

Circuit Court for Baltimore County
Case No. C-03-CR-24-004145

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 71

September Term, 2025

HAISON ANTHONY SMITH

v.

STATE OF MARYLAND

Wells, C.J.
Albright,
Lazerow, Alan C.
(Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: July 21, 2026

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

Haison Anthony Smith, Appellant, was arrested and charged with various drug and firearms-related crimes after the police found a firearm and other contraband in Mr. Smith's vehicle. Prior to trial, Mr. Smith moved to suppress these items. Following a hearing, the suppression court denied Mr. Smith's motion. Mr. Smith thereafter entered a conditional plea of guilty to one count of possession with intent to distribute cannabis and one count of possession of a firearm by a disqualified person. Mr. Smith was sentenced to a total term of 15 years' imprisonment, with all but eight years suspended.

In this appeal, Mr. Smith presents a single question for our review:

Did the circuit court err in denying the Appellant's suppression motion?

Having reviewed the record below, including the body-worn camera footage of the officers on scene, we agree with the circuit court that Mr. Smith's constitutional rights were not violated by the warrantless search and seizure at issue here. However, we reach this conclusion for a reason pressed by the State for the first time here—in other words, for a reason that was not argued by the State below or articulated by the circuit court. Accordingly, and because we conclude that the factual record below adequately supports the State's new argument, and because Mr. Smith is not prejudiced by our considering the State's new argument, we affirm the judgments of the circuit court.

BACKGROUND

On October 5, 2024, Mr. Smith was sitting in the driver's seat of his vehicle, which was double parked in the right lane of the roadway with its hazard lights on. At some point, a police officer came upon the scene, initiated a traffic stop of Mr. Smith's

vehicle, and interacted with Mr. Smith. During the stop, the officer observed indicia of drug distribution in the front seat of Mr. Smith's car and discovered that Mr. Smith's vehicle did not have proper insurance. Mr. Smith was removed from the vehicle and placed under arrest. He was then informed that his vehicle would need to be impounded and that, pursuant to that impoundment, an inventory search of the vehicle would be performed. The police then discovered various contraband in the vehicle. Mr. Smith was ultimately arrested and charged.

Suppression Hearing

Prior to trial, Mr. Smith filed a motion to suppress the items found in his vehicle. Mr. Smith's accompanying memorandum discussed multiple theories under which a warrantless automobile search might have been allowable, such as the *Carroll* doctrine or an inventory search, but, on the facts of his case, rejected all of them.¹ He concluded that the search and seizure were unconstitutional, and the items should be suppressed.

At the suppression hearing, the arresting Baltimore County Police Officer, Kyle Mallette, testified. The State also introduced footage from Officer Mallette's body-worn camera, as well as footage from the body-worn camera of another officer, Officer Douglas,² who was also present on the scene. Mr. Smith introduced an additional portion

¹ Mr. Smith had access to the relevant body-worn camera footage prior to filing his motion.

² The record provides no indication of Officer Douglas's first name. Officer Douglas did not testify at the suppression hearing.

of Officer Mallette’s body-worn camera footage as evidence.³ The following summary is based upon the body-worn camera footage of both officers as well as the testimony of Officer Mallette.

On the evening of October 5, 2024, Officer Mallette was in his patrol vehicle driving through a neighborhood when he observed a vehicle double-parked in the right lane of the street with its hazards on. Officer Mallette then initiated a traffic stop of the vehicle, and, upon approaching the vehicle, made contact with the vehicle’s driver, later identified as Mr. Smith. Upon approaching the vehicle, Officer Mallette observed a “large amount of weed . . . in very plain sight . . . like seven plastic baggies of weed and a scale around the seat.”

Officer Mallette then asked Mr. Smith for his license, registration, and insurance information, but Mr. Smith only provided “an expired permit.” After returning to his patrol vehicle, Officer Mallette ran Mr. Smith’s name and license plate number through various databases. Mr. Smith’s plate “came back suspended,” and the database search also indicated that Mr. Smith had an outstanding warrant.

As he was sitting in his patrol vehicle, Officer Mallette observed Mr. Smith, who was still sitting in the driver’s seat of his own vehicle, attempting to hand items to someone through his vehicle’s open window. Officer Mallette walked over to Mr. Smith, at which point Mr. Smith stated that he was trying to hand food to his daughter, who stood on the sidewalk. Officer Mallette then confiscated two plastic bags, one of which

³ Neither Mr. Smith nor the State made opening statements prior to Officer Mallette’s testimony.

he had “previously seen was a bag filled with marijuana.”⁴ After placing the bag of contraband on top of Mr. Smith’s vehicle, Officer Mallette asked Mr. Smith to step out of the vehicle, and Mr. Smith complied. Officer Mallette then walked with Mr. Smith over to Officer Mallette’s patrol vehicle, where Officer Mallette waited for verification as to the status of Mr. Smith’s warrant.

As they waited, Officer Mallette returned to his patrol vehicle, where he can be heard talking over the radio. During that conversation, Officer Mallette states:

I mean, he has, I mean, he has, right now he has a lot of CDS [(controlled dangerous substances)], but I mean for all I know right now is he has a large amount of weed but, so I just feel more comfortable, it’s not for sure, (inaudible) if that’s cool, before I lock him up. Yeah. Seventy, seventy grams. So, that’s all I have for sure is probably around here, but. I’d feel more comfortable making (inaudible) I mean, for now, yes. I mean, I’m kind of going of, probably do an inventory search of the vehicle, but I would, you know, obviously, it would be more concrete if I had a warrant and I could give the car, you know. Okay. Okay. All right (inaudible).

