Circuit Court for Kent County
Case No. C-14-CR-24-000121

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2366

September Term, 2024

STATE OF MARYLAND

v.

MARKEVUS DAQUAN PULLIAM

Wells, C.J.,
Leahy,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: July 3, 2025

*This is an unreported opinion. It 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 State appeals an order of the Circuit Court for Kent County suppressing a firearm and quantity of cocaine police seized following a traffic stop of a vehicle operated by the appellee, Markevus Daquan Pulliam.

Corporal Hudson of the Kent County Sheriff's Office stopped Pulliam's vehicle for speeding. He obtained Pulliam's license and registration, as well as the full name of the passenger in Pulliam's car, Katherine Mansfield, because she did not have identification with her. Upon returning to his vehicle, Corporal Hudson requested a K-9 unit to respond to the scene of the traffic stop. Corporal Hudson began processing Pulliam's traffic citation, but he stopped to check whether Mansfield had any open warrants. As Corporal Hudson confirmed with dispatch that Mansfield had a revoked license and no active warrants, the K-9 unit arrived on the scene. The K-9 scanned Pulliam's vehicle and indicated positively, leading to Corporal Hudson seizing a firearm from the vehicle and cocaine from Pulliam's person.

Pulliam was arrested for and charged with illegal possession of a regulated firearm, possession with the intent to distribute cocaine, and related charges. Pulliam filed a motion to suppress the gun and cocaine recovered during the stop. After a hearing, the court granted Pulliam's motion to suppress.

The State submits one question for our review: Did the circuit court err by granting Pulliam's motion to suppress? For the following reasons, we answer in the negative. Accordingly, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Our summary of the facts is drawn from Corporal Hudson's testimony at the suppression hearing, as well as our review of Corporal Hudson's body-worn camera footage, which was entered into evidence at the hearing. *See Ferris v. State*, 355 Md. 356, 368 (1999) (explaining that appellate review of a circuit court's ruling on a "motion to suppress under the Fourth Amendment is based solely upon the record of the suppression hearing").

On the night of April 29, 2024, Corporal Hudson was on routine patrol operating a marked patrol vehicle in the Rock Hall area of Kent County, Maryland. At approximately 10:20 p.m., he observed a white Buick on Chesapeake Villa Road turning eastbound on Route 20. Corporal Hudson began following the Buick because he was familiar with the vehicle from a prior investigation. Specifically, Corporal Hudson was working on the investigation as a member of the narcotics task force "a month or less" before April 29, 2024, as he was transferred from the narcotics task force to the patrol division of the Kent County Sheriff's Office at "either the end of March or very early April of 2024."

In the area of Chesapeake Villa Road where Corporal Hudson observed the Buick, there are two apartment complexes, including Brittany Bay, as well as residential houses and a bar. Corporal Hudson was familiar with the Brittany Bay apartment complex because he "regularly ha[d] calls for service in that area" and conducted investigations there while a member of the narcotics task force.

Corporal Hudson followed the Buick for approximately 20 minutes. During that time, he called radio dispatch to request a license, registration, and wanted check for Pulliam, the registered owner of the Buick. The Buick did not exceed the posted speed limit until approximately 10:42 p.m., when Corporal Hudson observed the Buick traveling at 70 miles per hour in a 55 mile-per-hour zone. He then activated his emergency lights and stopped the Buick.

Before approaching the Buick, radio dispatch informed Corporal Hudson that Pulliam's registration and driver's license were valid, and he had no outstanding warrants. Upon approaching the vehicle, Corporal Hudson identified Pulliam in the driver's seat and Mansfield in the passenger's seat. He knew the two individuals from previously conducting "pretty extensive investigations on both." The interior lights of the Buick were on as Corporal Hudson approached. Both Pulliam and Mansfield were wearing their seatbelts, and neither made furtive movements. Pulliam had his license and vehicle registration on his lap as Corporal Hudson approached the window.

Corporal Hudson testified he thought Mansfield was either pretending to be asleep or actually sleeping in the passenger seat. In the video from the body-worn camera footage, Mansfield can be seen "casually" looking up at Corporal Hudson as he approached the Buick, then closed her eyes again—something Corporal Hudson characterized as "an odd behavior that [he does not] typically see on traffic stops." Corporal Hudson also observed the passenger window "only c[o]me down a quarter of the way," something he described as "odd behavior[.]"

When Corporal Hudson asked where Pulliam and Mansfield came from, Pulliam responded they were coming from Fairlee. Corporal Hudson asked what was in Fairlee, and Mansfield said they were "seeing [her] peoples." Corporal Hudson testified that while he was following the Buick, it passed through the Fairlee area without stopping.

Because Mansfield told Corporal Hudson that she did not have any identification with her, Corporal Hudson requested Mansfield's full name and date of birth, which she provided. As Corporal Hudson walked back to his patrol vehicle, he called for a K-9 unit to respond to the scene.

Upon entering his vehicle, Corporal Hudson opened E-Tix, a program to issue traffic citations and warnings. He scanned the barcode on Pulliam's driver's license, which populated Pulliam's information into E-Tix. He then began to enter Pulliam's vehicle registration, the speed violation, and the location of the stop. He also requested a warrant check for Mansfield, relaying her name and date of birth to radio dispatch. Corporal Hudson testified he requested the warrant check for Mansfield because in his prior investigations of and interactions with Mansfield in mid- to late-2023, she had open warrants and because Mansfield engaged in "suspicious" behavior during the stop. Corporal Hudson additionally testified he often asks passengers for their identification, noting "[i]f they choose to provide it, I accept it. if they choose not to, then I accept that as well."

As Corporal Hudson waited for a response from dispatch regarding Mansfield's warrant check, he continued entering Pulliam's information into E-Tix for a traffic citation.

Dispatch informed Corporal Hudson that Mansfield had no open warrants and no driver's license on file in Maryland or Delaware. Corporal Hudson assumed either he relayed Mansfield's information incorrectly or dispatch ran the information incorrectly because he knew Mansfield was a long-term resident of Maryland and should therefore "have a Maryland driver's license or an I.D. number[.]" Accordingly, he thought the warrant check was not correct and stopped processing Pulliam's traffic citation in E-Tix to determine whether Mansfield had any open warrants. At this point, Corporal Hudson estimated he needed 40 more seconds to finish processing and printing Pulliam's traffic citation.

