Circuit Court for Dorchester County
Case No.: C-09-CR-19-000292

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 76

September Term, 2020

OLIVIA C. GRINNELL

v.

STATE OF MARYLAND

Reed,
Wells,
Zic,

JJ.

Opinion by Wells, J.

Filed: July 16, 2021

By way of a criminal information, the State charged appellant, Olivia C. Grinnell, with various narcotics-related offenses. The Circuit Court for Dorchester County denied her motion to suppress the narcotics recovered after a traffic stop. Ms. Grinnell entered a not guilty plea on an agreed statement of facts. The court found her guilty of possession of heroin with the intent to distribute, and sentenced her to twenty years, suspend all but 187 days, with credit for 187 days served, to be followed by five years' supervised probation.

In this timely appeal, Ms. Grinnell argues that the circuit court erred in denying her motion to suppress. For the following reasons, we disagree and will affirm.[1]

BACKGROUND

Motions Hearing

[1] Although Ms. Grinnell structures her brief by arguing: (1) whether there was reasonable articulable suspicion to support the stop; and (2) whether she abandoned the contraband at issue as a result of an illegality, her sole question is worded as follows:

> Is the mere assertion that the Appellant was under investigation for distributing heroin, without further elaboration, a permissible consideration when determining whether reasonable articulable suspicion existed for a stop?

Although Ms. Grinnell argues that she voluntarily abandoned a coin purse containing narcotics in response to a show of authority by the police, neither the motions court nor the State rely on the abandonment doctrine. Considering our ruling on the merits, we decline to address whether Ms. Grinnell abandoned the coin purse under the Fourth Amendment. *See Demby v. State*, 444 Md. 45, 51 (2015) (concluding that it is unnecessary to address every legal argument where the result is controlled by settled law); *Thompson v. State*, 192 Md. App. 653, 677 (2010) (declining to address additional legal rationales under the Fourth Amendment). *See generally*, *California v. Hodari D.*, 499 U.S. 621, 629 (1991) (discussing seizures in the context of a "show of authority"); *Partee v. State*, 121 Md. App. 237, 245 (1998) (explaining abandonment doctrine).

Detective Jason Drake, a police officer for over four and a half years and assigned to the Dorchester County Narcotics Task Force from the Cambridge Police Department, testified that on September 5, 2019, he was conducting surveillance on Ms. Grinnell. The detective explained that the task force had "an ongoing CDS investigation with her based on an overdose and, belief [sic] that she was selling heroin or distributing heroin."

Detective Drake followed Ms. Grinnell from her residence in Secretary, Maryland, to a Super Soda store located in Federalsburg. The following then transpired:

> An unknown white male came up to her passenger's side, made contact with her. They seemed to like reach across the car and exchange something and then that male left. Ms. Grinnell stayed parked right where she was.

It was – several minutes went by. Not long. One or two minutes went by. That male then came back, got into her passenger seat, and then they sat there again for a short amount of time, one or two minutes. She drove off and dropped him not maybe two or three blocks away and then traveled on from there. [2]

Detective Drake followed Ms. Grinnell to another convenience store parking lot, just outside Federalsburg, where she remained for a "short amount of time[.]" He then followed her back towards her residence. In route back towards her residence, Detective Drake decided to stop Ms. Grinnell's vehicle. Detective Drake, driving an unmarked Dodge Durango, activated his lights and sirens and Ms. Grinnell pulled over near a business located just outside Hurlock.

[2] Detective Drake clarified that the initial contact between this unidentified male and appellant at her passenger door lasted approximately thirty seconds or less.

As she slowed to a "almost a stop," the detective saw Ms. Grinnell throw an unidentified item out of her driver's side window. The item, a small "handbag-ish thing," also identified as a "coin purse," was later recovered about ten to twenty feet away from Ms. Grinnell's vehicle. When it was recovered, the police discovered "wax folds of heroin" inside.

