Circuit Court for Worcester County
Case No. C-23-CR-21-000355

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND**

No. 882

September Term, 2022

MICHAEL XAVIER HARANT, JR.

v.

STATE OF MARYLAND

Ripken,
Tang,
Getty, Joseph M.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Tang, J.

Filed: April 19, 2023

**At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

Michael Xavier Harant, Jr., appellant, was indicted on various drug-related charges arising from a traffic stop based on the status of his driver's license. Appellant moved to suppress the evidence of contraband seized from the vehicle. At a suppression hearing before the Circuit Court for Worcester County, two detectives testified that, prior to initiating the stop, they separately ran a license check on appellant. They further testified, over objection, to the results of the checks, which indicated that appellant did not have a valid license.

At the conclusion of the hearing, appellant argued that, without the best evidence of appellant's license status (*i.e.*, his driving record), the State failed to meet its burden of proving that the detectives had reasonable articulable suspicion to justify the stop. The court denied the motion. Thereafter, the parties proceeded by way of a not guilty agreed statement of facts on the sole count of possession with intent to distribute heroin, and the State entered a *nolle prosequi* on the remaining counts. The court convicted and sentenced appellant to twenty years of incarceration, with all but fifteen years suspended, and five years of supervised probation.

On appeal, appellant presents one question for our review, which we quote:

> Did the suppression court abuse its discretion by admitting testimony regarding [appellant]'s license status in violation of the best evidence rule and therefore err in denying the motion to suppress?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

SUPPRESSION HEARING

The suppression hearing centered on whether police had reasonable articulable suspicion to conduct a traffic stop of appellant on October 8, 2021. Detective Michael

Kirkland, then assigned to a specialized unit in the Worcester County Sheriff's Office, testified about the circumstances leading up to the traffic stop. Prior to the stop, Detective Kirkland became aware that Delaware State Police had been investigating appellant in connection with a drug transaction and that appellant was traveling to the Montego Bay area of Ocean City, Maryland. Delaware State Police believed that appellant was operating a white Nissan Titan pickup truck with temporary registration.

Although Detective Kirkland did not have the necessary information to run a registration check, he conducted a license check on appellant. Before Detective Kirkland could testify regarding the result of the check, defense counsel objected based on the best evidence rule. Defense counsel did not claim that the result of the check, displayed on the screen of the mobile data terminal ("MDT"), was inaccurate; rather, his objection related to the general application of the rule.

> [THE STATE:] Based upon the license check of [appellant], what, if anything, did you find?
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> [DEFENSE COUNSEL:] Your Honor, I'm going to object at this point.
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> [THE COURT:] What's the basis?
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> [DEFENSE COUNSEL:] The basis – excuse me. The basis is it's a violation I think of the best evidence rule. In this case he's testifying to what I believe he testified to as a license check. He observed some sort of – I assume the testimony is going to be I suggest, that he observed some computer screen or some sort of document that's going to indicate as he testified to the license status of my client. And under the Maryland Rules, especially Rule 5-1002, they have to produce the best evidence which in this case would be an electronic or paper copy of that readout.
>
> The Detective's testimony about observing this document I think fails under Maryland law, Your Honor, and shouldn't come in without having the actual printout or at least electronic copy of what they're testifying to.

[THE COURT:] What if he was testifying that he received the information that [appellant] was suspended or revoked from another member of law enforcement? It's the collective police knowledge, not his individualized knowledge.

[DEFENSE COUNSEL:] I would agree, Your Honor, but in this case there's no other members of law enforcement based on his testimony who said that they did a license check. It was simply that Detective Kirkland did a license check.

And I would suggest that in order for whatever he's going to testify to that he discovered from that license check, pursuant to the Maryland Rules, Your Honor, they have to produce that document.

[THE COURT:] He didn't look at a document. He looked at a computer screen.

[DEFENSE COUNSEL:] Exactly, Your Honor. And under the Maryland Rules, and I have case law to support it, in order to – an electronic document, whether it's a video or whether it's a picture, is still a document under the rules. So although he did look at a computer screen, there's information on that screen that presumably could have been printed out or the screen itself could have been brought in.