At 10:47:37 p.m., Corporal Hudson checked the Sheriff's Office record management system, Crimestar, to "retrieve [Mansfield's] information and ensure [he] was relaying the correct information and able to give it to dispatch properly." He then accessed Meters and N.C.I.C., which are systems to conduct license and warrant checks. Corporal Hudson found a "Soundex" on file for Mansfield, which "is a driver's license I.D. number . . . that can aid dispatch in finding the license and then running the proper name and date of birth for a wanted check." At about the same time, dispatch found Mansfield's correct information, namely that she had a revoked Maryland license and no open warrants. Dispatch relayed this information to Corporal Hudson at 10:49:10 p.m.

At approximately the same time dispatch informed Corporal Hudson that Mansfield had a revoked license and no open warrants, Corporal Lockerman of the K-9 unit arrived at the scene of the traffic stop. Corporal Hudson followed Corporal Lockerman to Pulliam's vehicle because he "did not feel comfortable just having Corporal Lockerman go up there

by himself." Corporal Hudson explained his discomfort stemmed from information he learned while on the narcotics task force. Specifically, "either in January or early February of 2024[,]" a Middletown, Delaware police officer told Corporal Hudson he investigated Pulliam, knew Pulliam to carry a firearm, and arrested Pulliam for "firearms-related offenses, as well as a manslaughter charge." Corporal Hudson, however, could not recall the date of the Delaware officer's investigation or arrest of Pulliam.

As Corporals Hudson and Lockerman approached the Buick, Corporal Hudson ordered Pulliam out of the vehicle. In response to Corporal Hudson telling Pulliam he wanted to "check right around [his] waistband," Pulliam lifted his shirt. Corporal Hudson "felt confident that [Pulliam] did not have a gun in his waistband."

Corporal Hudson then stood by Pulliam and Mansfield as Corporal Lockerman performed the K-9 scan of the Buick. At 10:52:52 p.m., Corporal Lockerman advised a positive alert on the radio, which Corporal Hudson heard. Corporal Hudson then searched Pulliam, handcuffed him, and moved him to the back seat of his patrol vehicle. Corporal Hudson searched the Buick and discovered a firearm under the passenger seat. Controlled dangerous substances were later found on Pulliam when he was searched after arrest.

At 11:57:35 p.m., after transporting Pulliam to the Kent County Sheriff's Office, Corporal Hudson returned to his patrol vehicle to finish processing Pulliam's traffic citation. It took him approximately 40 seconds to finish and print Pulliam's speeding citation.

During cross-examination, Corporal Hudson testified he did not think he would have completed the stop before the K-9 unit arrived even if he had not stopped processing Pulliam's traffic citation to check Mansfield's warrant status. Specifically, Corporal Hudson said he needed to return to Pulliam's vehicle, "inform [him] of the citation, the points and the fine amount, and then the three options he had in addressing that." He noted how re-approaching the vehicle takes time and each approach is different.

Corporal Hudson also testified he believed he had reasonable suspicion to detain Pulliam to wait for the K-9 scan.

> [CORPORAL HUDSON]: The prior investigations I had had with Mr. Pulliam. I had information from confidential sources of information and confidential informants within Kent County that he was distributing cocaine and crack cocaine in the county. And this was occurring from the beginning of 2024, up until my departure of the task force a week or two, three weeks prior to this traffic stop. And then -- which continued on by the task force after I -- I left. The -- excuse me. The manner -- mannerisms of the passenger as I approached, the window not going down, these are all parts of a traffic stop, which I found -- the window going down, to me, I've done thousands of traffic stops, this is not a normal behavior. When somebody is nervous and -- and is feeling that they need to hide something, they put physical barriers between themselves and law enforcement officer or somebody that's going to confront them about that. I believe that window was the physical barrier that he was --
>
> THE COURT: So you were going to hold him there until the dog got there if the dog wasn't there?
>
> [CORPORAL HUDSON]: I would have, yes.

During re-direct, Corporal Hudson further testified he had reasonable suspicion based on "the odd behaviors of Ms. Mansfield, the window not going all the way down, and . . . the

admission of being in the Rock Hall area . . . [and] my prior knowledge of both Ms. Mansfield and Mr. Pulliam being involved with drug activity."

Corporal Hudson also testified an officer on the narcotics task force told him he saw the Buick leaving Brittany Bay on April 27, 2024.

Ruling from the bench, the court granted Pulliam's motion to suppress.

> THE COURT: All right. As to my observations of looking at the video and reading your memos and listening to the testimony here today, as far as Mansfield's position in this case, I find -- I watched the window go down. It went down at least enough to hand things out. It looked like it went down at least to halfway down. I didn't see anything suspicious about her action, whether she's asleep or not asleep or pretending to be asleep or pretending not to be asleep.
>
> You have -- other thing about checking her background, the officer testified specifically it's been -- he served warrants maybe the fall of '23 or maybe the summer of '23. Nothing -- nothing more recent than that that would indicate -- give you a reasonable suspicion that she might have a warrant. I don't see that her actions and the information that the officer had concerning Ms. Mansfield would raise a reasonable suspicion that there might be a warrant on her.
>
> Now, if he testified she was arrested two days or a week before this and -- or a month before, and I was in court and she didn't show up, so I thought there might be a warrant for her, then that would certainly give a reason to pursue that line.
>
> Also, I found it a little bit schizophrenic with the law on passengers. They don't have to say anything. If they get permission, they can leave the scene. An officer can order them out of the car during the traffic stop. And I guess if he thought they were armed, he could pat them down. But I don't see any -- I know that -- I know the -- there's many cases where it seems like they run the records on the passengers and the drivers. And you'd have to go back through the specifics of each case. A lot of times the attorneys don't object, but [Pulliam's counsel] has objected to this procedure, and I -- I find that there was really no reason to pursue an investigation on Ms. Mansfield. There's no -- there's no reason to know whether she has a license. It's not

like -- I'm sorry; I can't remember the Defendant's name right off the top of my head -- Mr. --

[PULLIAM'S COUNSEL]: Pulliam.

THE COURT: -- Pulliam doesn't have a license, and there's some question about whether she's going to drive away or if he'll permit her to drive the car, then they would have to check -- there would have to be a reason to find out her license status.

So I find that the -- in her -- the officer's investigation into Ms. Mansfield's status was not warranted by any reasonable suspicion of criminal activity or the fact that a reasonable suspicion there might still be an outstanding warrant. So for the time spent on her investigation, I find should not have been spent on that investigation.

So now this brings us to the other factor here that [the State] has argued adequately or -- I shouldn't say vehemently because it wasn't vehement, but strongly argues that, even if the stop for Ms. Mansfield or the investigation of Ms. Mansfield was not warranted, then a continued detention of Mr. Pulliam was warranted by the information that the officer had that night.