On cross-examination, Detective Drake testified that he had been a police officer for between four-and-a-half and five years. He was located approximately 30 yards away when he first saw Ms. Grinnell and the unidentified man exchanging something in the parking lot of the Super Soda store. He also explained that the unidentified man "reach[ed]" into Ms. Grinnell's car window and "there was an interaction from the window to Ms. Grinnell." Detective Drake was situated behind the vehicle and could see through the vehicle's rear windshield. He agreed he could not see what was in their hands.

Detective Drake also clarified that, when Ms. Grinnell threw the bag out of her driver's side window, she was "almost to a stop[.]" He agreed that she discarded the bag after he activated his lights and siren.

On redirect examination, Detective Drake was asked about his training and experience that led him to believe a hand-to-hand drug transaction had occurred, and he explained as follows:

> A. So, so basically for the last year-and-a-half I've solely been doing interactions in which I myself have been an UC. I've worked with other members of my group that are UCs and --
>
> Q. Just for the record, what's an UC?

> A. An undercover officer. I'm sorry. And then as well as confidential informants. And so I've observed and been a part of hundreds of CDS transactions. And based off personally doing the exact same thing; where I meet with somebody in a car and purchase CDS from them, controlled dangerous substance, or observing other undercover offices do the exact same thing or observing confidential informants do the exact same thing, it's that behavior that I can identify as a hand-to-hand transaction.
>
> Because I can see them meet with her, leave, her wait, come back. Typically, that's a money transaction. Comes back with the CDS. They may have to go get it from somewhere and bring it back to her.
>
> Q. Uh-huh.
>
> A. So just that behavior as, as somebody who's been part of it as an undercover officer who's watched hundreds of it go down with other undercover officers and confidential informants, that behavior is how I can identify it.

He further testified that this occurred at around 5:20 p.m., that it was still daylight, it being September, and that he had an unobstructed view of Ms. Grinnell's vehicle. Detective Drake opined that, during a suspected drug transaction, that they "go and come back with the drugs." The detective confirmed that his observations were consistent with that type of behavior.

In response to further questioning from the court, Detective Drake testified that there was "definite body contact between the two in which they were, you know, close enough where they could reach to each other, touch each other." He agreed he could not remember if he saw the unidentified man's hands but maintained that "they were close enough that they could, could touch each other with hands." In addition, the detective testified that, when the man left momentarily on foot and then came back, he walked around to the front of the store, out of view.

The court also heard from Maryland State Police Trooper Nellie Daigle, also assigned to the Dorchester County Narcotics Task Force. Trooper Daigle was on the scene and corroborated much of Detective Drake's testimony. With respect to the coin purse recovered near Ms. Grinnell's vehicle, Trooper Daigle testified that she "was familiar with the coin purse due to the previous investigation or previous contact with Ms. Grinnell." She explained that, as part of the investigation of that prior incident, Trooper Daigle examined Ms. Grinnell's cellphone and that phone included "pictures of the case with the same type of wax folds that were in it from – that we recovered that day."

Trooper Daigle also testified that she interviewed Ms. Grinnell and, after waiving her *Miranda* rights, Ms. Grinnell informed them "where the CDS had came [sic] from. She had referred to the man from the Super Soda, the convenience store, as Jessie. She said it was somebody that was a middleman between her and the dealer." The trooper believed Ms. Grinnell confirmed that the purse belonged to her, and that she obtained the heroin that was recovered from "Jessie."

Following this testimony, Ms. Grinnell argued that Detective Drake did not "actually see any exchange" of items in this case and that the stop was not supported by probable cause. There was no indication that this occurred in a "high drug area," and that, "[f]or all the officer knew, he had leaned in and asked for a, a short ride." Ms. Grinnell also argued that any abandonment was the involuntary result of illegal police activity unsupported by probable cause.

The State responded that Detective Drake's experience with similar drug interactions and working with other confidential informants supported the detective's

reasonable suspicion for stop. Further, the officers collectively knew that Ms. Grinnell was "involved in some of the CDS overdoses that have been occurring and that was the reason why they initially targeted on her." And, Trooper Daigle also testified that she had seen a photograph of the same coin purse before during that prior investigation, and that photograph showed that the purse contained heroin packets. The State summed up:

> So that they have the prior knowledge of her CDS activity along with what Detective Drake observes that he believes based on his training, knowledge and experience was a CDS transaction. And then, then I would just argue that at the point that she threw the purse out the window she was not yet seized. Her car had not come to a complete stop and she was still moving.