In the video, Officer Mallette was speaking with the “Dundalk desk” and they were “the ones who were verifying the warrant.” The Dundalk desk “were telling [Officer Mallette] that it was going to take them an elongated period of time to verify the warrant, in which [he and Mr. Smith] would just be sitting there.” Rather than wait for the warrant to be verified, Officer Mallette decided to just “proceed with the traffic stop as normal.”

At that point, Officer Mallette engaged in a conversation with Mr. Smith about the status of his car insurance. Mr. Smith stated that he did not have any car insurance. Mr.

⁴ Although the body camera footage does not show what was in this bag at this point, a later portion of the footage shows Officer Mallette returning to look through the bag once more, at which point the footage shows that the bag contained a large bag of what appeared to be marijuana.

Smith's vehicle "was a complete obstruction to the traffic" and needed to be moved. Additionally, because the vehicle did not have valid insurance, it could not legally be driven and therefore had to be towed. Officer Mallette testified that, in those situations, he generally will inform the driver that an inventory search must be conducted to protect the driver's property and to protect the Department from "false claims." Officer Mallette testified that he generally will ask the driver if there is anything of value in the vehicle. When Officer Mallette asked Mr. Smith that question, Mr. Smith said, "no."

Officer Mallette then conducted a search of the vehicle, which was captured by his body-worn camera. Officer Mallette opened the driver's side door of Mr. Smith's vehicle and used his flashlight to look under the driver's seat, in between the driver's seat and the center console, and in the front passenger area. The footage depicts various items of personal property in the center console and front passenger area, including what appear to be two cell phones sitting on the front passenger seat. Officer Mallette appeared to ignore those items before returning to the center console, where he saw "a pill bottle" that contained "a little plastic baggie." Upon opening the pill bottle, Officer Mallette discovered that the plastic baggie contained what he suspected to be heroin. Officer Mallette then stopped the search and placed Mr. Smith under arrest.

Officer Mallette next asked Mr. Smith about any "valuable possessions that he wanted [the officers] to know about[.]" Although Officer Mallette testified that Mr. Smith "never made a remark about valuables he wanted listed[,]" the body-worn camera footage

shows Mr. Smith asking for his cell phone, and Officer Mallette stating that he would make sure Mr. Smith got “his cell phone in case he gets released.”

After placing Mr. Smith under arrest, Officer Mallette continued with the search, which he stated had become a “probable cause search.” During that search, Officer Mallette discovered marijuana in the passenger compartment, packaging material in the rear seat, and a firearm in the trunk. Shortly thereafter, “the tow arrive[d],” and Mr. Smith was transported to the police precinct. At the precinct, the police found 130 pills of ecstasy on Mr. Smith’s person.

Following the search, Officer Mallette did not complete an inventory report. Officer Mallette stated that, when there is an arrest, the police “won’t do what’s called an impound tow report because all that information is already inside the police report[,]” and it would “just be redundant . . . to say it twice.” Officer Mallette did complete a statement of probable cause after the interaction, in which he listed “[t]he CDS and all the stuff [they] . . . actually took from the vehicle.” None of Mr. Smith’s “non-incriminating private property” was listed in the statement of probable cause.

At the conclusion of Officer Mallette’s testimony, Mr. Smith argued that the items found in his vehicle should be suppressed because Officer Mallette’s inventory search was improper. Mr. Smith argued that Officer Mallette made no attempt to inventory any personal property contained in the vehicle and that the search was merely a pretext to look for incriminating evidence.

The State argued that the inventory search conducted at the scene was proper. The State further argued that, because of the open warrant, the items would have been inevitably discovered during a search incident to Mr. Smith’s arrest on that warrant. The State also raised the *Carroll* doctrine, arguing that Officer Mallette “stopped, placed the Defendant under arrest for the suspected drugs, and pursuant to the *Carroll* doctrine, the officer has a right to search the passenger compartment of the vehicle, and he did so.”⁵

In response to the State’s closing argument, Mr. Smith rebutted the State’s inevitable discovery argument and again mentioned the *Carroll* doctrine. He contended that the State had failed to prove that a later search incident to arrest of Mr. Smith was truly inevitable. With regards to *Carroll*, Mr. Smith contended that,

As far as the *Carroll* doctrine is concerned, there’s no indication from the record that the discovery of heroin or the discovery of the marijuana gave rise to probable cause that there was other drugs in the car or other items of incriminating interest in the car.

So, to, to claim that the *Carroll* doctrine applies is, is simply not true. And I note that the, that the gun was found not in the passenger compartment but in the trunk of the vehicle, which is not part of the *Carroll* doctrine.