Well, when I go back and listen -- recall the testimony, what the officer observed that night started at the intersection of -- I forget the name of the roads, but it didn't -- it didn't include Fairlee, and it -- and whether he was there or was not there doesn't really matter. I mean, he says -- he said he visited Fairlee, but the only observation would have been of the officer, what he saw that night, whether -- whether or not there was any criminal activity afoot or whether he saw him going into apartments or anything that would indicate that there was suspicious behavior on the part of Mr. Pulliam.

And also -- also, I have a little bit of trouble with this part of the case, the information gleaned from the Middletown detectives, there's no dates given on when the drug was found or rumored to have been found on Mr. Pulliam. The conversation time was pretty specific -- or no -- was given a parameter of February or January of 2024, but there was no indication of when the actual event that was relayed January, February to the officer actually took place, and the same with the firearm. The firearm comes from somebody's confidential informant. I think that was the testimony. But, anyway, there's no indication that there's a firearm possessed or in the car with Mr. Pulliam on that evening.

> Mr. -- the detective, in my opinion, did a very thorough job on the matter, and if he handled it just a little bit differently, the result could be a little bit different.
>
> But I'm going to grant the motion to suppress. I don't find that there was any real fact or there's something other than a suspicion of the officer that there was criminal activity afoot. There's no one piece of information that I could say, okay, this coupled with past behavior, however vague and other information and the travel itinerary of [Pulliam] would indicate to me that he was involved in criminal activity that evening. So based on what I have, I can't make that determination, so I find that there was no reasonable basis to detain Mr. Pulliam further after the traffic stop should have been concluded. So I'm granting the motion.

After the circuit court granted Pulliam's motion to suppress, the State filed this timely appeal. We will add additional facts when necessary.

STANDARD OF REVIEW

"The validity of a suppression ruling is a mixed question of law and fact." *Richardson v. State*, 481 Md. 423, 444 (2022). "Our review of a circuit court's denial of a motion to suppress evidence is 'limited to the record developed at the suppression hearing.'" *Pacheco v. State*, 465 Md. 311, 319 (2019) (quoting *Moats v. State*, 455 Md. 682, 694 (2017)). "The appellate court views the trial court's findings of fact, the evidence, and the inferences that may be drawn therefrom in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress." *Varriale v. State*, 444 Md. 400, 410 (2015) (quotation omitted). "We accept the trial court's factual findings unless they are clearly erroneous." *Richardson*, 481 Md. at 444. "The ultimate determination of whether there was a constitutional violation, however, is an independent constitutional evaluation that is made by the appellate court alone, applying the law to the

facts found in each particular case." *Id.* (quoting *State v. Carter*, 472 Md. 36, 55 (2021) (internal quotation marks and citation omitted)). "We review *de novo* any legal conclusions about the constitutionality of a search or seizure." *State v. McDonnell*, 484 Md. 56, 78 (2023).

DISCUSSION

I. The Circuit Court Did Not Err in Granting Pulliam's Motion to Suppress.

A. Parties' Contentions

The State contends the circuit court erred in granting Pulliam's motion to suppress on two grounds. *First*, the State argues the K-9 scan of Pulliam's Buick did not extend the traffic stop. The State contends Corporal Hudson was still addressing Pulliam's traffic violation when the K-9 unit arrived on the scene because conducting the warrant check on Mansfield, the passenger, advanced the purpose of the traffic stop and related safety concerns. Even if we conclude Corporal Hudson's warrant check on Mansfield was not in furtherance of the traffic stop and related safety concerns, the State argues Corporal Hudson would not have completed the traffic stop by the time the K-9 unit arrived on the scene and alerted.

Second, if we conclude Corporal Hudson impermissibly extended the traffic stop to allow the K-9 unit to arrive, the State argues Corporal Hudson had reasonable, articulable suspicion of criminal activity that justified the prolonged detention of Pulliam and Mansfield. The State points to specific facts it contends show reasonable suspicion of criminal activity: the Buick coming from the direction of Brittany Bay, which Corporal

Hudson "knew to be an area with regular narcotics activity"; Corporal Hudson and the narcotics task force's investigation into Pulliam; Corporal Hudson's knowledge that Pulliam sold drugs in Kent County, carried firearms, and was previously arrested for manslaughter; Mansfield sleeping or pretending to be asleep; Pulliam only lowering the passenger window halfway; and Pulliam telling Corporal Hudson he and Mansfield were coming from Fairlee even though Corporal Hudson did not see the Buick stop there.

Pulliam responds that Corporal Hudson unreasonably detained Pulliam after the traffic stop should have finished. Pulliam argues dispatch determined Mansfield had no open warrants prior to the arrival of the K-9 unit and because Corporal Hudson knew Pulliam had a valid license, "there was no need to check whether or not his passenger, Mansfield, had a valid driver's license." Pulliam also argues that, based on the standard of review and Corporal Hudson's testimony that he would have held Pulliam and Mansfield until the K-9 unit arrived, we should conclude Corporal Hudson impermissibly delayed the processing of the traffic stop to await the arrival of the K-9 unit.

Pulliam additionally contends Corporal Hudson did not have reasonable, articulable suspicion to justify prolonging the detention of Pulliam. He argues the circuit court found Corporal Hudson did not have such reasonable, articulable suspicion, and such finding was not clearly erroneous. Specifically, Pulliam argues Corporal Hudson did not have specific, recent information about Pulliam or Mansfield to form reasonable, articulable suspicion, rather, just "his previous investigations while on the narcotics task force in the preceding months." Pulliam also points to certain facts to highlight Corporal Hudson's lack of

reasonable, articulable suspicion, such as Pulliam's cooperation during the traffic stop, Pulliam turning on the interior light of his Buick prior to Corporal Hudson approaching, and the lack of furtive movements by Pulliam or Mansfield.

B. Analysis

The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV.

> Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a "seizure" of "persons" within the meaning of this provision. An automobile stop is thus subject to the constitutional imperative that it not be "unreasonable" under the circumstances.

Whren v. United States, 571 U.S. 806, 809-10 (1996) (citations omitted). Generally, a traffic stop is initially reasonable "if the police have probable cause to believe that the driver has committed a traffic violation." *Ferris*, 355 Md. at 369.