After taking the matter under advisement, the court denied the motion to suppress, finding as follows:

> Okay. So with Ms. Grinnell what we had was a stop that revealed some contraband. Proceeding the stop there was surveillance. We had Detective Drake testify regarding his observations and the movements of Ms. Grinnell.
>
> The -- what really is the deciding factor in this particular case for the court is there was an existing investigation going on. Had this been just the first observation made by the police officers, the court would find that it was inadequate.
>
> In this particular situation we had Ms. Grinnell under investigation. They actually initiated the surveillance when she left town, her town, Secretary. Traveled to Federalsburg. She met someone. She spoke with that particular person. Then the person left, returned. There was a brief period of time where the person rode in her vehicle.
>
> She then went to the U5 store at the time and then headed back towards Secretary. When she came into Dorchester County sometime -- someplace around Williamsburg, she was stopped. During the course of the stop she threw out a blue bag. It was a bag that the MSP, Trooper Daigle, particularly had seen when retrieving some phone records, looking into some phone records.

> And coupled with all that the court finds that there was probable cause for the stop and that the search -- or seizure, actually, was permissible under the law.
>
> So Motion to Suppress will be denied. All right.

Not Guilty Plea on Agreed Statement of Facts

Ms. Grinnell subsequently entered a not guilty plea based on an agreed statement of facts. Those facts included that the police recovered 7.88 grams of heroin, a Schedule I controlled dangerous substance. As part of her statement to Trooper Daigle, Ms. Grinnell indicated that she gave cash in exchange for this heroin to Jessie, the man at the Super Soda located in Dorchester County, Maryland. Ms. Grinnell stated that she bought "three buns," and a "bun" of heroin was approximately 10 to 13 wax-folded baggies of heroin stacked and held together by a rubber band. The agreed facts further provided that, had this case gone to trial, the State would have called an expert who would have opined that the amount of heroin recovered was indicative of an intent to distribute. As mentioned, the court found Ms. Grinnell guilty of possession of heroin with intent to distribute and sentenced her to twenty years' incarceration, with all suspended but time served.

DISCUSSION

Ms. Grinnell contends that the police did not have reasonable articulable suspicion to support the stop in this case. The State disagrees, arguing that there was a reasonable belief that criminal activity was afoot. We concur.[3]

[3] Although the motions court found that the stop was supported by probable cause, Ms. Grinnell concedes that the applicable standard of proof in this case is the lesser reasonable articulable suspicion. *See Stokes v. State*, 362 Md. 407, 415-16 (2001) ("This (continued)

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)). And, the record is examined "in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress." *Norman v. State*, 452 Md. 373, 386, *cert. denied*, 138 S. Ct. 174 (2017). The trial court's factual findings are accepted unless they are clearly erroneous, however, when there is a constitutional challenge to a search or seizure under the Fourth Amendment, this Court performs an "'independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case.'" *Grant v. State*, 449 Md. 1, 15 (2016) (quoting *State v. Wallace*, 372 Md. 137, 144 (2002)); *accord Pacheco*, 465 Md. at 319-20.

It is well-settled that police may stop and briefly detain a person for purposes of investigation if the officer has a reasonable suspicion supported by articulable facts that criminal activity may be afoot. *See Terry v. Ohio*, 392 U.S. 1, 30 (1968); *accord Holt v. State*, 435 Md. 443, 459 (2013). Reasonable suspicion is "a particularized and objective basis for suspecting the particular person stopped of criminal activity." *Illinois v. Wardlow*, 528 U.S. 119, 128 (2000) (quoting *United States v. Cortez*, 449 U.S. 411, 417-18 (1981)).

Court has made clear that, under the Fourth Amendment, the level of suspicion necessary to constitute reasonable, articulable suspicion 'is considerably less than proof of wrongdoing by a preponderance of the evidence' and 'obviously less demanding than that for probable cause'"); *Freeman v. State*, 249 Md. App. 269, 282 n.2 (2021) ("Both reasonable suspicion and probable cause move in the same direction along the same continuum of mounting suspicion. The only difference between them is quantitative").