[THE COURT:] Well, I might agree with you if he was being charged with driving on a suspended license and he needed proof necessary that he was in fact suspended to convict him. I don't agree with your position. Your objection is overruled.

Defense counsel then argued that case law supported his position as to the applicability of the best evidence rule.

[DEFENSE COUNSEL:] Your Honor, just briefly. There are cases that apply to the best evidence rule directly to a motion to suppress evidence, and I can cite that case for Your Honor.

[THE COURT:] Is it directly on point to this?

[DEFENSE COUNSEL:] It's a video, not a screen printout.

[THE COURT:] Is it a license status?

> [DEFENSE COUNSEL:] No, Your Honor. It's a video showing that apparently depicts what the officer saw and what gave the officer the information that he used to stop the – a vehicle stop in this case.
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> [THE COURT:] Well, the burden – if we're getting to the – ultimately testimony that the vehicle was stopped as a result of seeing [appellant] driving a motor vehicle and the belief that his license was suspended, it's a reasonable articulable suspicion, and his testimony will be received if that's what he's going to testify to.
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> [DEFENSE COUNSEL:] Just note my objection for the record, Your Honor. Thank you.
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> [THE COURT:] Your objection is noted.

Detective Kirkland proceeded to testify that appellant's license was suspended and, further, that he did not appear to be licensed at all. Based on this information, as well as a photograph of appellant that he viewed, Detective Kirkland observed appellant driving a white Nissan Titan that matched the description provided by Delaware State Police. He then contacted Detective Shane Musgrave of the Worcester County Sheriff's Office, who eventually conducted a traffic stop on the vehicle.

Prior to the traffic stop, Detective Musgrave ran his own license check on appellant. Before Detective Musgrave testified about the result of that check, defense counsel again objected based on the best evidence rule without further articulation. The court overruled the objection, and Detective Musgrave testified that a check using the MDT located inside the police vehicle indicated that appellant's license was suspended and revoked in Delaware. He also stated that appellant did not have a license.[1]

[1] On cross-examination, Detective Musgrave acknowledged that there is a difference between "having your privilege suspended" and "driving without a license." He

After locating the vehicle and identifying appellant as the driver, Detective Musgrave initiated a traffic stop and asked appellant for proof of identification and the vehicle's registration. Appellant immediately admitted that he did not have a driver's license.

Detective Musgrave called for a K-9 unit, which arrived while he was tending to the "business needs" of the traffic stop. He contacted "Worcester central" to confirm appellant's license status and obtain a certified copy of his "driver's license" to include with the event log. He also entered appellant's information so that he could issue him a warning for the traffic violations. The State offered, and the court admitted, a copy of the written warning, which specified the traffic violations for driving on a suspended out-of-state license, driving on a revoked out-of-state license, and failing to display a license to uniformed police on demand.

The K-9 alerted, and then Detective Musgrave asked appellant "if there was anything inside the vehicle I need to know about." Appellant "indicated there was some marijuana and some paraphernalia in the vehicle. And he also said there was something under his seat." A subsequent search of the vehicle revealed contraband.[2]

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further acknowledged that his report reflected that he and Detective Kirkland "knew [appellant] to have a revoked and suspended driver's license," but he apparently did not also indicate, in the report, that appellant was driving without a license.

[2] The contraband, which served the factual basis for appellant's not guilty plea on an agreed statement of facts, included 997 wax folds of a substance that would have been chemically identified as heroin. Appellant had served as a "middleman" transporting drugs from Delaware to Maryland. Based on these and other agreed facts, the court found appellant guilty of a single count of possession with intent to distribute heroin.

COURT'S RULING

At the conclusion of the hearing, defense counsel argued that the testimonial evidence regarding the license checks, without admission of appellant's driving record, was insufficient to establish reasonable articulable suspicion to justify the traffic stop. Specifically, he claimed that the testimony conflicted where the detectives testified that appellant was driving without a license while his status was suspended or revoked at the same time:

> [DEFENSE COUNSEL:] . . . I don't believe that there was sufficient testimony . . . about whether or not [appellant] and whether or not [the detectives] knew [appellant] had a revoked or suspended license. There was conflicting testimony from Detective Musgrave and Detective Kirkland about whether he did not have a license, which is driving without a license, which is a different offense than driving on a [sic] revoked or suspended.

