

Circuit Court for Anne Arundel County
Case No. C-02-CR-23-001024

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 15

September Term, 2024

RESHAWN TILLIES

v.

STATE OF MARYLAND

Berger,
Tang,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: June 18, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Reshawn Tillies, appellant, was arrested and charged, in the Circuit Court for Anne Arundel County, with various drug and weapons offenses after the police conducted a warrantless search of his vehicle and found fentanyl, cannabis, and a loaded firearm. Tillies later filed a motion to suppress, which the trial court denied. A jury convicted Tillies of possession with intent to distribute fentanyl; possession of fentanyl; possession with intent to distribute cannabis; wearing, carrying, or transporting a firearm in relation to a drug trafficking crime; possession of a firearm under sufficient circumstances to constitute a nexus to a drug trafficking crime; possession of a firearm after being convicted of a crime of violence; possession of a firearm after being convicted of a disqualifying crime; wearing, carrying, or transporting a loaded handgun in a vehicle; wearing, carrying, or transporting a handgun in a vehicle; and illegally possessing ammunition. The court sentenced Tillies to a total term of sixteen years' imprisonment.

In this appeal, Tillies presents a single question for our review:

Did the trial court err in denying his motion to suppress?

Finding no error, we affirm.

BACKGROUND

In the late-evening hours of June 13, 2023, narcotics officers were conducting surveillance at the Travel Lodge Hotel in Anne Arundel County as part of an investigation of two men, Tillies and Delano Green, who were suspected of dealing drugs. During the surveillance, officers observed Tillies and Green walking back and forth between one of the hotel rooms and a Chevrolet Suburban, later identified as belonging to Tillies, that was parked in the hotel's parking lot. Officers also observed other individuals walking up to

Tillies and Green, leading the officers to believe that Tillies and Green were dealing drugs. Eventually, Tillies and Green got into Tillies’s vehicle and drove away.

Some time after Tillies and Green left the hotel, officers conducted a traffic stop of Tillies’s vehicle. During that stop, officers conducted a warrantless search of Tillies’s vehicle and discovered marijuana, fentanyl, and a loaded handgun. Tillies was arrested and charged with various drug and weapons offenses.

Suppression Hearing¹

Following his arrest, Tillies filed a motion to suppress the items found inside his vehicle. Regarding the suppression, Corporal Ronald Kessler testified that, on the night in question, he was sitting in his police vehicle when he observed a Chevrolet Suburban driving in a “very dark area” with “no tag light.” Corporal Kessler conducted a traffic stop of the vehicle and, upon walking up to the vehicle, observed the driver, whom he identified as Tillies, holding the vehicle’s registration card in his hand. Corporal Kessler observed a second individual, later identified as Green, seated in the vehicle’s front passenger seat. Corporal Kessler asked Tillies for his license, and when Tillies did not produce his license, Corporal Kessler ordered Tillies to step out of the vehicle to “see if he had a wallet in his

¹ The trial court initially declined to hear Tillies’s suppression motion on the grounds that the motion was untimely. On the second day of trial, after the State and the defense had presented evidence, the court reversed course and decided to entertain the motion. In so doing, the court stated that it would “incorporate, into the Motion to Suppress, all of the testimony from the trial.” The court then heard argument on the motion and issued its decision. Because our review of a trial court’s decision on a suppression motion is confined to the evidence presented at the suppression hearing, we consider only the trial evidence that had been presented at trial prior to the court’s ruling on Tillies’s suppression motion.

back pocket.” Around that same time, another officer arrived on the scene, and that officer identified Green and ordered Green out of the vehicle. Corporal Kessler testified that Green was removed from the vehicle because “he had warrants on him.”

Corporal Kessler testified that, upon ordering Tillies from the vehicle, he looked into the vehicle and saw “a prescription bottle in the center console.” When Corporal Kessler asked Tillies about the bottle, Tillies retrieved it and stated that “it was pain meds that somebody gave him.” Tillies then handed the bottle to Corporal Kessler, who looked at it and “saw there was a different name on it and Alprazolam, which [he] recognized to be one of many scheduled narcotics.” Corporal Kessler asked Tillies to walk to the back of the vehicle, at which point Corporal Kessler heard “voices starting to get elevated at the rear of the truck,” where one of the responding officers was dealing with Green. Corporal Kessler then walked to the rear of the vehicle, where he observed an officer “attempting to retrieve something” from Green. Corporal Kessler grabbed Green, who was already in handcuffs, so that the other officer could continue the search of Green’s person. As he did, Corporal Kessler asked Green “what he had on him,” and Green responded, “crack.” Upon conducting a more thorough search of Green’s person, officers discovered “[v]arious CDS,” including “pills” and “crack.”