Further, "[w]e have described the standard as a 'common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and prudent people act.'" *Holt*, 435 Md. at 460 (citations omitted). "While the level of required suspicion is less than that required by the probable cause standard, reasonable suspicion nevertheless embraces something more than an 'inchoate and unparticularized suspicion or hunch.'" *Id.* (quoting *Terry*, 392 U.S. at 27, 88 S. Ct. 1868) (internal quotations omitted). Even seemingly innocent behavior, under the circumstances, may permit a brief stop and investigation. *Illinois v. Wardlow*, 528 U.S. at 125-26 (recognizing that even in *Terry*, the conduct justifying the stop was ambiguous and susceptible of an innocent explanation, but that, because another reasonable interpretation was that the individuals were casing the store for a planned robbery, "*Terry* recognized that the officers could detain the individuals to resolve the ambiguity").

Moreover, reviewing courts "must look at the 'totality of the circumstances' of each case to see whether the detaining officer has a 'particularized and objective basis' for suspecting legal wrongdoing." *United States v. Arvizu*, 534 U.S. 266, 273-74 (2002); *see also Bost v. State*, 406 Md. 341, 356 (2008) ("The test is 'the totality of the circumstances,' viewed through the eyes of a reasonable, prudent, police officer") (citation omitted). And, "the court must . . . not parse out each individual circumstance for separate consideration." *Holt*, 435 Md. at 460 (quoting *Crosby v. State*, 408 Md. 490, 507 (2009) (quoting *Ransome v. State*, 373 Md. 99, 104 (2003)); *see also In re: David S.*, 367 Md. 523, 535 (2002) ("Under the totality of circumstances, no one factor is dispositive").

This case turns on whether the officer's stop of Ms. Grinnell's motor vehicle was lawful. The Supreme Court and Maryland appellate courts have authorized such stops when there is reasonable articulable suspicion to believe that criminal activity is afoot. *See Navarette v. California*, 572 U.S. 393, 396-97 (2014) ("The Fourth Amendment permits brief investigative stops - such as the traffic stop in this case - when a law enforcement officer has "a particularized and objective basis for suspecting the particular person stopped of criminal activity") (citations omitted); *see also Rowe v. State*, 363 Md. 424, 433 (2001) (A "traffic stop may also be constitutionally permissible where the officer has a reasonable belief that 'criminal activity is afoot'") (quoting *Terry*, 392 U.S. at 30).

Ms. Grinnell directs our attention to *Holt v. State*, 435 Md. 443 (2013). [Brief of Appellant at 7][4] In that case, members of the Baltimore City Violent Crime Impact Section were investigating Daniel Blue on suspicion of distributing raw heroin. *Holt*, 435 Md. at 448. Police conducted surveillance of a meeting between Mr. Blue and Claude Townsend on June 29, 2011, captured on a surveillance camera. *Id.* at 448-49. Mr. Blue arrived at the meeting on a city street corner and looked around in a nervous manner. He then approached Mr. Townsend and handed him an object. Mr. Blue then returned to his vehicle and quickly left the area. Mr. Townsend was thereafter arrested and was in possession of suspected raw heroin. *Id.* at 449.

The next surveillance of Mr. Blue occurred on July 13, 2011, after he left an

[4] We point out that Ms. Grinnell's reliance on *Freeman v. State*, 249 Md. App. 269 (2021), is misplaced because that case concerned whether probable cause supported a warrantless arrest, a higher standard of proof than that at issue in this case. *Freeman*, 249 Md. App. at 273.

unrelated court appearance in Baltimore City District Court. *Holt*, 435 Md. at 450. Police followed Mr. Blue's vehicle to Baltimore County, where Blue entered an apartment. When he emerged five minutes later, Mr. Blue was carrying a Rubbermaid container in his hand that was about the size of a sandwich. *Id.* Mr. Blue then drove to Lake Montebello in Baltimore City. *Id.*

Mr. Blue parked his vehicle near an outdoor exercise station, got out, and then approached Mr. Holt, who was standing nearby. While Mr. Holt did not appear nervous, Mr. Blue was looking around the area in a nervous manner, looking over his shoulder and at passing cars. *Holt*, 435 Md. at 450. The two men then got into a Jeep Cherokee, with Mr. Holt driving. Mr. Holt drove one loop around the lake, then returned and parked near Mr. Blue's vehicle. *Id.* The entire meeting lasted two minutes. *Id.* Mr. Blue exited Mr. Holt's vehicle, and walked back to his vehicle, still looking around in a nervous manner. *Id.* at 450-51.