He further argued that the evidence supporting the basis for the stop was insufficient because his driving record was not admitted, and the detectives did not expressly testify that his license was suspended/revoked at the time of the stop:

> [DEFENSE COUNSEL:] I made my objection to the admissibility of the detective – both detectives' testimony about what they observed on their NCIC screens or computers. And the reason I did that, Your Honor, is because their testimony – and it's obviously the State's burden of persuasion and production in this case to produce evidence that is sufficient to prove that there's a reasonable articulable suspicion that [appellant] had a suspended license. Because we didn't have the printout, there was also no testimony and we don't know on which date [appellant's] license was suspended or revoked in the State of Delaware.
>
> In fact, I listened very closely. There was no testimony – I think everyone would have to just assume that when Detective Musgrave or Detective Kirkland ran [appellant's] name, that that printout or whatever they were looking at suggested he was suspended or reconvicted [sic] on the same day he was stopped. As the [c]ourt well knows, people's license deficiencies can be corrected as easily as someone paying a fine. So in this –

> [THE COURT:] But if the license status had in fact changed and the system had not updated, are you suggesting that law enforcement would not be permitted to act on that information?
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> [DEFENSE COUNSEL:] Absolutely not. What I'm suggesting is that because it's the State's burden of persuasion and production that they should have brought a document that the detective looked at that indicated what his license status was, when it was that status and whether or not there had been any changes to it. And I would suggest that the fact that it was called in to confirm – it was called in by Detective Musgrave after the stop to confirm or order a – I think he said two reasons were, one, to log it on the communications log. But also, two, to get a certified copy of a driver's record that, by his own admission, he didn't need. He said he was writing a warning. He did write a warning, so he didn't need that.
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> I would suggest that the reason that there was a call to Worcester central was because they were operating on a hunch that [appellant's] license was suspended or revoked, and they needed confirmation from Worcester central to confirm that hunch.
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> [THE COURT:] So your argument is that looking at a computer screen that provides information that says – doesn't suggest or gives you an idea, but says that his privilege to operate a motor vehicle is suspended or revoked, that equals a hunch?
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> [DEFENSE COUNSEL:] Well, there's no testimony that it was suspended or revoked on that day, just that they pulled it up that day. There's no testimony of when it was revoked or suspended or whether or not there's something that could have corrected that deficiency. What I'm suggesting is that because it's their burden to show that, that they should have provided something or testified to a sufficient basis so that we could understand what he was looking at, whether or not that provided him the reasonable articulable suspicion.

The court concluded that the detectives had reasonable articulable suspicion sufficient to justify the stop:

> The [reasonable articulable suspicion] comes from the observation of [appellant] driving a motor vehicle in Maryland. The fact that they have run his motor vehicle status prior to the stop and the information they had received from the source of all motor vehicle status information was that [appellant's license] is suspended.

> I would also embrace your arguments more if – regarding not having a true test copy of that information if in fact this was a trial for [appellant] on a driving on a suspended license or driving revoked. But this is [reasonable articulable suspicion] which is less than probable cause.
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> * * *
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> The only question for the [c]ourt is, were you violating the laws of the State of Maryland, or was there reasonable articulable suspicion that you were violating the roadway laws of the State of Maryland justifying the traffic stop. The answer to that question is yes.
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> * * *
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> [T]he credible testimony of the two witnesses is that [appellant] was operating a motor vehicle on Route 589. He was observed by Detective Kirkland[.] The same observations were made by Detective Sergeant Musgrave. So two [detectives] seeing [appellant] driving a car having previously run his record and indicating that he's suspended and/or revoked and therefore can't drive a car. The traffic stop was appropriate.

DISCUSSION

Appellant argues that the suppression court erred in admitting testimony regarding his license status in violation of the best evidence rule. The State counters that the best evidence rule was not implicated, but even if it was, the court acted within its discretion to forego strict application of the rules of evidence and admit the challenged testimony of the results of the license check.

A.

