quotation marks omitted); *Nieves v. State*, 160 Md. App. 647, 659, *aff'd*, 383 Md. 523 (2004).

Reasonable articulable suspicion to stop the car.

The stop of the green car was lawful.[8] Thus, the deputies were justified in subsequently removing the driver and Appellant from the vehicle prior to the K-9 scan. *See Nathan v. State*, 370 Md. 648, 662 n.4 (2002) (citations omitted) ("A police officer may

[8] Officers may conduct a traffic stop if they have reasonable articulable suspicion that a vehicle's window tint is noncompliant with statutory and regulatory requirements. *See State v. Williams*, 401 Md. 676, 691 (2007).

order a driver and occupants out of a lawfully stopped vehicle incident to a traffic stop."); *see also Stokeling*, 189 Md. App. at 665.[9]

Reasonable articulable suspicion to frisk Appellant

During a lawful traffic stop, officers may conduct a pat-down of a car's occupants if the officers have reasonable suspicion to believe that the occupants may be armed and dangerous. *See Sellman v. State*, 449 Md. 526, 558–59 (2016); *Stokeling*, 189 Md. App. at 667–68.

Here, Deputy Metlzer determined that a pat-down of the driver and Appellant by the deputies was warranted. He testified that the bases for the pat-downs included: 1) the driver and Appellant's criminal histories, which included gun and robbery offenses; and 2) the fact that the driver and Appellant were coming from a "high drug area" and were suspected of having conducted a drug transaction based on the short meetup witnessed by deputies near the Monroe House. Moreover, Deputy Metzler noted that "through [his] training, knowledge, and experience[,]" he knew that drug dealers and users "oftentimes [] carry firearms" to protect themselves, as well as their property and money. "[C]onsiderable credit" can be given to Deputy Metzler's expertise, given his membership on the department's PACE team. *See Stokeling*, 189 Md. App. at 667 (quoting *Birchhead v. State*, 317 Md. 691, 703 (1989)). Thus, on these facts, the deputies had reasonable articulable suspicion to believe that Appellant and the driver may have been armed; therefore, the

[9] Appellant rightfully does not challenge the stop of the vehicle as he has no standing to do so. *See State v. Cheek*, 81 Md. App. 171, 175–76 (1989) (indicating that vehicle passengers do not have standing to challenge a traffic stop where they do not have a "subjective expectation of privacy" in the vehicle).

deputies had a lawful basis to conduct the pat-downs. *See id.*; *see also Sellman*, 449 Md. at 558–59 (2016) (quoting *Arizona v. Johnson*, 555 U.S. 323, 327 (2009)) ("To justify a patdown of the driver or a passenger during a traffic stop . . . the police must harbor reasonable suspicion that the person subjected to the frisk is armed and dangerous.").

Probable cause to search Appellant

It is "well established" that a K-9 alert to a vehicle "furnishes probable cause to perform a warrantless search of the vehicle." *Stokeling*, 189 Md. App. at 663–64 (collecting cases). In addition, this Court has "repeatedly" held that a K-9 alert provides probable cause to conduct an arrest and thus conduct a search incident to arrest. *Carter v. State*, 236 Md. App. 456, 473, *cert denied*, 460 Md. 9 (2018). This rule generally applies to the driver of the vehicle. *See id.* (citation omitted). Nonetheless, reasonable suspicion of illegal activity as to the vehicle's passengers may "elevate" to probable cause given the evidence adduced by law enforcement during a lawful encounter. *See Stokeling*, 189 Md. App. at 670. That is what occurred in the matter here.

Here, deputies were conducting surveillance on a woman in a "high drug area" when they observed her meet with a "known drug user." Thereafter, the deputies witnessed the woman meet with a "known drug dealer"—who deputies had previously arrested for selling cocaine—and conduct what appeared to be a drug transaction. The woman was stopped by Deputy Martin and surrendered apparent crack cocaine into his custody, which the deputies believed she obtained from the apparent drug transaction they witnessed between her and the "known drug dealer." The "known drug dealer" then entered the Monroe House.

Additional deputies later observed another individual exit the Monroe House and enter the back seat of the green car. The car was driven from the house briefly, after which the occupants conducted what appeared to the deputies to be another drug transaction, given the short meet-up before returning to the Monroe House. The subject who entered the back seat of the green car re-entered the Monroe House, after which the green car left, and Deputy Metzler conducted a lawful traffic stop and requested the K-9 unit. *See supra*.

The K-9 unit alerted, indicating that there were drugs in the vehicle, which gave the deputies probable cause to search the vehicle. *See Stokeling*, 189 Md. App. at 663–64; *Carter*, 236 Md. App. at 473. Deputy Metzler searched the car and did not locate any drugs. Deputy Martin simultaneously conducted an initial pat-down of the driver and Appellant for weapons and did not locate any weapons. However, Deputy Martin felt a "very non-anatomical" bulge in Appellant's groin area, which "squished" and made a "crinkling" sound consistent with "glassine baggies." Thereafter, Deputy Metzler conducted a lawful search of the driver and did not locate any drugs. *See Carter*, 236 Md. App. at 473. The driver had $2,000 in cash, which was separated into two bundles and described as "trust fund" money; however, he did not have any drugs. Deputy Metzler then conducted an initial search of Appellant's person.