In the end, the suppression court, ruling from the bench, denied Mr. Smith’s suppression motion. First, the court found that Officer Mallette “had no choice but to impound [Mr. Smith’s] vehicle because [Mr. Smith] didn’t have a valid driver’s license and there was no insurance on the vehicle.” The court noted that, when a vehicle is impounded, police officers are required, per BCPD policy, to conduct an inventory

⁵ Although the State expressly referred to the *Carroll* doctrine, which allows a vehicle search based on probable cause that there is a crime-connected item in the car, the argument it made sounded more akin to the search of an automobile incident to arrest under *Arizona v. Gant*, 556 U.S. 332, 351 (2009).

search. The court also noted that, for the inventory search to be valid, it must be conducted according to the relevant standards set forth in the BCPD Field Manual. Based on its review of the evidence, the court concluded that the inventory search in Mr. Smith’s case “was conducted in compliance with the department policy.” The court added that, even if Mr. Smith had a valid license and proper insurance, the vehicle would still have been impounded and searched pursuant to Mr. Smith’s arrest on the open warrant. The court made no findings regarding the *Carroll* doctrine.

Conditional Plea of Guilty

Mr. Smith later entered a conditional plea of guilty to one count of possession with intent to distribute cannabis and one count of possession of a firearm by a disqualified person. This timely appeal followed. Additional facts will be supplied as needed below.

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) (quoting *Moats v. State*, 455 Md. 682, 694 (2017)). “We view the evidence and inferences that may be reasonably drawn therefrom in a light most favorable to the prevailing party on the motion[.]” *State v. Lewis*, 259 Md. App. 554, 568 (2023) (quoting *Gonzalez v. State*, 429 Md. 632, 647 (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 319–20 (cleaned up).

DISCUSSION

I. Parties’ Contentions

Mr. Smith argues that the suppression court erred in denying his motion to suppress on the grounds that the search of his vehicle was a proper “inventory search.” Mr. Smith notes that, for an inventory search to be proper, the search must be conducted pursuant to standard police procedure. Mr. Smith argues that Officer Mallette failed to follow BCPD policy by not completing an Impound/Tow Record or other inventory report documenting the personal property within the vehicle at the time of the search, contending that “in failing to follow the department’s inventory policies, [Officer] Mallette failed to show a non-investigatory justification for the search.” Mr. Smith also disputes the suppression court’s alternate conclusion that the items found in his vehicle would have been inevitably discovered as a search incident to his arrest on the open warrant.

The State contends that the suppression court properly denied Mr. Smith’s motion. The State argues that Officer Mallette substantially complied with police procedure in conducting the inventory search and that, consequently, the search was proper. The State argues, in the alternative, that the search was proper because Officer Mallette had probable cause to search Mr. Smith’s vehicle pursuant to the *Carroll* doctrine.

In his reply brief, in addition to reemphasizing the inadequacy of Officer Mallette’s inventory search, Mr. Smith contended that by failing to raise the *Carroll* doctrine at the suppression hearing, the State has waived the argument, and therefore contends that we should not reach its merits on appeal.⁶

Because we conclude that the search of Mr. Smith’s vehicle was valid pursuant to the *Carroll* doctrine, we use our discretion to reach the merits of that issue. We then turn to Mr. Smith’s other arguments.

II. *Carroll* Doctrine

On appeal, the State argues that the search of Mr. Smith’s car was proper under the *Carroll* doctrine, which allows police officers to search a vehicle when there exists “probable cause to believe that the car contains evidence of crime or contraband.” *See Johnson v. State*, 254 Md. App. 353, 368 (2022). The State contends that Officer Mallette had probable cause to believe that the car contained evidence of possession of marijuana with intent to distribute after he “intercepted a bag containing approximately ‘seventy grams’ of suspected marijuana as Mr. Smith tried to give it (i.e., distribute it) to another person.”⁷ Although the State did address the *Carroll* doctrine in closing argument at the

⁶ In his reply brief, Mr. Smith did not address the merits of the State’s appellate *Carroll* doctrine argument.

⁷ The State also raises an alternative *Carroll* doctrine theory, contending that because Mr. Smith told Officer Mallette that he had a letter regarding his vehicle’s uninsured status “in the car still,” that also created probable cause to believe evidence of the insurance violation existed in his vehicle. Because we find the search was valid based on the marijuana and other indicia of drug distribution, we do not reach this alternative argument.

suppression hearing, the argument it made there differs from the contention now raised on appeal.⁸ Consequently, the State acknowledges that its appellate *Carroll* doctrine argument is unpreserved for our review, but requests that we use our discretion to reach the merits, nonetheless. Mr. Smith urges us to decline to reach this issue because, he contends, the State waived the issue below and the record is insufficient to support the argument.

The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures. *Brown v. State*, 261 Md. App. 83, 92 (2024). Searches conducted outside of the judicial process, i.e., without a warrant, are presumptively unreasonable. *Id.* at 93. The State bears the burden of establishing that a warrantless search falls within a recognized exception to the Fourth Amendment’s warrant requirement. *Grant v. State*, 449 Md. 1, 16–17 (2016).