"[W]hen a police officer has probable cause to believe that a driver has broken a traffic law, the officer may detain the driver temporarily 'to enforce the laws of the roadway, and ordinarily to investigate the manner of driving with intent to issue a citation or warning.'" *State v. Green*, 375 Md. 595, 609 (2023) (citations omitted) (quoting *Ferris*, 355 Md. at 369). "This detention, however, must 'last no longer than is necessary to effectuate the purpose of the stop.'" *Id.* at 609-10 (quoting *Florida v. Royer*, 460 U.S. 491, 500 (1983) (plurality opinion)). The Supreme Court of the United States concluded "[a]uthority for the seizure ends when tasks tied to the traffic infraction are—or reasonably

should have been—completed." *Rodriguez v. United States*, 575 U.S. 348, 349 (2015). Therefore,

> [o]nce the officer completes the tasks related to the original traffic stop or extends the stop beyond when it reasonably should have been completed, any continued detention is considered a second stop for Fourth Amendment purposes, and thus requires new, constitutionally-sufficient justification. Absent such independent justification, any further detention, even if very brief, violates the detainee's protection against unreasonable seizures.

Carter v. State, 236 Md. App. 456, 469 (2018) (citation omitted).

"[A] dog sniff is not fairly characterized as part of the officer's traffic mission." *Rodriguez*, 575 U.S. at 356. Consequently, "the use of a drug sniffing dog is a 'perfectly legitimate utilization of a free investigative bonus' to a valid traffic stop, so long as the traffic stop is still genuinely in progress when the dog alerts to the presence of narcotics." *Partlow v. State*, 199 Md. App. 624, 638 (2011) (quoting *State v. Ofori*, 170 Md. App. 211, 235 (2006)). However, if, before the K-9 alert, "the officer completes the tasks related to the original traffic stop or extends the stop beyond when it reasonably should have been completed, any continued detention is considered a second stop for Fourth Amendment purposes," *Carter*, 236 Md. App. at 469, and the officer must have "a reasonable, articulable suspicion that criminal activity is afoot" to continue the detention. *Ferris*, 355 Md. at 372.

As an initial matter, Pulliam does not contend Corporal Hudson lacked probable cause to stop him for speeding. The only Fourth Amendment issues before us, therefore, are whether Corporal Hudson reasonably should have completed the traffic stop before the

K-9 alert, and if he should have, whether he had reasonable, articulable suspicion of criminal activity to continue detaining the Buick and its occupants.

1. Corporal Hudson Reasonably Should Have Completed the Traffic Stop Before the K-9 Alert.

"[T]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission'—to address the traffic violation that warranted the stop and attend to related safety concerns[.]" *Rodriguez*, 575 U.S. at 354 (citations omitted). While "officers may pursue investigations into both the traffic violation and another crime 'simultaneously, with each pursuant necessarily slowing down the other to some modest extent[,]'" *Carter*, 236 Md. App. at 471 (quoting *Charity v. State*, 132 Md. App. 598, 614 (2000)), a traffic stop "can become unlawful if it is prolonged beyond the time reasonably required to complete that mission." *Illinois v. Caballes*, 543 U.S. 405, 407 (2005). "If an officer can complete traffic-based inquiries expeditiously, then that is the amount of 'time reasonably required to complete [the stop's] mission.'" *Rodriguez*, 575 U.S. at 357 (alteration in original) (quoting *Caballes*, 543 U.S. at 407). "Thus, a very lengthy detention may be reasonable in one circumstance, and a very brief one may be unreasonable in another." *Carter*, 236 Md. App. at 469.

To determine whether Corporal Hudson reasonably should have completed the traffic stop before the K-9 alert, we first need to determine whether Corporal Hudson

checking if Mansfield had any open warrants[1] was in furtherance of the mission or purpose of the traffic stop: addressing Pulliam's traffic violation and attending to related safety concerns. If Corporal Hudson conducting the warrant check on Mansfield advanced the purpose of the traffic stop, then the time he spent doing so constituted "time reasonably required to complete [the stop's] mission." *Rodriguez*, 575 U.S. at 357 (alteration in original) (quoting *Caballes*, 543 U.S. at 407).

As our Supreme Court discussed in *Ferris*, "the officer's purpose in an ordinary traffic stop is to enforce the laws of the roadway, and ordinarily to investigate the manner of driving with the intent to issue a citation or warning." 355 Md. at 372; *see also Munafo v. State*, 105 Md. App. 662, 670 (1995) ("[T]he purpose of a traffic stop is to issue a citation or warning."). The United States Supreme Court in *Rodriguez* opined:

> Beyond determining whether to issue a traffic ticket, an officer's mission includes ordinary inquiries incident to [the traffic] stop. Typically such inquiries involve checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance. These checks serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly.

575 U.S. at 355 (internal citations and quotation marks omitted) (cleaned up); *see also Wilkes v. State*, 364 Md. 554, 578 (2001) ("Conducting checks of driver's licenses, vehicle registration, and possible warrants is reasonable.").

[1] We refer to Corporal Hudson's search of the various record management systems as a warrant check. Although he found Mansfield's "Soundex [] driver's license I.D. number" during his search of the systems, his purpose in conducting the search was to determine if Mansfield had any open warrants.

Rodriguez further analyzed the "related safety concerns" facet of the purpose/mission of traffic stops:

> [T]he government's officer safety interest stems from the mission of the traffic stop itself. Traffic stops are especially fraught with danger to police officers, so an officer may need to take certain negligibly burdensome precautions in order to complete his mission safely. On-scene investigation into other crimes, however, detours from that mission. So too do safety precautions taken in order to facilitate such detours.

575 U.S. at 356. The *Rodriguez* Court discussed *Pennsylvania v. Mimms*, a case in which the Court held police can order drivers out of their vehicle during a traffic stop, reasoning the "additional intrusion can only be described as *de minimis*" and "[w]hat is at most a mere inconvenience cannot prevail when balanced against legitimate concerns for the officer's safety." 434 U.S. 106, 111 (1977) (per curiam). The *Rodriguez* Court also cited *Maryland v. Wilson*, where the Court concluded "*Mimms* applies to passengers as well as to drivers" because "the additional intrusion on the passenger [by ordering them out of the car] is minimal" and the "danger to an officer from a traffic stop is likely to be greater when there are passengers in addition to the driver in the stopped car." 519 U.S. 408, 413-15 (1997). In light of *Mimms* and *Wilson*, the Court in *Rodriguez* determined a "dog sniff could not be justified on the same basis" as the exit order in *Mimms* because "[h]ighway and officer safety interest are different in kind from the Government's endeavor to detect crime in general or drug trafficking in particular" via a dog sniff during a traffic stop. *Rodriguez*, 575 U.S. at 357.