The police detectives decided to stop Mr. Holt's vehicle, not only to investigate their suspicion that a possible drug transaction occurred, but also because Mr. Holt did not stop at a stop sign and was speeding. *Holt*, 435 Md. at 451. During the ensuing stop, Mr. Holt pulled out a gun, pointed it at the officers, and tried to run them down with his vehicle. *Id.* at 451-52. The police opened fire on Mr. Holt's vehicle. Mr. Holt was eventually arrested after he sought treatment at a hospital for gunshot wounds he sustained during his flight from the police. *Id.*

Mr. Holt was charged with assault, reckless endangerment, firearms violations, and a drug related offense. *Holt*, 435 Md. at 452. Mr. Holt's counsel filed a motion to suppress,

on the ground that the investigatory stop, prior to viewing the gun, violated the Fourth Amendment. *Id.* The motions court agreed and ruled that the initial stop was not based on reasonable articulable suspicion that Mr. Holt had been involved in a drug-related crime, nor had there been a traffic violation. *Id.*

This Court reversed, and the Court of Appeals agreed that the stop was based on reasonable articulable suspicion. *Id.* at 457. The Court observed that the meetings between Messrs. Blue and Townsend, and Messrs. Blue and Holt, were similar. *Holt*, 435 Md. at 464-65. The Court also noted a number of factors in support of its conclusion, including, Mr. Blue's status as a known drug dealer, the training and experience of the police officers, the nature of the area where Messrs. Blue and Townsend met, and the prior narcotics transaction between Messrs. Blue and Townsend. *Holt*, 435 Md. at 463-66. The Court then noted:

> The suppression court stated that "there were a bunch of innocuous facts, some have absolutely nothing to do with Mr. Holt" and "there are too many innocent, innocuous facts." We recognize that most, if not all, of the factual circumstances about which the detectives testified were not, on their face, incriminating. It is important to bear in mind, however, that context matters. *Crosby*, 408 Md. at 508. "[A]ctions that may appear innocuous at a certain time or in a certain place may very well serve as a harbinger of criminal activity under different circumstances." *Id.* (quoting *United States v. Branch*, 537 F.3d 328, 336 (4th Cir. 2008)). Put differently, "[a] factor that, by itself, may be entirely neutral and innocent, can, when viewed in combination with other circumstances, raise a legitimate suspicion in the mind of an experienced officer." *Id.* (quoting *Ransome*, 373 Md. at 105); *see also Arvizu*, 534 U.S. at 277 ("A determination that reasonable suspicion exists . . . need not rule out the possibility of innocent conduct."). Accordingly, although the suppression court was correct that the series of acts the detectives observed were by themselves innocent, *taken together*, those acts supported the detectives' suspicion that criminal activity was afoot.

Holt, 435 Md. at 466-67 (emphasis in original).

The Court further recognized that the police officers did not see a hand-to-hand exchange between Messrs. Blue and Holt, a phone call, or other evidence suggesting that Mr. Holt was part of Mr. Blue's criminal enterprise. *Holt*, 435 Md. at 467. The Court stated, "[t]o be sure, all doubt regarding the reasonableness of the detectives' suspicion that a drug transaction occurred would be resolved had the State offered such evidence. But our analysis focuses upon what factual circumstances *did* exist, not those that *did not*." *Id.* (emphasis in original). The Court concluded that the threshold of reasonable articulable suspicion was met, and that the police lawfully conducted an investigatory stop of Holt's vehicle. Because the stop was lawful, the police officer's observations during and immediately following the stop, including the observation of a gun, should not have been suppressed. *Holt*, 435 Md. at 467-68.