One such exception to the warrant requirement is the *Carroll* doctrine, or the automobile exception, which permits police to conduct a warrantless search of a vehicle where the State establishes that the vehicle is readily mobile and that officers had probable cause to believe it contained contraband or evidence of criminal activity at the time of the search. *State v. Johnson*, 458 Md. 519, 533–34 (2018). The existence of probable cause under the automobile exception depends on the totality of the

⁸ As discussed above, at the suppression hearing the State argued that Officer Mallette “stopped, placed the Defendant under arrest for the suspected drugs, and pursuant to the *Carroll* doctrine, the officer has a right to search the passenger compartment of the vehicle, and he did so.” Although the State specifically referred to the *Carroll* doctrine, the substance of its argument corresponded to a different warrant exception.

circumstances and requires more than mere suspicion. *Id.* at 544–45. Rather, the facts known to the officers at the time of the search must establish a fair probability that contraband or evidence of a crime will be found in the vehicle. *Id.* at 543. Once probable cause exists, however, officers may search every part of the vehicle and any containers therein that could reasonably conceal the object of the search. *Id.* at 540–41 (applying *United States v. Ross*, 456 U.S. 798 (1982)). The *Carroll* doctrine does not require a separate showing of exigent circumstances beyond the vehicle’s ready mobility and the existence of probable cause. *Daniels v. State*, 172 Md. App. 75, 91 (2006).

The warrantless search of Mr. Smith’s vehicle was justified under the *Carroll* doctrine, or automobile exception, because, based upon the facts known to Officer Mallette at the time of the search, there was a fair probability that contraband or evidence of drug distribution could have been found in the vehicle. In his first two interactions with Mr. Smith, Officer Mallette saw, in plain sight, a large quantity of marijuana, packaged in small plastic baggies, and a scale. These facts, taken together, can indicate drug distribution. *See Pearson v. State*, 126 Md. App. 530, 542 (1999) (finding sufficient evidence for intent to distribute where a search uncovered a large quantity of drugs, plastic baggies, saran wrap, and a digital scale). Therefore, after observing those items out in plain sight, a reasonable person would believe there to be a fair probability that there may exist more contraband or evidence of drug distribution in Mr. Smith’s vehicle.

Once probable cause arose, Officer Mallette was authorized to search every part of the vehicle capable of concealing additional contraband or evidence of drug distribution.

See Johnson, 458 Md. at 540–41. Because probable cause was developed before the search commenced, the subsequent warrantless search of the vehicle fell within the automobile exception and did not violate the Fourth Amendment. Officer Mallette’s search of the vehicle was therefore valid under the *Carroll* doctrine.⁹

III. Inventory Search

In an attempt to overcome the applicability of the *Carroll* doctrine in validating the search, Mr. Smith focuses his appellate contentions on the impropriety of the search under the inventory search exception. We agree with Mr. Smith that there was no valid inventory search here.

Another exception to the Fourth Amendment’s general warrant requirement is the “inventory search” exception. *Sellman v. State*, 152 Md. App. 1, 15 (2003). The exception is derived from the general rule that “when automobiles are taken into custody of local police departments, in furtherance of their community caretaking functions, the departments ordinarily follow ‘a routine practice of securing and inventorying the automobiles’ contents[.]” *Id.* at 16 (quoting *South Dakota v. Opperman*, 428 U.S. 364, 373 (1976)).

The purposes of the inventory search are: “to protect the police from danger, to protect the owner’s property, and to protect the police against claims and disputes over

⁹ Further, Officer Mallette’s discovery of contraband in the passenger compartment did not prevent him from continuing to search the rest of the vehicle and the trunk because the scope of a warrantless automobile search is “defined by the object of the search” and where it may reasonably be found. *See Ross*, 456 U.S. at 824. The probable cause to believe contraband may be located throughout the entire vehicle does not disappear upon the discovery of evidence in the passenger compartment.

lost or stolen property.” *Briscoe v. State*, 422 Md. 384, 397 (2011). That exception is therefore narrow; “it exists solely to protect property in lawful government custody and to protect police departments from claims and disputes over such property.” *Sellman*, 152 Md. App. at 21. The exception is also limited “so that it will serve those interests but will not be misused, *i.e.*, used so as to allow officers whose actual motivations are to search for investigatory purposes to do so on the pretext of conducting an inventory search.” *Id.*

“[T]o ensure that ulterior investigatory motives are not at play[,] an inventory search must at a bare minimum be a search of lawfully detained property carried out by a police officer in accordance with standard policies established by the officer’s law enforcement agency.” *Id.* Consequently, for an inventory search to pass constitutional muster, two prongs must be met: (1) the vehicle must be lawfully in police custody; and (2) the inventory search must be conducted according to standard police procedure. *State v. Paynter*, 234 Md. App. 252, 269–70 (2017).

A. Lawfully in Possession

Here, it is undisputed that Mr. Smith’s vehicle was lawfully in police custody at the time of the search.¹⁰ As Officer Mallette testified at the suppression hearing, Mr. Smith’s vehicle, which was double parked on the right side of the street, was blocking the flow of traffic and needed to be moved. But, because the vehicle did not have valid insurance, it could not legally be driven. As such, Officer Mallette had no choice but to take custody of the vehicle and have it towed. *See Opperman*, 428 U.S. at 369 (“The

¹⁰ The circuit court judge made a factual finding that, “impounding the vehicle in this case was lawful,” and Mr. Smith concedes this point in his brief.

authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience is beyond challenge.”).

B. Compliance with Standard Police Procedure

The remaining question is whether the search was conducted pursuant to standard police procedure. At the suppression hearing, relevant testimony and evidence was introduced to that end. Officer Mallette testified that he had previously been trained in conducting inventory searches. Officer Mallette stated that an inventory search occurs when the police take possession of a vehicle, such as when the vehicle “can no longer be driven on the road, or if it’s an obstruction to traffic.” Officer Mallette testified that, upon taking possession of a vehicle, an officer will search the vehicle to prevent claims by the vehicle’s owner that property inside the vehicle has been stolen or damaged while in police custody.