While the United States Supreme Court has discussed the connection between passengers and officer safety during traffic stops in certain contexts,[2] as well as concluded license and warrant checks on *drivers* are part of the mission of a traffic stop,[3] neither the Supreme Court nor any Maryland appellate court has articulated whether a warrant check on a passenger during a traffic stop, by itself, advances the purpose of the stop.[4] Notwithstanding caselaw in other jurisdictions addressing this issue, some of which the State cites in its brief, we pay heed to the Supreme Court's rationale in declining to impose rigid time limitations on traffic stops: "Much as a 'bright line' rule would be desirable,. . . common sense and ordinary human experience must govern over rigid criteria." *United States v. Sharpe*, 470 U.S. 675, 685 (1985); *see also Wilkes*, 364 Md. at 576 (discussing *Sharpe*). Accordingly, we do not impose a *per se* or bright line rule as to whether

[2] *E.g.*, *Wilson*, 519 U.S. at 415 ("[A]n officer making a traffic stop may order passengers to get out of the car pending the completion of the stop.").

[3] *See Rodriguez*, 575 U.S. at 355 ("Beyond determining whether to issue a traffic ticket, an officer's mission includes ordinary inquiries incident to the traffic stop. Typically, such inquiries involve checking the *driver's* license, determining whether there are outstanding warrants against the *driver* . . . ." (emphasis added) (citation and internal quotation marks omitted)).

[4] The State contends *Byndloss v. State*, 391 Md. 462 (2006), supports the conclusion that a warrant check solely on a passenger advances the purpose of a traffic stop. We disagree. The Supreme Court of Maryland concluded the purpose of the traffic stop in *Byndloss* was not fulfilled when the K-9 alerted to the presence of narcotics in the vehicle because the officer on the scene of the stop "had not been able to obtain information to verify the validity of the licenses [of the driver and passenger], [the driver's] registration, or conduct a warrant check on [the driver] *or* [passenger]." *Id.* at 483-84 (emphasis added). The incomplete warrant check on the passenger was only *part* of the reason the Court determined the purpose of the stop was not fulfilled. Accordingly, *Byndloss* is not relevant to our analysis of this case.

conducting a warrant check on a passenger during a traffic stop advances the purpose of the stop. Therefore, we need only determine whether the passenger warrant check was in furtherance of the purpose of the traffic stop in this case—that is, whether Corporal Hudson conducting the warrant check on Mansfield was in furtherance of "address[ing] the traffic violation that warranted the stop and attend[ing] to related safety concerns[.]" *Rodriguez*, 575 U.S. at 354 (citations omitted).

First, Corporal Hudson conducting the warrant check on Mansfield did not address the traffic violation that warranted the stop: Pulliam speeding. While the warrant check on Pulliam "serve[d] the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly[,]" we cannot say the same for the warrant check on Mansfield. *Id.* at 355. The record does not indicate a need for Corporal Hudson to determine whether Mansfield had a valid driver's license. For example, this is not a case in which the passenger may have had to assume driving duties after the conclusion of the traffic stop. Checking Mansfield's driver's license in that scenario would serve to enforce the Maryland traffic code—specifically, the requirement that drivers have a driver's license to drive a motor vehicle on any highway in Maryland. *See* Md. Code Ann., Transp. § 16-101(a)(1). A warrant check in that scenario would also serve the "same objective," *Rodriguez*, 575 U.S. at 355, and could be conducted simultaneously with the license check. *See Wilkes*, 264 Md. at 579 (collecting cases holding that conducting checks of the driver's license, vehicle registration, and possible warrants is reasonable and explaining "[s]uch holdings make sense as modern technology has availed police officers

with the ability to quickly assess relevant information without unnecessarily prolonging the duration of the stop or unreasonably increasing the level of intrusion[]"). However, nothing in the record shows that, at the time Corporal Hudson conducted the warrant check on Mansfield, Pulliam would not continue driving the Buick, nor was there any other evidence indicating the warrant check on Mansfield was to otherwise "ensur[e] that vehicles on the road are operated safely and responsibly." *Rodriguez*, 575 U.S. at 355. Accordingly, we conclude the warrant check on Mansfield did not address Pulliam's speeding or otherwise enforce Maryland's traffic code.

Second, the warrant check on Mansfield did not "attend to [any] related safety concerns" Corporal Hudson faced in stopping Pulliam's vehicle. *Rodriguez*, 575 U.S. at 354. Corporal Hudson testified he only knew of Mansfield having open warrants in mid- to late- 2023, and he found Mansfield sleeping or pretending to be asleep "odd" and "suspicious." While this Court agrees that "[t]raffic stops are especially fraught with danger to police officers, so an officer may need to take certain negligibly burdensome precautions in order to complete his mission safely[,]"[5] nonetheless, we conclude Corporal Hudson's testimony and the record as a whole, viewed in favor of Pulliam as the party who prevailed at the suppression hearing, do not show Corporal Hudson needed to conduct the warrant check on Mansfield to safely complete the traffic stop. *Id.* at 356.

[5] For example, Corporal Hudson could order Mansfield out of the car. *Wilson*, 519 U.S. at 415. He could also request Mansfield's identification. *Florida v. Bostick*, 501 U.S. 429, 437 (1991) ("[N]o seizure occurs when police ask questions of an individual, *ask to examine the individual's identification*, . . . so long as the officers do not convey a message that compliance with their requests is required." (emphasis added)).

Because we conclude Corporal Hudson conducting the warrant check on Mansfield was not in furtherance of the purpose of the traffic stop, the time he spent conducting such check does not constitute "time reasonably required to complete [the stop's] mission." *Rodriguez*, 575 U.S. at 357 (alteration in original) (quoting *Caballes*, 543 U.S. at 407). In light of this conclusion, we now must determine whether Corporal Hudson reasonably should have completed the traffic stop before the K-9 alert if the time Corporal Hudson spent conducting the warrant check on Mansfield was instead used in furtherance of the purpose of the traffic stop—that is, processing Pulliam's speeding citation.

After discounting the time Corporal Hudson spent conducting the warrant check on Mansfield—a legal conclusion which, as previously discussed, we agree with—the circuit court concluded Corporal Hudson detained Pulliam "after the traffic stop should have concluded[]"—a factual finding which we accept unless clearly erroneous. *Richardson*, 481 Md. at 444. Accordingly, we review the record to determine if "there is any competent material evidence to support the factual findings of the [circuit] court." *Small v. State*, 464 Md. 68, 88 (2019) (quoting *YIVO Inst. for Jewish Rsch v. Zaleski*, 386 Md. 654, 663 (2005)).

