

Circuit Court for Worcester County
Case No. C-23-CR-19-271

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 83

September Term, 2020

VERNELL J. MOORE

v.

STATE OF MARYLAND

Graeff,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: March 12, 2021

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

The Circuit Court for Worcester County denied appellant Vernell J. Moore’s motion to suppress evidence of cocaine found during a traffic stop following a canine alert of his vehicle. After pleading guilty pursuant to an agreed statement of facts, Moore was convicted of possession with intent to distribute, for which he was sentenced to fifteen years.

In this timely appeal raising Fourth Amendment challenges, Moore contends that police lacked reasonable articulable suspicion for the traffic stop, and that they improperly prolonged Moore’s detention to conduct a canine scan.¹ For reasons that follow, we disagree and affirm the judgment.

BACKGROUND

Our background summary focuses on the evidence presented at the suppression hearing because, “[i]n a challenge to a ruling on a motion to suppress, we are limited to considering the facts presented at the motions hearing, and we must view those facts in the light most favorable to the prevailing party.” *Carter v. State*, 236 Md. App. 456, 464 (2018) (citations omitted).

¹ In his brief, Moore frames the issues as follows:

1. Should cocaine discovered after a traffic stop initiated by the mere hunch of an 18-[month-old] drug sale be suppressed as fruit of the poisonous tree?
2. Was Mr. Moore’s detention after the stop for a K-9 to sniff his vehicle unreasonable?

On October 2, 2019, Ocean City Police Department Detective Michael Kirkland was in plainclothes, driving his “covert vehicle” in Berlin, when he observed Vernell Moore driving “a black four-door Hyundai Elantra” with a “farm agricultural tag.” The detective, who was familiar with Moore from “prior drug investigations,” “immediately recognized” Moore while passing that vehicle. Believing that Moore’s driving privileges might still be suspended, Detective Kirkland “immediately turned around” in order to follow the Elantra, which proceeded “out to Route 113” and then onto “Route 50 westbound towards the Salisbury area.”

Without losing sight of the vehicle, Detective Kirkland radioed to Detectives Shane Musgrave and Zachary Converse, each of whom was also on patrol with the Enforcement Team of the Worcester County Sheriff’s Office. Detective Kirkland requested that Detective Musgrave determine the status of Moore’s driver’s license.

Detective Musgrave was also familiar with Moore as he previously investigated him for drug violations and had arrested him. Using the computer in his unmarked patrol vehicle, he determined that Moore’s driver’s license in Maryland was revoked and suspended. Detective Musgrave then relayed that information to Detectives Kirkland and Converse.

When Detective Converse spotted Moore’s vehicle traveling westbound on Route 50, he was in uniform and driving a marked police vehicle. Having been advised by radio that Detective Kirkland “observed an individual that he knows as Vernell Moore operating a vehicle in the area of Berlin[,]” and that Detective Musgrave “conducted a license and

wanted check” that revealed “Moore was revoked and suspended,” Detective Converse spotted the identified vehicle by matching its color, make and registration number.

When Detective Converse initiated a traffic stop at 3:24 p.m., Moore eventually stopped on the shoulder of Whaleyville Road. At 3:26 p.m., the detective activated his “e-tick” system, by inputting preliminary information into a computer template, as the first step in issuing a traffic warning or citation. As he approached the vehicle, Detective Converse “immediately recognized” the only occupant as Moore, whom he also knew “through previous investigations.” Moore was “a little squirmish” and making “quick movements” “toward his waistband area with both of his hands[,]” like he was “in a hurry to move something.”

The detective spoke with Moore “for approximately a minute or two” and obtained his “documents.” Moore “advised he did not have a license” but presented a Maryland identification card. At that point, Detective Converse had grounds to arrest Moore for “[d]riving suspended and revoked,” so he was not free to leave or to move his vehicle.

At 3:28 p.m., while heading back to his vehicle “immediately after [he] stopped talking to” Moore, Detective Converse radioed for a “drug K-9” unit. In accordance with his typical protocol, the detective began conducting license and wanted checks when he got back into his vehicle. Detective Musgrave arrived as backup at 3:28 p.m.

After receiving a printout of Moore’s driving record through the Worcester County Sheriff’s Office, at 3:31 p.m., Detective Converse had confirmation that Moore’s license was revoked and suspended. The detective began entering into the e-tick system all the

remaining information necessary to generate a warning for driving on a suspended license, a process that typically takes five to six minutes to complete as it did in this instance.

Berlin Police Department Corporal Christopher Bireley and his dog Luke arrived at the traffic stop at 3:33 p.m. At that point, Detective Converse was sitting in the driver’s seat of his vehicle, “still in the process of checking [Moore’s] license, confirming, talking to dispatch, checking the registration.” While Detective Musgrave “was getting [Moore] out of the vehicle[,]” Detective Converse “explained to [Corporal Bireley] who was in the vehicle, [and] the reason for the stop[.]” Corporal Bireley and Luke began “an exterior sniff of the vehicle” at 3:34 p.m. The dog made a positive alert within “[t]hirty seconds[,]” at 3:35 p.m. The corporal immediately advised Detective Converse. Moore’s vehicle was searched, leading to the discovery of crack cocaine. Moore was placed under arrest at 3:52 p.m. More contraband was later found on Moore’s person.