The State then introduced into evidence the Baltimore County Police Department’s Field Manual (the “BCPD Field Manual”) concerning motor vehicle inventories. Per that manual, when an officer takes custody of a vehicle, the officer “will complete an Impound/Tow Record documenting all applicable information regarding the vehicle/tow.” When taking inventory, the officer “will only take into custody property of significant value or hazardous material.” In such cases, the officer should “complete a Form 15.” If no property is taken into custody, the officer should, “in general terms, note the type of property remaining in the vehicle in the narrative of the incident report or Impound/Tow Record.” In so doing, the officer “should only list personal items (*e.g.*,

loose change, clothing, magazines, etc.) in general terms and not inventory any permanently attached accessories.” If contraband or other evidence is discovered, those items “may be seized and used to charge a suspect(s).”

As noted, Mr. Smith argues that Officer Mallette failed to follow BCPD policy by not completing an Impound/Tow Record or other inventory report documenting the personal property within the vehicle at the time of the search. Mr. Smith contends that, in the absence of such a showing, the State could not establish a non-investigatory justification for the search. The State contends that the search was performed in compliance with BCPD standards, and though it acknowledges that Officer Mallette did not complete the inventory documentation, it argues that there was still substantial overall compliance sufficient to make the search valid. As discussed in greater detail below, we agree with Mr. Smith that the inventory search was improper.

To prove that a search was conducted according to standard police procedure, the State must present evidence as to the existence of a standard inventory search policy established by the searching officer’s law enforcement agency. *Sellman*, 152 Md. App. at 20–22. Such standardized policies are critical to the inventory search exception because “external, objective, and routine controls remove the individual police officer’s discretion over whether to conduct a search and limit his discretion over how to conduct the search, thereby minimizing the risk that inventory searches will be used as after-the-fact justifications for unsupported investigatory searches.” *Id.* at 22. Absent a standard policy, “an officer’s actions in conducting the search are not sufficiently regulated to assure that

the search is in furtherance of legitimate police caretaking functions, unrelated to the existence *vel non* of probable cause, and not in furtherance of the officer’s own investigatory motives.” *Id.* at 21. In short, requiring standardized criteria for inventory searches “is based on the principle that an inventory search must not be a ruse for a general rummaging in order to discover incriminating evidence.” *Florida v. Wells*, 495 U.S. 1, 4 (1990).

In addition, the State must show that the searching officer performed the search in accordance with the procedures established by his or her department. *Paynter*, 234 Md. App. at 277. In assessing whether the State has made such a showing, courts examine the record to determine whether the officer’s conduct comported with existing departmental policy. *Thompson v. State*, 192 Md. App. 653, 672–73 (2010). The requirement that inventory searches be conducted pursuant to standardized procedures serves as an important safeguard against the use of the inventory-search exception as a pretext for an evidentiary search.

To be sure, the failure of a searching officer to precisely conform to every aspect of an inventory policy does not automatically render a search unreasonable. *Paynter*, 234 Md. App. at 281–82. In *Colorado v. Bertine*, 479 U.S. 367, 369–76 (1987), the Supreme Court upheld an inventory search that had been conducted in “a somewhat slipshod manner.” As we later explained, *Bertine* demonstrates that “substantial compliance does not require vying for the Olympic Gold in inventory listing.” *Paynter*, 234 Md. App. at

282. *Bertine* and *Paynter* therefore make clear that minor imperfections in the execution of an otherwise valid inventory search will not automatically invalidate the search.

At the same time, *Paynter* expressly recognized that deviations from established inventory procedures may be relevant evidence of whether the officer’s asserted inventory purpose was genuine. *Id.* at 279. In *Paynter*, the defendant challenged an inventory search because the searching officer’s inventory list omitted items that body-worn camera footage later showed had been present in the vehicle. *Id.* at 259–60.

Although the court ultimately held that those omissions did not retroactively invalidate an otherwise lawful search, it explained that “some later imperfection in the making of the inventory list” may nevertheless “be evidence that the searching officer was insincere in his earlier protestations of non-investigative purpose in conducting the search.” *Id.* at 279. The court further observed that “[s]ubsequent events may, after all, throw light on earlier motivation.” *Id.* Thus, while procedural defects do not automatically require suppression, they may be probative of whether the inventory rationale was sincere or instead served as a pretext for investigation.

Importantly, the court in *Paynter* found no evidence that the officer’s inventory rationale was insincere and specifically noted that “there was neither argument nor discussion about such a theory and there was no finding of fact by the judge in that regard.” *Id.* The court therefore had no occasion to address a case in which departures from established inventory procedures are accompanied by affirmative evidence suggesting that the officer’s asserted inventory purpose was not genuine.

Nor does *Paynter* hold that evidence of an investigative motive is irrelevant. Instead, the court rejected the proposition that the existence of some investigative purpose automatically invalidates an otherwise lawful inventory search. *Id.* at 284–87. As the court explained, officers frequently conduct inventory searches under circumstances that also give rise to suspicions of criminal activity, and “the additional presence of an investigative purpose will not erase the establishment of a solid inventory search justification.” *Id.* at 285–87. But that conclusion presupposes the existence of a legitimate inventory search conducted in good faith and pursuant to standardized procedures. *See id.* at 277. Indeed, the court expressly recognized that defects in the inventory process may bear on the officer’s sincerity in claiming a non-investigative purpose. *Id.* at 279.