The State argues that several of this Court's prior cases are also on point. In *Hicks v. State*, 189 Md. App. 112 (2009), while conducting nighttime surveillance of a gas station in Oxon Hill, known for "a lot of drug activity," the police observed a vehicle parked at a gas pump. The vehicle was not running, its lights were off, and neither of the two occupants were pumping gas. *Hicks*, 189 Md. App. at 115, 122. After about 15 minutes, one of the occupants got out of the car, walked over to an unidentified man and engaged in what appeared to be a brief hand-to-hand transaction. *Id.* at 116. One of the officers, Officer Waters, testified as follows:

> [STATE]: Describe the hand-to-hand. What were the things that you were taught in your training that were the characteristics of a hand-to-hand transaction?

* * * * * *

WATERS: Usually, it's a manner that is obscured, so you really don't see what item is being exchanged. It is not a customary handshake that I guess we're used to, but it's an action with the palms touching palms and sliding through.

[STATE]: What, if any, items in this case did you see exchanged?

WATERS: I did not see what item was exchanged. I just saw the activity which was suspicious to me.

* * * * * *

[STATE]: Do you have any experience working in this area itself of Wheeler Road and Southern Avenue?

WATERS: Yes, sir, that is my assigned area.

[STATE]: How long have you worked in that particular area?

WATERS: Approximately two years.

[STATE]: Based on your experience, can you describe that area?

* * * * * *

WATERS: There's a lot of drug activity in that area.

Hicks, 189 Md. App. at 116.

The officers, who had training and experience in recognizing drug transactions, approached the vehicle and ordered the occupants out of the vehicle. *Hicks*, 189 Md. App. at 117. The officers ultimately frisked the vehicle's occupants and recovered a handgun on Hicks' person. *Id*. at 117-19. Pertinent to our discussion, we concluded that the stop was supported by the totality of the aforementioned circumstances. *Id*. at 122-23.

State v. Dick, 181 Md. App. 693 (2008), involved a stop of an individual after Baltimore County police observed an apparent hand-to-hand transaction with another

individual at a gas station known for illegal drug activity. *State v. Dick*, 181 Md. App. at 697-98. More specifically, we quoted from suppression hearing testimony that police officers "observed the white male on foot hand something to the white male on the bicycle, and the white male on the bicycle handed something to the white male on foot, and the white male on the bicycle quickly took the object and put it in his pocket." *Id*. at 697. Our opinion then summarized the testimony that the detectives "were not able to determine exactly what was transferred, but team members believed that a drug transaction had just occurred." *Id*. at 697-98.

Several factors supported our conclusion that the stop was supported by reasonable articulable suspicion. These included: the suspect's flight at the time of the stop; the officers were "specialists in drug enforcement;" the area was known for illegal drug activity; the hand-to-hand transaction occurred in a remote area of the gas station; and the stop was brief. *State v. Dick*, 181 Md. App. at 705-06. We also noted that the officers were acting "in a swiftly developing situation." *Id*. We held that "the record supports the conclusion that reasonable articulable suspicion existed to support the stop at its inception." *Id*. at 706.

And, in *Johnson v. State*, 154 Md. App. 286 (2003), *cert. denied*, 380 Md. 618 (2004), Baltimore County police officers were observing pay phones outside a gas station known to be used by people involved in drug transactions. *Johnson*, 154 Md. App. at 293-94. On the evening of February 28, 2001, officers observed a truck pull up to one of these pay phones. An unidentified man got out of the truck, dialed a number from the pay phone, then hung up and waited. *Id*. at 294. A detective testified that this appeared to be a call to

a pager, a "common method of contacting a drug dealer." *Id*. Shortly thereafter, the phone rang, the man picked up the receiver, spoke for a minute, then hung up. *Id*. The man then drove to a sports bar, while still under surveillance, and, along with another man who was in the vehicle, went into the bar. *Id*.