Before reviewing the record, we note a "traffic stop only ends when the officer provides the citation, license, and registration back to the motorist; requests the motorist to acknowledge receipt of the citation; and the motorist is legally free to leave." *Carter*, 236 Md. App. at 472 n.6. Accordingly, when the circuit court discounted the time Corporal Hudson spent conducting the warrant check on Mansfield and said Corporal Hudson

detained Pulliam for the K-9 scan "after the traffic stop should have concluded[,]" the circuit court made a factual finding that if the time Corporal Hudson spent on the warrant check on Mansfield was instead spent processing and printing Pulliam's citation; reapproaching the Buick; giving Pulliam his citation, license, and registration; and requesting Pulliam acknowledge receipt of his citation, then Corporal Hudson would have completed the traffic stop before the K-9 alerted.[6]

Corporal Hudson stopped processing Pulliam's speeding citation from 10:47:37 p.m. to 10:49:10 p.m.—93 seconds—so he could verify Mansfield's warrant status. Dispatch informed Corporal Hudson that Mansfield had a revoked Maryland license and no open warrants at 10:49:10 p.m. At approximately the same time, the K-9 unit arrived at the scene of the traffic stop. At 10:52:42 p.m., Corporal Lockerman advised the K-9 made a positive alert. Corporal Hudson did not return to processing Pulliam's citation until after the K-9 scan, arrest of Pulliam, and transport to the Kent County Sheriff's Office. Corporal Hudson testified that, when he stopped working on the citation at 10:47:37 p.m., he needed approximately 40 more seconds to finish processing and printing out Pulliam's citation. Corporal Hudson also testified that after printing the citation,

> then I have to re-approach the vehicle, which does take an amount of time, and that can obviously change. Each approach is different. Just because the first one was quick doesn't mean the second one will necessarily be as fast

[6] "As a reviewing court, . . . we may presume that [the] circuit court judge acted with knowledge of the controlling law." *Davis v. Att'y Gen.*, 187 Md. App. 110, 130 (2009). Therefore, we presume the circuit court knew the law on when a traffic stop ends and when "the use of a drug sniffing dog is a 'perfectly legitimate utilization of a free investigative bonus' to a valid traffic stop[.]'" *Partlow*, 199 Md. App. at 638 (quoting *Ofori*, 170 Md. App. at 235).

> . . . . [T]hen I return the license and the information back, and then I will explain the citation to the operator of the vehicle.

Corporal Hudson did not testify how long on average it takes him to re-approach a vehicle at the end of a traffic stop and complete those tasks, but he did say he did not think he would have completed the stop before the K-9 unit arrived. Specifically, he testified

> I don't think I would have been completed with the stop. I think I would have been returning to the vehicle, return the information, and then . . . I inform them of the citation, the points and the fine amount, and then the three options [Pulliam] had in addressing that.

Based on our review of the record, we conclude there is "competent material evidence to support the factual findings of the [circuit] court[.]" *Small*, 464 Md. at 88 (quoting *Zaleski*, 386 Md. at 663). Namely, Corporal Hudson testified he needed 40 seconds to finish processing and then print Pulliam's citation. While he also testified he did not think he would have fully completed the stop prior to the K-9 unit's *arrival*, his other testimony implied that re-approaching a vehicle can be quick. The circuit court was free to give more weight to Corporal Hudson's testimony that re-approaching a vehicle can be quick and consequently determine Corporal Hudson would have completed the stop before the K-9 alerted if the time spent conducting the warrant check on Mansfield was instead used to finish processing and printing Pulliam's citation, approach the Buick, and return Pulliam's documents and citation. *Barnes v. State*, 437 Md. 375, 389 (2014) ("The credibility of witnesses and the weight to be given to the evidence fall within the province of the suppression court."). Viewing "the [circuit] court's findings of fact, the evidence, and the inferences that may be drawn therefrom in the light most favorable to" Pulliam, *Varriale*, 444 Md. at 410, we therefore determine the circuit court did not clearly err in

making the factual finding that Corporal Hudson detained Pulliam after the traffic stop should have concluded.

Based upon our conclusion that Corporal Hudson conducting the warrant check on Mansfield was not in furtherance of the purpose of the traffic stop, as well as our determination that the circuit court did not clearly err in finding Corporal Hudson detained Pulliam after the traffic stop should have concluded, we hold Corporal Hudson reasonably should have completed the traffic stop before the K-9 alert.

2. Corporal Hudson Did Not Have Reasonable, Articulable Suspicion of Criminal Activity.

Because we conclude Corporal Hudson reasonably should have completed the traffic stop before the K-9 alert, his continued detention of the vehicle and its occupants amounts to a second seizure. *Ferris*, 335 Md. at 372 (citing *Royer*, 460 U.S. at 500). That second seizure—or second stop—"is constitutionally permissible only if either (1) the driver consents to the continuing intrusion or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot." *Id.* (citing *United States v. Sandoval*, 29 F.3d 537, 540 (10th Cir. 1994)).

It is undisputed that Pulliam did not consent to the second stop. The question we must answer, therefore, is whether Corporal Hudson had a reasonable, articulable suspicion that criminal activity was afoot. This is a question we review *de novo*. *Ornelas v. United States*, 517 U.S. 690, 691 (1996).

"There is no standardized test governing what constitutes reasonable suspicion." *Crosby v. State*, 408 Md. 490, 507 (2009) (citing *Bost v. State*, 406 Md. 341, 356 (2008);

Cartnail v. State, 359 Md. 272, 286 (2000)). The Supreme Court of Maryland has described the standard as "a common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and prudent people act." *Stokes v. State*, 362 Md. 407, 415 (2001). A determination of reasonable suspicion must be based upon "the totality of the circumstances—the whole picture." *United States v. Sokolow*, 490 U.S. 1, 8 (1989) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

The reasonableness of the intrusion "is measured against an objective standard: whether a reasonably prudent person in the officer's position would have been warranted in believing that [the detainee] was involved in criminal activity that was afoot." *Ferris*, 355 Md. at 384 (citing *Derricott v. State*, 327 Md. 582, 588 (1992); *Graham v. State*, 325 Md. 398, 407 (1992); *State v. Lemmon*, 318 Md. 365, 376 (1990)). "[T]he level of suspicion necessary . . . is considerably less than proof of wrongdoing by a preponderance of the evidence and obviously less demanding than that for probable cause." *Graham*, 325 Md. at 408 (internal quotation marks and citations omitted).