Applicability of the Rules of Evidence in Suppression Hearings

Maryland Rule 5-101 establishes the applicability and scope of the Rules of Evidence. Rule 5-101(b)(14) provides that the rules of evidence apply to all actions and proceedings except, *inter alia*, "[a]ny other proceeding in which, prior to the adoption of

the rules in this Title, the court was traditionally not bound by the common-law rules of evidence."[3]

In addition, under Rule 5-101(c)(1), the court has broad discretion, in the interest of justice, to decline strict application of the rules of evidence in determining "questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under Rule 5-104(a)[.]" Pursuant to Rule 5-104(a), in determining preliminary questions concerning the admissibility of evidence, the court may decline strict application of the rules of evidence (except those relating to privilege and competency of witnesses).

In *Matoumba v. State*, our Supreme Court[4] addressed the applicability of the rules of evidence in suppression hearings. 390 Md. 544, 550-52 (2006). In that case, the issue was whether an officer, testifying in a suppression hearing, was required to be qualified as an expert regarding facts giving rise to reasonable suspicion justifying a stop and frisk. *Id.* at 547. The Court held that the suppression court was not required to qualify the officers as experts before permitting them to testify about the underlying facts justifying the frisk

[3] The suppression hearing occurred in February 2022. Rule 5-101(b)(14), "[took] effect and appl[ies] to all actions commenced on or after January 1, 2022 and, insofar as practicable, to all actions then pending[.]" 208th Report Rules Order, at 3 (Nov. 9, 2021). It was adopted without substantive change from former Rule 5-101(b)(12). *See id*. at 12.

[4] At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022. *See also* Md. Rule 1-101.1(a) ("From and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland….").

of the defendant, and it did not abuse its discretion in declining to strictly apply the rules of evidence. *Id*. at 554.

Under former Rule 5-101(b)(12), which now appears without substantive change as Rule 5-101(b)(14), *supra*, the Court concluded that the rules of evidence "are inapplicable to suppression hearings[,]" explaining:

> This Court adopted the Maryland Rules of Evidence in 1994. Prior to the adoption of the Rules of Evidence, evidentiary rules did not apply strictly in suppression hearings. Although suppression hearings are important proceedings, and a significant part of the criminal adjudicatory process, "[t]he process due at a suppression hearing may be less demanding and elaborate than the protections accorded the defendant at the trial itself." *United States v. Raddatz,* 447 U.S. 667, 679, 100 S.Ct. 2406, 2414, 65 L.Ed.2d 424 (1980). The [U.S.] Supreme Court noted as follows:
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> > "This Court on other occasions has noted that the interests at stake in a suppression hearing are of a lesser magnitude than those in a criminal trial itself. At a suppression hearing, the court may rely on hearsay and other evidence, even though that evidence would not be admissible at trial."
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> *Id.* at 679, 100 S.Ct. at 2414. In Maryland, the law was the same.
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> * * *
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> Because the common-law rules of evidence did not apply to suppression proceedings before the adoption of the Maryland Rules of Evidence, it follows that, pursuant to Md. Rule 5-101(b)(12), the Rules now in effect are inapplicable to suppression hearings.

Matoumba, 390 Md. at 550-51 (citations and footnotes omitted).

In addition, the Court explained that "[b]ecause suppression hearings involve the determination of preliminary questions concerning the admissibility of evidence, the language of Rule 5-101(c)(1) grants the court broad discretion to decline to strictly apply

the Rules of Evidence." *Id*. at 552. "Such evidentiary rulings will not be disturbed on appeal absent a clear abuse of discretion which materially prejudices the defendant." *Id*.

B.

Best Evidence Rule

Under the best evidence rule, a party seeking to prove the particulars of a writing, where its contents are "closely related to a controlling issue" in the case, generally may introduce the original or a duplicate of the original. 6A Lynn McLain, *Maryland Evidence State and Federal* § 1001:1, at 924 (3d ed. 2013); Md. Rules 5-1002, 5-1004(d).[5] "[T]he purposes of the best-evidence rule [are] to ensure that the exact terminology of a writing is presented to the court and to guard against fraud[.]" *Trimble v. State*, 300 Md. 387, 403 (1984).