Corporal Kessler testified that, based on the prescription bottle observed in the vehicle and the contraband found on Green’s person, he “made a determination to search the truck for further evidence.” Upon searching the vehicle, Corporal Kessler found “a cut straw with residue” in the center console and “a black cloth bag, with various bags of marijuana[,]” on the floor in the rear of the vehicle. Underneath the passenger seat, officers

found “a smaller black bag” that contained a loaded handgun and a pill bottle containing “numerous [f]entanyl pills[.]” Tillies was thereafter arrested.

Tillies argued that the evidence found inside his vehicle should be suppressed because the police lacked legal justification to conduct a warrantless search of his vehicle. The State argued that the search was justified because, under the totality of the circumstances, the police had probable cause to believe that the vehicle contained contraband.

Ultimately, the trial court denied Tillies’s motion to suppress. The court found that the police had probable cause to conduct the search “based on the fact that Mr. Green was arrested inside the vehicle, in possession of multiple different types of drugs” and based on “the officer’s plain view observation of a pill bottle” and Tillies’s “inconsistent statements about the origin of that pill bottle.” The court concluded that “the combination of those factors created probable cause to conduct a search of the vehicle.”

DISCUSSION

Parties’ Contentions

Tillies argues that the trial court erred in denying his motion to suppress, contending that the court erroneously concluded that Green was arrested inside the vehicle in possession of multiple drugs, when the evidence clearly showed that Green was removed from the vehicle before he was arrested and searched.² Tillies also contends that the

² Tillies argues that the court also erred “in finding that the officers had probable cause to search based on the fact that [he] did not have his license on his person.” It does not appear from the record that the court ever made such a finding.

presence of the empty pill bottle did not constitute probable cause to believe that there would be contraband inside the vehicle. Finally, Tillies contends that the search was not justified by Green’s arrest because Green was not within reaching distance of the passenger compartment at the time of the search and there was no evidence regarding the nature of the offenses for which Green was arrested.

The State responds that the trial court properly denied Tillies’s suppression motion. The State notes that a warrantless search of a vehicle is permissible if the search is conducted in conjunction with a recent occupant’s arrest and the police have a reasonable suspicion that the vehicle contains evidence of the offense of the arrest. The State argues that Green’s arrest for possession of drugs, which were found on his person shortly after he was removed from Tillies’s vehicle, provided the requisite suspicion to justify a warrantless search of the vehicle.

Standard of Review

“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) (quotation marks and citation omitted). “[W]e view the evidence presented at the [suppression] hearing, along with any reasonable inferences drawable therefrom, in a light most favorable to the prevailing party.” *Davis v. State*, 426 Md. 211, 219 (2012). “We accept the suppression court’s first-level findings unless they are shown to be clearly erroneous.” *Brown v. State*, 452 Md. 196, 208 (2017). “We give no deference, however, to the question of whether, based on the facts, the trial court’s decision was in accordance with the law.” *Seal v. State*, 447 Md. 64, 70 (2016). “When a party raises a constitutional

challenge to a search or seizure, this Court renders an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case.” *Pacheco*, 465 Md. at 319 (quotation marks and citations omitted).

Analysis

“The Fourth Amendment to the United States Constitution protects against unreasonable searches and seizures[.]” *Stokes v. State*, 362 Md. 407, 414 (2001) (footnote omitted). Searches and seizures conducted without a warrant are presumptively unreasonable. *Rodriguez v. State*, 258 Md. App. 104, 115 (2023). There are, however, “a few specifically established and well-delineated exceptions.” *Pacheco*, 465 Md. at 321 (quotation marks and citation omitted). One such exception is the “search incident to arrest exception[.]” *Rodriguez*, 258 Md. App. at 115-16.

“The search incident to arrest exception ‘derives from interests in officer safety and evidence preservation that are typically implicated in arrest situations.’” *Id.* at 116 (quoting *Arizona v. Gant*, 556 U.S. 332, 338 (2009)). In *Arizona v. Gant*, the United States Supreme Court held that the search incident to arrest exception extends to vehicles and may permit a police officer to search a vehicle incident to a recent occupant’s arrest. *Id.* at 117. The Court added that such a search is permissible “‘only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of the arrest.’” *Id.* (quoting *Gant*, 556 U.S. at 351).

Here, the evidence from the suppression hearing established that Green, the arrestee, was arrested, handcuffed, and secured at the back of Tillies’s vehicle prior to the search.