This Court gives deference to the training and experience of the law enforcement officer who engaged in the traffic stop, as factors that may seem neutral and innocent to an untrained person can "raise a legitimate suspicion in the mind of an experienced officer." *Ransome v. State*, 373 Md. 99, 105 (2003). However, the "United States Constitution requires that the 'police must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant [the] intrusion.'" *Ferris*, 355 Md. at 384 (quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968) (footnote omitted)).

"Due weight must be given 'not to [an officer's] inchoate and unparticularized suspicion or 'hunch,' but to 'the specific reasonable inferences he is entitled to draw from the facts in light of his experience.'" *Derricott*, 327 Md. at 588 (quoting *Terry*, 392 U.S. at 27). In evaluating whether there was reasonable articulable suspicion, we cannot "'rubber stamp' conduct simply because the officer believed he had a right to engage in it." *Ransome*, 373 Md. at 110-11. If an officer seeks to justify a Fourth Amendment intrusion based on suspicious conduct, "the officer ordinarily must offer some explanation of why he or she regarded the conduct as suspicious; otherwise, there is no ability to review the officer's action." *Id.* at 111 (citing *United States v. Gooding*, 695 F.2d 78, 87 (4th Cir. 1982)). In other words, the officer must be able to explain "how the observed conduct . . . was indicative of criminal activity," rather than "simply assert[ing] that innocent conduct was suspicious to him or her." *Crosby*, 408 Md. at 508 (internal citations omitted).

In this case, the State relies on the following factors to justify Corporal Hudson's continued detention of Pulliam:

(1) Corporal Hudson's knowledge that the vehicle was in the proximity of a high-crime area on the night of the traffic stop, as well as two nights prior to the traffic stop;

(2) Corporal Hudson's familiarity with Pulliam and Mansfield through prior investigations and his knowledge of Pulliam's criminal history; and

(3) Corporal Hudson's observations of "odd" or evasive behavior during the traffic stop—*i.e.*, Mansfield "asleep or appearing to be asleep," the manner in which Pulliam lowered the passenger window at the beginning of the traffic stop, and the fact that Pulliam

told Corporal Hudson he and Mansfield were coming from Fairlee even though, during the time Corporal Hudson was following the Buick, it passed Fairlee without stopping.

Under the totality of the circumstances analysis, "we avoid 'a divide and conquer approach to addressing factors' that could support or undermine a finding of reasonable suspicion." *Crosby*, 408 Md. at 510. However, we must first look at each factor individually to determine its significance to our review of the totality of the circumstances.

Proximity to a High-Crime Area

On the night of the traffic stop, Corporal Hudson first observed Pulliam's vehicle "pulling off of Chesapeake Villa Road[,]" exiting an area containing two apartment complexes, including the Brittany Bay apartments, "one or two residential houses, as well as a bar at the far end." Corporal Hudson testified he is familiar with the Brittany Bay apartment complex because of "regular calls for service in that area," and because of investigations he conducted in that area during his tenure in the narcotics task force. Corporal Hudson also later testified that a fellow officer told him Pulliam's vehicle was observed "leaving the Brittany Bay apartment complex" two nights prior to the traffic stop.

Notably, on cross-examination, Corporal Hudson conceded he did not know where Pulliam's vehicle was prior to coming to the stop sign at Chesapeake Villa Road:

> [PULLIAM'S COUNSEL]: So you have no idea where this vehicle was prior to coming to that stop sign; correct?
>
> [CORPORAL HUDSON]: No, just my suspicions.

The Supreme Court has explained how an individual's presence in a high crime area fits into the reasonable suspicion analysis:

> An individual's presence in an area of expected criminal activity, standing alone, is not enough to support a reasonable, particularized suspicion that the person is committing a crime. But officers are not required to ignore the relevant characteristics of a location in determining whether the circumstances are sufficiently suspicious to warrant further investigation. Accordingly, we have previously noted the fact that the stop occurred in a 'high crime area' among the relevant contextual considerations in a *Terry* analysis.

Illinois v. Wardlow, 528 U.S. 119, 124 (2000) (internal citations omitted)*; see also Brown v. Texas*, 443 U.S. 47, 52 (1979) ("The fact that appellant was in a neighborhood frequented by drug users, standing alone, is not a basis for concluding that appellant himself was engaged in criminal conduct.").

In sum, the "relevant contextual consideration" here is that Corporal Hudson *suspected* Pulliam's vehicle was leaving the Brittany Bay apartment complex, which he knew to be a high-crime area, on the night of the traffic stop and had information that the same vehicle was observed leaving Brittany Bay two nights prior.

Corporal Hudson's Knowledge of Pulliam and Mansfield's Criminal History

Corporal Hudson testified he was familiar with Pulliam's vehicle because it was the subject of an investigation during Corporal Hudson's time on the narcotics task force. The investigation began in January 2024 and was ongoing when Corporal Hudson left the narcotics task force less than one month prior to the traffic stop. During this investigation, in "January or early February," Corporal Hudson was informed by a Delaware law enforcement officer that Pulliam was previously arrested for "firearms-related offenses, as well as a manslaughter charge[,]" and was "known to carry a firearm."

Corporal Hudson later testified regarding his familiarity with Pulliam and Mansfield: "Both of them I've conducted investigations and had other law enforcement -- or with Ms. Mansfield I had other law enforcement contacts with I believe, but I had done pretty extensive investigations on both."

Previous involvement in criminal activity is certainly relevant to evaluating the existence of reasonable suspicion, but is not enough, on its own, to support reasonable suspicion. *See Munafo*, 105 Md. App. at 676. Moreover,

> a person's Fourth Amendment rights cannot be lessened simply because he or she is 'under investigation' by the police. Just as an officer's knowledge of a suspect's past arrests or convictions is inadequate to furnish reasonable suspicion; so too is knowledge that a suspect is merely under investigation, which is an even more tentative, potentially innocuous step towards determining criminal activity.

United States v. Foster, 634 F.3d 243, 247 (4th Cir. 2011).

The information Corporal Hudson provided about Pulliam and Mansfield's criminal history can accurately be described as "tentative." Corporal Hudson provided almost no detail regarding the narcotics task force's recent investigation, aside from the fact that it involved Pulliam's vehicle. There is nothing in the record before us to indicate when Pulliam was arrested in Delaware or to suggest that he was known to carry a firearm at the time of or shortly before the traffic stop, and Corporal Hudson was "unsure of [Pulliam's] conviction status" related to the Delaware arrest(s). Also absent from the record is any detail regarding the timing or results of Corporal Hudson's "extensive investigations" into Pulliam and Mansfield, although he did testify that he had not arrested Pulliam prior to the night of this traffic stop.