Accordingly, under *Paynter*, while a valid inventory search is not rendered unconstitutional merely because an officer also hopes to discover evidence of crime, evidence of procedural noncompliance remains relevant insofar as it tends to show that the purported inventory rationale was not genuine. Where departures from standardized procedures, viewed together with the surrounding circumstances, undermine the credibility of the asserted inventory purpose, the State may fail to carry its burden of establishing that the search was a valid inventory search rather than an impermissible evidentiary search.

Here, the State failed to carry its burden of establishing that the search was a valid inventory search conducted pursuant to standardized procedures. At the hearing, the State introduced into evidence the BCPD Field Manual, which outlined the established

procedure for inventory searches. Per those procedures, all vehicles that come into Department custody are subject to a motor vehicle inventory to protect the vehicle's contents and to protect the Department and its personnel against, among other things, claims of damaged, lost, or stolen property. When taking custody of a vehicle, the officer should notify the owner, document the applicable information regarding the "vehicle/tow," and complete a motor vehicle inventory. The inventory should be conducted systematically, starting in the front, and may extend to all areas of the vehicle in which personal property may be reasonably found, including the passenger compartment and trunk. If, during the inventory, property is taken into custody, that property should be documented. If no property is taken into custody, then a general description of the vehicle's contents should be provided in the incident report or Impound/Tow Record.

While the record does show that Officer Mallette conducted a *search* that complied with BCPD procedures, the record also reflects that Officer Mallette failed to comply fully with procedure where he did not complete an Impound/Tow Record nor the Property Inventory required by the BCPD Field Manual. While Officer Mallette testified that these forms would have been redundant of the list placed in his statement of probable cause, the cursory "inventory" in the arrest report listed only the drugs and firearms seized and completely omitted any non-contraband property found in the vehicle at the time of the search. These omissions are significant because they demonstrate a deviation from the core purpose of an inventory search—"to protect the police from danger, to

protect the owner’s property, and to protect the police against claims and disputes over lost or stolen property[.]” *Briscoe*, 422 Md. at 397—and tend to suggest an ulterior purpose.

Further, unlike in *Paynter*, there is affirmative evidence in the record bearing on the officer’s motivation. Prior to conducting the search, Officer Mallette stated on body-worn camera that he believed Mr. Smith possessed “a lot of [drugs],” that he “would feel more comfortable” if additional evidence were developed, and that “it would be more concrete if [he] had a warrant” to search the vehicle. Officer Mallette further explained that he was “probably” going to conduct an inventory search of the vehicle, right before stating that a search would be more “concrete” with a warrant. These statements demonstrate that, prior to the search, Officer Mallette was actively considering how best to develop additional evidence of criminal activity. Although the existence of some investigative interest does not automatically invalidate an inventory search, *see Paynter*, 234 Md. App. at 284–87, these statements are relevant when considered alongside the officer’s subsequent failure to perform the inventory documentation required by policy.

Even assuming Officer Mallette intended to proceed under the inventory-search exception, his own statements over the radio show a strong interest in developing additional evidence, and his subsequent failure to complete any of the inventory documentation required by policy is exactly the type of “subsequent event” that *Paynter* indicates may “throw light on earlier motivation.” *See Id.* at 279.

Viewed together, Officer Mallette’s conduct before and after the search supports the inference contemplated by *Paynter*, that the procedural deficiencies were not merely clerical oversights but are relevant evidence bearing on the sincerity of the officer’s asserted inventory purpose. Before the search, the officer expressed a desire to obtain more concrete evidence of criminal activity from the vehicle “before [he] lock[ed] [Mr. Smith] up.” After the search, Officer Mallette failed to complete the Impound/Tow Record and the Property Inventory required by BCPD policy and documented only the contraband recovered from the vehicle. The resulting record reflects not a completed inventory of the vehicle’s contents, but merely a record of incriminating evidence. Under these circumstances, Officer Mallette’s failure to comply with the policy’s inventory-documentation requirements is probative of whether the asserted inventory rationale was genuine. Because the record raises substantial doubt as to whether the search was conducted for a legitimate inventory purpose, the State has therefore failed to establish that the search was a valid inventory search conducted pursuant to standardized procedures.

IV. Inevitable Discovery

Mr. Smith also challenges the circuit court’s alternative basis for denial of his suppression motion—that under the doctrine of inevitable discovery, Mr. Smith’s vehicle would have inevitably been subject to a search incident to arrest for the warrant against him. On appeal, Mr. Smith argues that this alternative basis is also improper because it “assumes too many facts that are unsupported by this record.” We agree with Mr. Smith that the inevitable discovery doctrine does not validate the search here.

Maryland recognizes the inevitable-discovery doctrine as an exception to the exclusionary rule. *Stokes v. State*, 289 Md. 155, 162–65 (1980). The doctrine permits the admission of evidence obtained as a result of unlawful police conduct if the evidence ultimately would have been discovered through lawful means independent of the constitutional violation. *Id.* at 163–64. For admission to be proper, the State must prove the inevitability of the discovery by a preponderance of the evidence. *Elliott v. State*, 417 Md. 413, 436 (2010). The doctrine rests on the principle that the exclusionary rule should not place the government in a worse position than it would have occupied *absent the misconduct*. *Stokes*, 289 Md. at 164.