Given the totality of the circumstances, not only was there reasonable articulable suspicion to conduct a pat-down for weapons, but the deputies also had probable cause to conduct a warrantless arrest of Appellant under the belief that he was in possession of illegal drugs. *See Rovin*, 488 Md. at 182, 182 n.24; *Collins*, 322 Md. at 679; *Stokeling*, 189 Md. App. at 670. *See also* Md. Code (2002, 2021 Repl. Vol.), Crim. Law, § 5-601(a)(1),

(c)(1) (indicating that individuals in possession of controlled dangerous substances may be convicted of a misdemeanor). The facts giving rise to probable cause are 1) the suspected drug transaction witnessed by deputies between the woman and the "known drug dealer; 2) the surrendered cocaine by the female into Deputy Martin's custody, which the deputies believed that she obtained from the suspected transaction; 3) the observation of the known drug dealer entering the Monroe House from which an occupant later exited to join Appellant and the driver in the green car; 4) the suspected drug transaction during the short drive of the vehicle from the Monroe House to the parking lot; 4) the K-9 alert; 6) the failure to locate drugs in the vehicle following the K-9 alert on the vehicle in which Appellant was a passenger; 7) the initial pat-down of Appellant wherein Deputy Martin felt the "very non-anatomical bulge" which made a "crinkling" sound consistent with "glassine baggies"; and 8) the failure to locate drugs on the driver, the sole additional occupant of the vehicle at the time of the K-9 alert. These facts, viewed "from the standpoint of an objectively reasonable police officer", *see Stokeling*, 189 Md. App. at 663 (citation omitted), "elevated the stop of [Appellant] to one supported by probable cause" wherein the deputies reasonably believe that Appellant was carrying contraband, thereby providing a basis for a search. *See id.* at 670 (citation omitted); *see also Crosby v. State*, 408 Md. 490, 506 (2009) (citing *Terry v. Ohio*, 392 U.S. 1, 10 (1968) ("A *Terry* stop may yield probable cause, allowing the investigating officer to elevate the encounter to an arrest or to conduct a more extensive search of the detained individual.").

Not only did law enforcement have probable cause to conduct a more extensive search of Appellant at that point, but the deputies also had probable cause to arrest

Appellant, and hence, the deputies also had a lawful basis to subsequently search Appellant incident to arrest. *See Borges*, 262 Md. App. at 549; *Belote*, 411 Md. at 112; *Spell*, 239 Md. App. at 509; *Nieves*, 160 Md. App. at 659. Here, Deputy Metzler conducted the initial search of Appellant and thereafter conferred with Deputy Martin; they confirmed with each other that they felt a "bulge" in Appellant's "groin area" that was not "consistent with human anatomy." In addition, the bulge "squished" and made a "crinkling" sound, which was "immediately apparent" to Deputy Martin to be "glassine baggies" suspected to contain contraband. Deputy Martin conducted secondary searches of the car and of the driver, and did not find any drugs. Thereafter, Deputy Martin searched inside Appellant's pants and recovered the large bag of white, rock-like substance that was later confirmed to be cocaine.

That Appellant was not immediately placed under arrest when probable cause arose and that the drugs were found as a result of a later, more thorough search inside Appellant's pants does not affect our analysis. *See Carter*, 236 Md. App. at 473. "There is no case in which a defendant may validly say, 'Although the officer had a right to arrest me at the moment when he seized me and searched my person, the search is invalid because he did not in fact arrest me until afterwards.'" *Id.* (quoting *Conboy v. State*, 155 Md. App. 353, 365 (2004), in turn quoting *Sibron v. New York*, 392 U.S. 40, 77 (1968) (Harlan, J., concurring)). Accordingly, we determine that the deputies conducted a lawful search incident to arrest.

Appellant's argument regarding whether the search inside his pants was "sexually invasive" is unpreserved for review.

Appellant concedes that he did not "explicitly" raise the issue of whether Deputy Martin's search was "sexually invasive" before the suppression court. Nonetheless, relying on Maryland Rule 4-252, he asserts that the issue is preserved and not waived because "the court is presumed to know and understand the law," and therefore, "the court was on notice that *the State* was arguing about a sexually invasive search when *the State* referenced that the search occurred on the side of the road, involved the removal of multiple layers of clothing, did not reveal his genitals, and was justified by an exigency." (Emphasis added and internal quotation marks omitted).