Approximately five minutes later, Mr. Johnson drove up in a red Chevrolet Beretta. *Johnson*, 154 Md. App. at 294. He parked his vehicle, opened the hood, and stood nearby, appearing to look around the area. *Id*. Mr. Johnson then went over to the aforementioned truck, opened the door, bent down, closed the door, then drove away. *Id*. The two men then came out of the sports bar and went back to their truck. Police officers observed a small bag of what appeared to be crack cocaine on the floor, and the police arrested the two men. *Id.*

Meanwhile, Mr. Johnson drove to a Giant grocery store and parked next to a Chevrolet station wagon. *Johnson*, 154 Md. App. at 295. Once again, Mr. Johnson got out of his Beretta, opened the hood, and stood nearby. *Id*. The driver of the station wagon, Mark Lambert, then got out of his vehicle and spoke to Mr. Johnson for about a minute. *Id*. Both Messrs. Lambert and Johnson returned to their respective vehicles and left the area and drove to a nearby Exxon gas station. *Id.* After Mr. Lambert went into the convenience store at the gas station for a short time, he got back in his car and left. *Id.* Officers followed him and decided to stop Mr. Lambert's car. As they attempted to do so, Mr. Lambert threw an item out of his window; it was discovered to be crack cocaine. *Id.* Mr. Lambert told the arresting officers that he bought the crack cocaine from the man in the red Beretta. *Id*. Another group of police officers stopped Mr. Johnson and ordered him

to produce his driver's license and registration. They informed him that they had reason to believe he was selling narcotics. *Id*. at 296.

We upheld the suppression court's ruling denying Mr. Johnson's motion to suppress. Pertinent there, we were persuaded that the initial stop of Mr. Johnson at the Exxon station was a *Terry* stop, not an arrest. *Johnson*, 154 Md. App. at 297. We explained:

> The police had observed very suspicious behavior and were able to enunciate facts that established a reasonable articulable suspicion that appellant sold drugs to two customers. "A factor that, by itself, may be entirely neutral and innocent, can, when viewed in combination with other circumstances, raise a legitimate suspicion in the mind of an experienced officer." *Ransome*, 373 Md. at 105, 816 A.2d 901. This series of events, when viewed collectively, established the validity of appellant's initial seizure.

Johnson, 154 Md. App. at 301-02.

Returning to the facts here, while the factual record in these cited cases were better developed, we note that the officers did not see the actual item that was transferred in what was believed to be a hand-to-hand drug transaction. The lesson we take from the cited cases is that direct evidence of the specific items passed between two individuals in an apparent hand-to-hand transaction is not determinative. Instead, what constitutes reasonable articulable suspicion under the totality of the circumstances depend on the facts of each particular case.

We recognize that the cases above included evidence that the suspected transaction occurred in an area known for drug activity, in contrast to this case. However, other factors relevant to the propriety of a *Terry* stop are present. The Court of Appeals has indicated the following factors are pertinent in evaluating reasonable articulable suspicion:

> (1) the particularity of the description of the offender or the vehicle in which he fled; (2) the size of the area in which the offender might be found, as indicated by such facts as the elapsed time since the crime occurred; (3) the number of persons about in that area; (4) the known or probable direction of the offender's flight; (5) observed activity by the particular person stopped; and (6) knowledge or suspicion that the person or vehicle stopped has been involved in other criminality of the type presently under investigation.

Cartnail v. State, 359 Md. 272, 289 (2000) (quoting 4 Wayne R. LaFave, *Search and Seizure* § 9.4(g), at 195 (3d ed. 1996 & 2000 Supp.).

Facts relevant to the first five of these factors were developed from Detective Drake's testimony. Specifically, Detective Drake saw Ms. Grinnell and an unidentified man "exchange something" during a brief meeting in a convenience store parking lot. This interaction took place through Ms. Grinnell's car window when the man leaned into the car and reached across its interior, seeming to hand Ms. Grinnell something. This interaction took about thirty seconds or less. The unidentified man walked away, but quickly returned, and got into the vehicle. Ms. Grinnell and the man sat there for a minute and then Ms. Grinnell drove a few blocks away and dropped the man off. The entire interaction took a matter of minutes. This testimony: (1) describes "the offender"; (2) "the size of the area" and the elapsed time; (3) the number of persons involved; (4) the direction of travel; and (5) the observed activity. *Cartnail*, 359 Md. at 289.