There was no evidence that he was within reaching distance of the passenger compartment of the vehicle at the time of the search. That prong of the exception was therefore not satisfied.

We now turn to the second prong. In *Gant*, the United States Supreme Court noted that, “[i]n many cases, as when a recent occupant is arrested for a traffic violation, there will be no reasonable basis to believe the vehicle contains relevant evidence.” *Brown v. State*, 261 Md. App. 83, 99-100 (2024) (quoting *Gant*, 556 U.S. at 343). In other cases, such as when a recent occupant is arrested for possessing drugs, the offense of the arrest may provide a basis for a warrantless search of a vehicle. *Id.* at 103 (citing *Gant*, 556 U.S. at 344). Ultimately, the question is whether, at the time of the arrest, the police have a reasonable articulable suspicion that the vehicle will contain evidence of the recent occupant’s arrest. *Id.* at 102. If so, then a warrantless search of the vehicle may be permissible, but such a search “must be limited to the passenger compartment” and “is limited to evidence of the offense for which the defendant is arrested.” *Rodriguez*, 258 Md. App. at 120.

In *Scribner v. State*, 219 Md. App. 91 (2014), we applied the search incident to arrest exception under circumstances similar to those presented here. In that case, the defendant was observed by the police exiting the passenger compartment of a Toyota Solara and walking into a store with the vehicle’s driver. *Id.* at 94. At the time, the defendant was subject to an open arrest warrant for second-degree assault. *Id.* Shortly after walking into the store, the defendant and the driver exited the store and walked back to the vehicle. *Id.* at 94-95. As the defendant approached the passenger side of the vehicle, the

police arrested him on the open warrant. *Id.* at 95. While handcuffed, the defendant was searched, and the police discovered a clear plastic baggie of suspected crack cocaine on the defendant's person. *Id.* The police then searched the vehicle and discovered a firearm inside a bag that was sitting on the floor in front of the passenger seat. *Id.* Following his arrest, the defendant moved to suppress the evidence found in the vehicle. *Id.* at 98. The court denied the motion, finding that the discovery of the crack on the defendant's person provided adequate justification for a search of the vehicle incident to his arrest. *Id.* On appeal, the defendant argued that the search of the vehicle was illegal "because he was arrested for assault, not for drug offenses[.]" *Id.* In affirming (Deborah Eyler, J.), we held that the police had conducted a lawful search incident to the defendant's arrest:

The facts adduced at the suppression hearing show that Officer DeFalco conducted a lawful search of the [defendant's] person incident to arresting him on the second-degree assault warrant, and while doing so discovered a "clear plastic baggie containing a white rock like substance" in the [defendant's] front right pocket. Officer DeFalco reasonably believed the substance to be crack cocaine. When Officer DeFalco found crack cocaine on the [defendant's] person, he had probable cause to believe the [defendant] was committing a drug offense. And, based on that probable cause, the [defendant] was charged with various drug offenses that day. It makes no difference that the [defendant] initially was arrested for second-degree assault pursuant to the warrant. When he was found to be in possession of cocaine, the police had probable cause of a second arrestable offense. Both offenses were encompassed in the act of arrest; a separate act of arrest was not necessary. Thus, the [defendant] was arrested both on the open warrant and for crack cocaine possession.

The [defendant] was arrested standing next to the Solara, in which he recently had been riding and that he was trying to enter. Under the circumstances, the arresting officers reasonably could have believed that the Solara contained evidence of the cocaine possession offense the [defendant] was under arrest for. Under *Gant*, this was sufficient to justify a warrantless search of the Solara. It was not necessary for the State also to show that the

[defendant] was within reaching distance of the passenger's compartment of the Solara when the search was conducted.

Id. at 101-02.

Against that backdrop, we hold that the trial court in the instant case did not err in denying Tillies's motion to suppress. As was the case in *Scribner*, Green, a recent occupant in Tillies's vehicle, was lawfully arrested on an open warrant and searched. During that search, the police found suspected controlled dangerous substances on Green's person. At that point, the police had probable cause to believe that Green was committing an arrestable drug offense, and Green was in fact arrested. That Green may have been arrested initially on the open warrant is immaterial; both offenses (the offense related to the open warrant and the drug offense) were encompassed in that single act of arrest. And, given that Green had recently been riding in Tillies's vehicle while in possession of suspected controlled dangerous substances, it was reasonable to believe that Tillies's vehicle would contain evidence of the drug offense for which Green had been arrested. The warrantless search of Tillies's vehicle was lawful under the search incident to arrest exception.

**JUDGMENTS OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**