The best evidence rule "is misleadingly named, as it is not a general requirement that each party present only the 'best evidence' available on every point, so as to preclude other probative evidence." *Gordon v. State*, 204 Md. App. 327, 347 (2012) (citation omitted). As Professor McLain has explained in her treatise, "three circumstances must coincide before the 'best evidence rule' becomes applicable: (1) a 'writing,' 'recording,' or 'photograph,' as defined in Md. Rule 5-1001, must exist (or have once existed) on the

[5] Rule 5-1002 provides: "To prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, except as otherwise provided in these rules or by statute."

Rule 5-1004(d) provides: "The contents of a writing, recording, or photograph may be proved by evidence other than the original if . . . [t]he writing, recording, or photograph is not closely related to a controlling issue."

subject in question; (2) its terms or contents must be closely related to a controlling issue in the case; and (3) the proponent must be attempting to prove those terms or contents[.]" McLain, *supra*, at 925-26 (footnotes omitted); *see, e.g.*, *Gordon*, 204 Md. App. at 347-48 (where the State sought to establish that defendant was over the age of twenty-one in a trial for sex offenses, the best evidence rule did not apply to detective's testimony about the date of birth taken from defendant's driver's license, as the State was not seeking to prove the content of the license itself; content of the license was not an issue).

To the extent the best evidence rule applies, "[o]ral testimony or other secondary evidence of the terms of the writing may not be offered as a substitute for the original document itself unless the proponent can demonstrate an adequate reason for the non-production of the original." *Sewell v. State*, 34 Md. App. 691, 692 (1977). For instance, the contents of a writing may be proved by evidence other than the original if it was lost, destroyed, or not obtainable by practicable means. *See* Md. Rule 5-1004(a), (b).

C.

Analysis

First, appellant claims that the suppression court "operated as if the rules of evidence applied to a suppression hearing" because its comments, *supra*, "suggest[ed] that the nature of the evidence in question—a computer readout of a license status—would not qualify as a document or writing" under the best evidence rule. We disagree with appellant's interpretation of the court's remarks. In overruling the best-evidence-rule objection, the court essentially reasoned that the interests underlying a suppression hearing do not align with the objective of proving guilt at trial. In so reasoning, the court implicitly rejected

application of the best evidence rule. *See Beales v. State*, 329 Md. 263, 273 (1993) (recognizing "that trial judges are not obliged to spell out in words every thought and step of logic").

Alternatively, appellant argues that the court erred and/or abused its discretion in declining to apply the best evidence rule. We disagree. As noted, the rules of evidence do not apply to suppression hearings under Rule 5-101(b)(14). *Matoumba*, 390 Md. at 551. Thus, it follows that the court was not required to apply the best evidence rule.[6]

Moreover, the court did not abuse its discretion under Rules 5-101(c)(1) and 5-104(a). The suppression hearing addressed a preliminary question—the factual basis underpinning the traffic stop—concerning the admissibility of contraband seized as a result of the stop. In that regard, the State did not have to prove a traffic violation beyond a reasonable doubt to justify the stop; its only burden was to show that the detectives had reasonable articulable suspicion sufficient to justify the stop. *Muse v. State*, 146 Md. App. 395, 406 (2002).

[6] Assuming *arguendo* that the rules of evidence applied to the suppression hearing, we are not persuaded that the challenged testimony falls within the ambit of the best evidence rule. The issue did not involve proving the content of information displayed on the MDT; rather, it involved whether the detectives had cause to conduct the traffic stop. *See, e.g.*, *State v. Eubanks*, 609 So. 2d 107, 110 (Fla. Dist. Ct. App. 1992) (suppression court erroneously applied best evidence rule to exclude officer's testimony regarding issuance of traffic ticket because issue did not involve contents of ticket; rather it involved whether officer had cause to effectuate the traffic stop); *see also* 2 Kenneth S. Broun, et al., *McCormick On Evidence* § 234, at 138-39 (7th ed. 2013) ("It is sometimes held that the use of testimony that states 'a fact' about a writing[] is permissible. Presumably this does not raise the danger of mistransmission because the testimony is offered to prove an issue other than the exact terms of the document's content.").