The sixth of the factors, knowledge of prior criminal behavior, was elicited from both Detective Drake and Trooper Daigle, another member of the task force, who collectively were aware that Ms. Grinnell had been involved in an incident involving a drug overdose of heroin, which the task force was actively investigating. *See also United*

States v. Hensley, 469 U.S. 221, 232 (1985) (explaining the collective knowledge doctrine); *Peterson v. State*, 15 Md. App. 478, 487 (1972) (stating that "a police officer, with proper justification for an arrest or a search (with or without a warrant), may multiply his available arms and legs to execute his purpose by calling upon other policemen to aid him").

Other factors supported an investigative stop in this case. The Court of Appeals has acknowledged that "a court must give due deference to a law enforcement officer's experience and specialized training, which enable the law enforcement officer to make inferences that might elude a civilian." *Norman*, 452 Md. at 387 (2017); *accord Holt*, 435 Md. at 461; *Crosby*, 408 Md. at 508. Such experience and training was evident here. Detective Drake testified that he had been a police officer for over four and a half years and was assigned to the Dorchester County Narcotics Task Force for over a year. He had worked as an undercover officer with the task force and had been involved with "hundreds of CDS transactions" with other undercover officers and confidential informants. His experience included making controlled buys of narcotics from individuals in vehicles, as in this case. He also testified that he had seen similar behavior with respect to a meeting, then one individual leaving the scene and returning shortly thereafter, as occurred in this case.

Finally, we decline Ms. Grinnell's invitation to explicitly decide that she did not "abandon" the purse under Fourth Amendment jurisprudence. Nonetheless we conclude that she discarded the purse containing heroin when the police stopped her immediately after they observed her encounter with the unidentified man at the convenience store. Her act of attempting to conceal or discard potential evidence suggests a consciousness of guilt.

See Decker v. State, 408 Md. 631, 640 (2009) ("Consciousness of guilt evidence can take various forms, including 'flight after a crime, escape from confinement, use of a false name, and destruction or concealment of evidence.'") This further informs our consideration of the lawfulness of the stop because, as we have explained:

> For purposes of analysis, a *Terry* stop is not frozen in time at the split second of its inception. It is a continuing investigative activity, and as it unfolds, reasonable suspicion may mount. As suspicion mounts, moreover, it may justify a longer detention than would initially have been justified.

Carter v. State, 143 Md. App. 670, 682 (2002). Further:

> The fundamental purpose of a *Terry* stop, based as it is on reasonable suspicion, is to confirm or to dispel that suspicion by asking for an explanation of the suspicious behavior. A major factor in then determining whether to terminate or to prolong the *Terry* stop, therefore, is necessarily the nature of the response or responses given to the police.

Carter, 143 Md. App. at 683-85 (recognizing that innocent behavior may form the basis for probable cause and/or reasonable articulable suspicion); *see Illinois v. Wardlow*, 528 U.S. at 124 (nervous, evasive behavior "is a pertinent factor in determining reasonable suspicion"); *see also State v. Ofori*, 170 Md. App. 211, 248 (2006) ("Reasonable articulable suspicion is assessed not by examining individual clues in a vacuum but by getting a "sense" of what may be afoot from the confluence of various circumstances. Suspicion, particularly to a trained law enforcement officer, may be greater than the sum of its parts"); *Bryant v. State*, 142 Md. App. 604, 616 (2002) ("We cannot engage in piecemeal refutation of each individual factor as being consistent with innocence. It is the entire mosaic that counts, not single tiles.") (citation omitted); *State v. Christian*, 109 N.E.3d 183, 187 (Ohio Ct. App. 2018) (recognizing that "furtive movements after the stop was first initiated" may

support an investigative stop). Based on this record, we hold that the motions court properly denied the motion to suppress.

JUDGMENT OF THE CICRUIT COURT FOR DORCHESTER COUNTY AFFIRMED. APPELLANT TO PAY COSTS.

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