"Ordinarily, an appellate court will not decide . . . issue[s] unless [they] plainly appear[] by the record to have been raised in or decided by the trial court[.]" Md. Rule 8-131(a). *See also Watts v. State*, 457 Md. 419, 428 (2018) (indicating that an issue is not preserved for review if "the basis of the objection in the trial court differed from the issue raised on appeal") (citation omitted); *see also State v. Hutchinson*, 287 Md. 198, 202 (1979). "To preserve an assignment of error based on an evidentiary question, a party is required to bring its position to the attention of the trial court so that the court may pass upon any objection, and possibly correct any errors." *Jones v. State*, 213 Md. App. 483, 493 (2013) (citation omitted). "The failure to raise a particular argument in support of a request to exclude evidence acts as a waiver of the argument for the purposes of appellate review." *Id.* (citation omitted). It is the party seeking the exclusion of the evidence that must raise a timely objection to its admission. *See id.* at 493–94 (determining that an

appellant waived his arguments pursuant to the Fifth and Sixth Amendments to the United States Constitution, where he failed to invoke them as bases for suppression before the trial court). This requirement "is a matter of basic fairness to the trial court and to opposing counsel," and is "fundamental to the proper administration of justice." *In re Kaleb K.*, 390 Md. 502, 513 (2006) (quoting *Medley v. State*, 52 Md. App. 225, 231 (1982)).

Under Maryland Rule 4-252—which "governs the mandatory motions that are deemed waived unless properly raised in the [c]ircuit [c]ourt"—a challenge to an unlawful search must be raised by motion and state the grounds upon which it is made; an argument not raised in this manner is deemed to be abandoned. *Ray v. State*, 435 Md. 1, 14, 18 (2013) (citing Md. Rule 4-252). *See also Jones*, 213 Md. App. at 493. In *Ray*, the Supreme Court of Maryland clarified what it means to "raise" an argument, explaining:

> [T]he word "raise," as used in subsection (a) of Rule 4-252, is properly defined as meaning "[t]o bring up for discussion or consideration; to introduce or put forward." Black's Law Dictionary 1373 (9th ed. 2009). For example, "the party raised the issue in its pleading." *Id. See also* Merriam-Webster's Collegiate Dictionary 1028 (10th ed. 1999) (defining "raise" as "to bring up for consideration or debate" and offering the phrase "raise an issue" as an example).

Id. In *Ray*, the Supreme Court of Maryland determined that the petitioner did not comply with Rule 4-252 because, on appeal, he raised an argument in support of the exclusion of evidence that he had not pursued in writing in his motion to suppress or orally at the suppression hearing. *Id.* at 15–16, 19. Similarly, in the matter *sub judice*, "it is clear" that Appellant "did not comply with the dictate of Rule 4-252." *See id.*

Here, Appellant's motion to suppress indicated the following bases for exclusion:

1. Th[a]t requesting [Appellant] to exit the vehicle was not lawful.

> 2. That the pat down of [Appellant] after he was removed from the vehicle was a search and not lawful.
> 3. That the continued detention of [Appellant] after he was removed from the vehicle was unlawful.
> 4. That the second pat down of [Appellant] was an unlawful search.
> 5. That the continued detention of [Appellant] after the second search was unlawful.
> 6. That the interrogation of [Appellant] was unlawful.

At the suppression hearing, Appellant argued that the cocaine should be suppressed because 1) the initial pat-down of Appellant conducted by Deputy Metzler—which preceded the search inside his pants—exceeded the scope of a frisk,[10] and 2) the deputies conducted the search of Appellant without a lawful basis. Whether a search was "sexually invasive" challenges the scope of the search, *see Faith v. State*, 242 Md. App. 212, 254–55 (2019), and we have already determined that the deputies had a legal basis to search Appellant. Appellant did not "bring up for discussion or consideration" this argument in writing in his motion to suppress, and none of the cases Appellant cited in the motion discuss "sexually invasive" searches. *Ray*, 435 Md. at 14 (citation omitted). Moreover, Appellant—"through cross-examination of the State's witnesses or testimony of witnesses on his behalf"—did not advance this basis for exclusion orally at the suppression hearing. *See id.* at 20. Thus, the issue on appeal is impermissibly raised for the first time, as it differs

[10] At the suppression hearing, during cross-examination of Deputy Martin, Appellant focused on eliciting whether Deputy Martin had squeezed or manipulated the bag of drugs during his initial pat-down of Appellant.

from the bases for exclusion of the evidence that were raised before the suppression court.

See Watts, 457 Md. at 428.[11] Accordingly, we affirm the judgment of the circuit court.

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

[11] We also note that Appellant's assertion that the issue is preserved for review because—"the court is presumed to know and understand the law," and therefore "the court was on notice that *the State* was arguing about a sexually invasive search"—is a conflation of the law. That the court is presumed to know the law pertains to the well-established principle that judges are not required to "set out in detail each and every step of [their] thought process" when rendering a decision. *State v. Chaney*, 375 Md. 168, 180 n.8, 181 (2003) (citation omitted). That principle does not extend to a presumption that a judge is presumed to know a party's legal arguments. *See id.* The moving party must put the court on notice of its particular arguments for the exclusion of evidence. *See* Md. Rule 4-252; *Ray*, 435 Md. at 14. *See also Jones v. State*, 213 Md. App. 483, 493 (2013) (emphasis added) ("To preserve an assignment of error based on an evidentiary question, *a party is required to bring its position to the attention of the trial court so that the court may pass upon any objection*[.]"). Extending the presumption, as Appellant suggests, would essentially eliminate the general preservation requirement. *See* Md. Rule 8-131(a) (indicating that an argument must "plainly appear" by the record to have been "*raised*" in the trial court) (emphasis added)