To invoke the doctrine successfully, however, the State must demonstrate that lawful discovery was truly inevitable, not merely probable or possible. *Id.* at 165–66. Courts therefore require proof based on historical facts and established investigative procedures rather than speculation about how events might have unfolded. *Elliott*, 417 Md. at 447–48. The relevant inquiry is whether, had the unlawful conduct not occurred, a lawful and independent investigative process already underway or otherwise certain to occur would have led to the challenged evidence. *Stokes*, 289 Md. at 165–66.

Here, the circuit court was wrong to conclude that the State had proved by a preponderance of the evidence that a search incident to arrest of Mr. Smith’s car was inevitable rather than merely speculative. The evidence in the record relevant to the warrant is insufficient to consider Mr. Smith’s arrest on that warrant, and the search incident to that arrest, an inevitability. At the suppression hearing, Officer Mallette’s

body camera footage depicted him conversing with another officer over the radio in which Officer Mallette says, “turns out he *might* have a warrant.” (Emphasis added). Although Officer Mallette testified that he later verified that the warrant was active, there is no evidence indicating that the status of the warrant was known or became known to him while on the scene. To find that Mr. Smith would have been arrested on the scene pursuant to a warrant that was not yet verified would require the exact kind of speculation prohibited by the inevitable discovery doctrine.¹¹ The search of Mr. Smith’s vehicle cannot be upheld on that basis.¹²

V. The Supplemental Rule of Interpretation

We acknowledge that the circuit court issued its ruling solely based on a valid inventory search and, in the alternative, inevitable discovery, and therefore made no

¹¹ Moreover, even if a search incident to arrest had been inevitable, such a search would not have validly extended to the trunk of the car. *See Rodriguez v. State*, 258 Md. App. 104, 118 (2023) (“Whereas the *Carroll* Doctrine permits a search of the entire car including the trunk, the *Arizona v. Gant* exception limits the search to the passenger compartment.”). Therefore, the firearm found in the trunk of Mr. Smith’s car should still have been suppressed under this exception.

¹² An alternative argument for inevitable discovery, one which was never raised below nor on appeal, is that because Mr. Smith’s car was in the roadway and unable to be driven due to lack of insurance, it would inevitably have had to be impounded and subject to an inventory search regardless of whether Mr. Smith was arrested pursuant to an outstanding warrant. As that argument was not raised by the State below nor relied on by the circuit court in denying Mr. Smith’s suppression motion, we do not reach it as a basis for affirming the circuit court’s denial of Mr. Smith’s suppression motion. *See* Md. Rule 8-131(a) (“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.”).

factual nor legal findings regarding the *Carroll* doctrine. However, this does not preclude us from reaching this as a basis of affirmance on appeal.

To be sure, “[o]rdinarily, an appellate court will not decide any other issue [apart from jurisdiction] unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). However, to Rule 8-131(a)’s preservation principles, there do exist “well-recognized exceptions.” *Robeson v. State*, 285 Md. 498, 502 (1979). Indeed,

[o]ne exception is that where the record in a case adequately demonstrates that the decision of the trial court was correct, although on a ground not relied upon by the trial court and perhaps not even raised by the parties, an appellate court will affirm. In other words, *a trial court’s decision may be correct although for a different reason than relied on by that court.*

Id. at 502 (cleaned up) (emphasis added). “Appellate review of issues not previously raised is therefore discretionary, but, this discretion should be exercised only when it is clear that it will not work an unfair prejudice to the parties or the court.” *Elliott*, 417 Md. at 435 (cleaned up) (declining to reach an issue not raised by the parties below where the record was insufficient to support the alternative holding and where the defense would have been prejudiced by lacking the opportunity to litigate the issue below).

Two cases are instructive on this point. In *State v. Bell*, 334 Md. 178, 180 (1994), the circuit court denied Mr. Bell’s motion to suppress, instead crediting the State’s position that the contraband was discovered via valid inventory search. On appeal, however, the State abandoned its inventory theory and instead argued, for the first time, that the search was valid under the *Carroll* doctrine. *Id.* at 183. Our Supreme Court declined to affirm on that alternative basis, holding that doing so would prejudice the

defendant, who had litigated the suppression hearing in response to the State’s inventory theory and therefore had no reason to develop evidence or cross-examine witnesses regarding facts relevant to the automobile exception. *Id.* at 187–91. Because the State’s new theory would have required factual development regarding probable cause that the defense had been dissuaded from pursuing because of the State’s differing position below, the Court refused to consider the argument for the first time on appeal. *Id.* at 191.

In *Elliott v. State*, 417 Md. at 425, the suppression motion was argued based on whether Mr. Elliott was subject to an investigatory detention or arrest. On appeal, though neither side changed the basis of their suppression arguments, this Court affirmed the suppression on different grounds, on the basis of inevitable discovery. *Id.* at 426. Our Supreme Court later declined to affirm the holding, finding that this Court had erred in raising inevitable discovery *sua sponte* for several reasons. *Id.* at 434. First, because the issue had not been litigated below, the factual record was insufficient for the court to properly examine whether a later search was truly inevitable. *Id.* at 440–41. Second, addressing the argument on appeal would prejudice the defense because they had no opportunity to cross-examine witnesses, bring in evidence, or argue in rebuttal to inevitable discovery. *Id.* at 443.