In a suppression hearing, "the judge should receive the evidence and give it such weight as his judgment and experience counsel." *United States v. Matlock*, 415 U.S. 164, 175 (1974); *see Freeman v. State*, 249 Md. App. 269, 305 (2021) (as a factfinding judge, a suppression judge assesses the credibility of officers and then gives appropriate weight to their testimony when determining whether an intrusion is justified under the Fourth Amendment). In the instant case, both detectives testified that they performed a separate check of appellant's license status prior to the traffic stop, and the information from the MDTs indicated that appellant's license to drive was suspended, revoked, and/or non-existent. The court found the detectives credible.[7] *See, e.g.*, *Matlock*, 415 U.S. at 175-76 (if there is nothing in the suppression hearing record to "raise serious doubts about the truthfulness of the statements themselves," then there is "no apparent reason for the judge to distrust the [challenged] evidence"). In the circumstances presented here, we perceive no abuse of discretion by the court in dispensing with the application of the best evidence rule.

[7] On appeal, appellant does not challenge the court's credibility determination. Rather, he contends that strict application of the best evidence rule was necessary because the detectives' testimony was inconsistent where they testified that his license was suspended and/or revoked and that he simultaneously did not have a license at all. We are not persuaded that the alleged inconsistency required strict application of the rule because any one of these possibilities supplied the detectives with a reason to believe that appellant was driving in violation of the Transportation Article. *See, e.g.*, Md. Code, Transp. § 16-303(f) (prohibiting driving with a suspended out-of-state license); § 16-303(g) (prohibiting driving with a revoked out-of-state license); § 16-101(a) (prohibiting driving without a license).

Appellant argues that the best evidence rule must be applied "to some degree" at a suppression hearing, consistent with decisions in two cases: *State v. Duggins*, 7 Md. App. 486 (1969), and *State v. Cabral*, 159 Md. App. 354 (2004). His reliance on these cases, however, does not lead us to a different conclusion. *Duggins* involved a challenge to the legality of an arrest warrant. United States Secret Service agents searched a defendant incident to arrest, which led to the seizure of counterfeit paraphernalia. *Id*. at 487. The defendant "challenged the legality of the warrant and demanded its production so that the court, in assessing the constitutional validity of the arrest, could pass on the legality of the warrant." *Id*. at 487-88. The trial court agreed with the State's "position that the testimony of the federal agents that they had a valid warrant in their possession at the time of the arrest was sufficient evidence of itself to demonstrate the validity of the arrest." *Id*. at 488.

On appeal, we reversed, explaining that the defendant's attack on the legality of the warrant was not limited to an assertion that its recitals failed to show the existence of probable cause; it was more broadly based on an assertion that if the warrant existed at all, it possibly was not properly completed and was therefore legally defective. *Id*. at 490. Under the circumstances of that case, we explained that the "State cannot overcome the challenge by producing only the testimony of those who procured the warrant to the effect that it did exist and that it was a lawful arrest." *Id*.

Duggins is distinguishable because appellant's case does not involve a challenge to the legality of a warrant or the existence of probable cause. As mentioned, a traffic stop passes constitutional muster when the police have "reasonable articulable suspicion to believe that the car [was] being driven contrary to the laws governing the operation of

motor vehicles." *Smith v. State*, 214 Md. App. 195, 201 (2013) (quoting *Lewis v. State*, 398 Md. 349, 362 (2007)). "[R]easonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause" and "can arise from information that is less reliable than that required to show probable cause." *Alabama v. White*, 496 U.S. 325, 330 (1990).

Appellant's reliance on *State v. Cabral* is likewise misplaced. In that case, the suppression court ruled that the State did not satisfy the best evidence rule because the State was unable to play a video recording, taken from inside a patrol vehicle, that depicted the challenged traffic stop. 159 Md. App. at 368-69. We reversed, explaining that we "*need not resolve whether the best evidence rule applies*" because, even if it did, an exception to the rule did not bar the testimonial evidence about the stop where the State was unable to overcome unknown technical problems with the video. *Id*. at 385-86 (emphasis added).

For the reasons stated, the court did not err or abuse its discretion in declining to apply the best evidence rule in its determination that the traffic stop was lawful, and, thus, it did not err in denying the motion to suppress.

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