"Odd" or Evasive Behavior

Corporal Hudson testified that Mansfield "either pretending to be asleep or asleep, and then kind of casually looking up at me, and then either going back to sleep or closing [her] eyes again" was an "odd behavior that I don't typically see on traffic stops." However, Corporal Hudson did not articulate how the "odd behavior" indicated criminal activity may have been afoot, *Crosby*, 408 Md. at 508, or otherwise explain any "special significance" he attached to the behavior based on his training and experience. *Derricott*, 327 Md. at 591. For example, Corporal Hudson did not testify that Mansfield's behavior was indicative of her being under the influence of a controlled substance. *See Ferris*, 355 Md. at 392 ("In this case, the State presented no evidence that bloodshot eyes—or excessive speed—are indicative of persons under the influence of a controlled substance."). Corporal Hudson and the State "must do more than simply label a behavior as 'suspicious' to make it so." *Foster*, 634 F.3d at 248.

Corporal Hudson also testified that Pulliam only lowered the passenger window "a quarter of the way, which . . . is a very odd behavior that happens." He explained that "[w]hen somebody is nervous and -- and is feeling that they need to hide something, they put physical barriers between themselves and law enforcement officer[s] . . . . I believe that window was that physical barrier . . . ." Although the officer did, in this instance, articulate how the "odd behavior" may indicate criminal activity, the circuit court did not agree that the passenger window was only lowered "a quarter of the way[.]"

After reviewing the body-worn camera footage of the traffic stop, the circuit court made the factual finding that the window "went down at least enough to hand things out. It looked like it went down at least to halfway down." The State argues this finding of fact constitutes clear error for the first time in its reply brief.[7] "[A]n appellate court ordinarily will not consider an issue raised for the first time in a reply brief." *Jones v. State*, 379 Md. 704, 713 (2004). Even if the issue was properly raised, we do not conclude the circuit court committed clear error in making this factual finding, as Corporal Hudson's body-worn camera footage constitutes "competent material evidence" to support the finding. *Spencer v. State*, 450 Md. 530, 563 (2016).

Finally, the body-worn camera footage shows that, when Corporal Hudson asked where Pulliam and Mansfield came from, Pulliam responded they were coming from Fairlee, where Mansfield explained they were "seeing [her] peoples." Corporal Hudson testified that, while he was following the Buick, it passed through the Fairlee area without stopping. On cross-examination, Corporal Hudson acknowledged he only observed the

[7] The entirety of the State's discussion in its opening brief regarding the circuit court's finding of fact with respect to the window can be found in a footnote in the statement of facts:

> The court sustained an objection to Corporal Hudson's "conclusion" because the court "wanted to see the window" and "how far it came" down for itself. (T. 21). The court ultimately found that the window "looked like it went down at least to halfway down." (T. 111). Corporal Hudson's body worn camera footage shows that the window is halfway down at the very most. (State's Ex. 1 at min. 1:52-3:25).

In its reply brief, the State asserts this discussion amounts to an argument that the circuit court's factual finding is clearly erroneous. We disagree.

Buick for the approximately 20 minutes prior to the traffic stop, and Pulliam and Mansfield could have been to Fairlee earlier that day or evening.

The Totality of the Circumstances

The State likens this case to *Nathan v. State*, 370 Md. 648, 664-65 (2002). There, the Supreme Court of Maryland held the officer had reasonable, articulable suspicion to justify a continued detention following a traffic stop based on several factors, including the passenger's "apparent pretense of sleep when the vehicle was initially stopped," the driver's "evasive answers regarding his travel plans, [and] the inconsistent versions of the trip itinerary and purpose provided" by the driver and passenger. *Id.* at 664-65.

The present case, like *Nathan*, does involve a passenger either asleep or pretending to be asleep at the initiation of the traffic stop.[8] The similarities between this case and *Nathan* stop there.

The Supreme Court of Maryland summarized the "evasive" and "inconsistent" responses in *Nathan*:

> Sgt. Lewis questioned Nathan about the origin of his trip. Nathan first told him that he was coming from New York, then said that he actually was coming from New Jersey. Nathan said that he and Shaw were in New Jersey to pick up the van and that they were taking it back to get the oil checked. Sgt. Lewis testified that Nathan answered many of his questions with questions, which in his experience indicated deception.
>
> Sgt. Lewis then questioned Shaw concerning the origin of his trip. Shaw responded that he and Nathan were coming from New York and that they had driven to New York in a rental vehicle to pick up the van.

[8] As explained, Corporal Hudson did not provide any testimony linking this behavior by Mansfield to criminal activity.

Id. at 654. Nathan contradicted himself, and Shaw contradicted Nathan. There was simply no way they could both be telling the truth. In this case, conversely, Pulliam and Mansfield did not provide inconsistent responses to Corporal Hudson's questioning. Corporal Hudson also acknowledged Pulliam and Mansfield could have been telling the truth regarding their travel itinerary, as he only surveilled the Buick for approximately 20 minutes prior to the traffic stop.

Moreover, the continued detention in *Nathan* was justified by several additional factors that distinguish *Nathan* from this case—to wit:

> [t]he fact that Nathan, the driver, was unable to produce identification, in combination with Sgt. Lewis' observations of Nathan and Shaw's extreme nervousness, . . . the "overwhelming" odor of air freshener, and the altered ceiling that led the officer to believe that the van had a hidden compartment, as well as the police observations prior to the traffic stop (the passenger's head bobbing up and down in the rear window)[.]

Id. at 664-65.

As previously detailed, the additional factors in this case, as articulated by Corporal Hudson, include Corporal Hudson's suspicion that Pulliam's vehicle was leaving a high-crime area on the night of the traffic stop, information from a fellow officer that the vehicle was in the same high-crime area two nights prior, and tentative information regarding Pulliam's and Mansfield's criminal history. Under the totality of the circumstances—which also includes Pulliam immediately producing his driver's license and vehicle registration and the fact that Corporal Hudson did not observe any distinctive odors or furtive movements—we conclude Corporal Hudson did not have a reasonable suspicion that Pulliam was engaged in criminal activity other than speeding. Consequently, the

second stop was unconstitutional, and the circuit court did not err in granting Pulliam's motion to suppress.

THE JUDGMENT OF THE CIRCUIT COURT FOR KENT COUNTY IS AFFIRMED. APPELLANT TO PAY THE COSTS.