This case differs from *Bell* and *Elliott* in that the factual record contains sufficient facts to support a thorough analysis of the *Carroll* doctrine, and because engaging in that analysis does not prejudice Mr. Smith.

With regards to the factual record, to be sure, the suppression court did not make any findings, factual nor legal, relevant to the *Carroll* doctrine nor regarding the marijuana found by Officer Mallette. However, under the “supplemental rule of interpretation,” articulated by this Court in *Morris v. State*, 153 Md. App. 480, 489–90 (2003), “where the suppression court’s fact-finding is ambiguous, incomplete, or nonexistent on a particular point, the appellate court does not treat that silence as rejection; rather, it fills that gap by crediting, from among the facts in the suppression record, the version of events most favorable to the prevailing party.”¹³ *Hicks v. State*, __ Md. __ No. 634, Sept. Term, 2024 (filed June 4, 2026), 2026 WL 1601794, at *24 (Berger, J., concurring). Because the circuit court’s fact-finding was nonexistent on this point, we will fill the gaps with facts from the suppression record.

It is evident from Officer Mallette’s testimony and body-worn camera footage, admitted at the suppression hearing, that upon interacting with Mr. Smith he saw a large quantity of marijuana in plain view. Officer Mallette’s body camera footage shows him first speaking to Mr. Smith through the passenger window, after which Officer Mallette returns to his vehicle and reports to another officer that “there is a large amount of weed . . . in plain sight . . . like seven plastic baggies of weed and there’s a scale around the seat.” When Officer Mallette returned to Mr. Smith’s vehicle, Mr. Smith was attempting to pass two bags out of his window to his daughter, who stood on the sidewalk nearby.

¹³ As discussed in *Hicks*, “[t]he Supreme Court of Maryland, presented with the question in *Grant* [*v. State*, 449 Md. 1, 31 n.8 (2016)], declined to formally adopt the *Morris* framework, but left its status at this Court undisturbed.” 2026 WL 1601794, at *24 (Berger, J., concurring).

Officer Mallette intercepted the bags and found that one contained “what [he] had already seen was a bag filled with marijuana.” Both interactions occurred before Officer Mallette asked Mr. Smith to step out of the car, and before the search of the vehicle was conducted. Therefore, using the supplemental rule of interpretation, there is sufficient evidence in the record to reach the State’s *Carroll* doctrine argument on appeal despite it not having been raised below.

Further, reaching this issue for the first time on appeal creates no prejudice to Mr. Smith, because he had sufficient opportunity to, and in fact, did, litigate the issue below. Unlike *Bell*, where the defendant was dissuaded from rebutting the *Carroll* doctrine via either argument or cross-examination, Mr. Smith not only had the opportunity to rebut the *Carroll* doctrine argument, but pre-emptively raised the issue himself in his suppression motion.¹⁴ Further, unlike *Elliott* where the State had not raised inevitable discovery at the suppression hearing nor on appeal, here, while the State did not argue its opposition to suppression with *Carroll* as the main basis, it did briefly refer to the *Carroll* doctrine as a rationale for Officer Mallette’s search during closing argument at

¹⁴ Mr. Smith’s suppression motion stated,

One exception to the warrant requirement was announced in *Carroll v. U.S.*, 267 U.S. 132 (1925), in which the Supreme Court authorized the police search of an automobile only when there exists both exigent circumstances (mobility) and probable cause to believe that the vehicle contains either contraband or evidence of a crime.

The *Carroll* doctrine offers no justification for the search of the defendant’s vehicle, because there existed no probable cause to believe that the defendant’s vehicle contained either contraband or evidence of a crime. He had, therefore, no probable cause to justify the search of the vehicle.

suppression. Moreover, Mr. Smith’s counsel did respond by referencing *Carroll* in closing argument as well.¹⁵ Although the State’s *Carroll* argument at the hearing differed in substance from the argument it now makes on appeal, the fact that it was raised below, in part by Mr. Smith himself, indicates that Mr. Smith had a fair opportunity to litigate this issue below.¹⁶ There is therefore no prejudice to Mr. Smith by our reaching the merits of this issue for the first time on appeal.

CONCLUSION

Because the contraband items seized from Mr. Smith’s vehicle were the product of a legal search validated by the *Carroll* doctrine, the circuit court properly denied Mr. Smith’s motion to suppress. We therefore affirm the judgments of the circuit court.

¹⁵ The State argued,

[Officer Mallette] stopped, placed the Defendant under arrest for the suspected drugs, and pursuant to the *Carroll* doctrine, the officer has a right to search the passenger compartment of the vehicle, and he did so. He has found contraband in the passenger compartment. He is also then entitled to search the trunk of the vehicle.

In response, defense counsel argued:

As far as the *Carroll* doctrine is concerned, there’s no indication from the record that the discovery of heroin or the discovery of the marijuana gave rise to probable cause that there was other drugs in the car or other items of incriminating interest in the car.

So, to, to claim that the *Carroll* doctrine applies is, is simply not true. And I note that the, that the gun was found not in the passenger compartment but in the trunk of the vehicle, which is not part of the *Carroll* doctrine.

¹⁶ Mr. Smith had an opportunity to litigate the merits of the State’s appellate *Carroll* doctrine argument in his reply brief.

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