The suppression hearing evidence regarding the traffic stop and canine scan may be summarized in the following 11-minute timeline:

- 3:24 Detective Converse initiates stop of Moore’s vehicle.
- 3:26 Detective Converse activates e-tick system.
- 3:24–28 Detective Converse observes Moore making quick movements at his waist area, talks with Moore, obtains documents.
- 3:28 Detective Converse calls for K-9 unit.
- 3:28–30 Detective Converse requests/awaits license, registration, and warrant checks.
- 3:31 Detective Converse prints out Moore’s driving record.

- 3:33 K-9 unit arrives while Detective Converse is still in his patrol vehicle, inputting information into e-tick system.
- 3:34 After Detective Musgrave removes Moore from his vehicle, canine scan begins.
- 3:35 K-9 Luke makes a positive alert.

Defense counsel argued that because Detective Converse failed to “provide any factual support . . . that he’s making an objective reasonable suspicion determination before pulling over the car[.]” the court could not find that police had “reasonable suspicion that Mr. Moore was engaging in unlawful activity.” In addition, counsel raised, as a “second concern,” that “the initial purpose of the stop [was] abandoned” to conduct the canine scan.

The prosecutor countered that “the reasonable articulable suspicion . . . is found with Detective Kirkland’s testimony” that he observed Moore driving and Detective Musgrave’s notification that Moore’s license was revoked and suspended. Because Detective Converse was “still not done writing the warning” when Corporal Bireley arrived and conducted the canine scan over “a very short window of time” of no more than ten minutes, there was no improper “elongation of the traffic stop[.]” Moreover, “because the vehicle is clearly there on the side of the road and Mr. Moore doesn’t have any ability to drive that vehicle based on [his] license status[.]” the canine scan could and would have been conducted “regardless of what was going on with Mr. Moore[.]”

The circuit court denied Moore’s motion to suppress, finding that Detective Converse had reasonable articulable suspicion for the stop based on: Detective Kirkland’s report that Moore was driving a motor vehicle with a particular make, model and registration on Route 50; Detective Musgrave’s confirmation of Moore’s license as

suspended and revoked; and Detective Converse’s description of the vehicle by location, make, model, and license plate. With respect to the canine scan, the court found that it occurred “during the course of the primary reason for the stop” to investigate whether Moore was driving on a suspended or revoked license. The court reasoned that “[t]he occurrence from start to finish is a very brief period of time.” Moreover, “the vehicle wasn’t going anywhere” because Moore, the only occupant, could not drive it, so even if the K-9 unit had not arrived as quickly, the vehicle could have been scanned while another deputy was “waiting for a third party to come or waiting for a tow company to come.”

DISCUSSION

Moore contends that the suppression court erred in denying his motion to suppress the cocaine seized during the traffic stop as fruit of the poisonous tree. In his view, the stop was initiated on a “mere hunch” based on an eighteen-month-old drug sale, and extended beyond the purpose and length of time reasonably necessary to investigate the suspected traffic offense. We address Moore’s contentions in turn, concluding that neither the record, nor the law, supports them.

I. Reasonable Suspicion for the Traffic Stop

Moore argues that Detective Converse lacked reasonable suspicion to make the traffic stop because the detective’s “only ‘objective observation’ before the stop was” that Moore was driving. In his view, Detective Converse lacked reasonable suspicion for the stop because it was predicated on a “mere hunch,” which itself arose from a “tainted . . . vendetta” harbored by Detective Kirkland after an eighteen-month-old drug investigation.

When Detective Kirkland “relayed that conjecture” to Detective Converse, who then “‘immediately’ recognized Mr. Moore from a prior drug investigation,” Moore continues, “the purported purpose of the traffic stop[,] that Mr. Moore was driving with a suspended license, was abandoned.” As a result of the illegal stop, Moore maintains, “[t]he cocaine discovered after the stop should have been suppressed as fruit of the poisonous tree.”

We disagree. Contrary to Moore’s disjointed view of the evidence, this suppression record establishes that police pursued their initial hunch by performing a coordinated investigation that fully complies with constitutional constraints.

“In reviewing the denial of a motion to suppress evidence, we accord great deference to the factual findings rendered by the trial judge.” *State v. Zadeh*, 468 Md. 124, 146 (2020) (citing *Whiting v. State*, 389 Md. 334, 345 (2005)). When “deciding whether a police encounter was unlawful, and suppression was warranted, we review legal conclusions *de novo*—without deference to the trial court.” *Id.* (citing *Whiting*, 389 Md. at 345). This requires us to conduct “our own independent constitutional appraisal of whether the Fourth Amendment has been violated by applying the law to the facts of the matter [before us].” *Id.* (alteration in original) (quoting *McCracken v. State*, 429 Md. 507, 515 (2012)).

The Fourth Amendment to the United States Constitution provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated[.]” U.S. CONST. amend. IV. Article 26 of the Maryland Declaration of Rights generally “provide[s] the same protections as the Fourth Amendment.” *Carter*, 236 Md App. at 467.

These “protections extend to investigatory traffic stops” like the one challenged here. *Id.* “In determining whether such stops violate an individual’s Fourth Amendment rights, courts examine the objective reasonableness of the stop.” *Id.* at 468 (citing *Whren v. United States*, 517 U.S. 806, 813 (1996)). As Moore points out, “mere hunches that unlawful activity is afoot do not support a traffic stop.” *Lewis v. State*, 398 Md. 349, 364 (2007) (citing *Delaware v. Prouse*, 440 U.S. 648 (1979)). Instead, “[a] traffic stop is permissible under the Fourth Amendment ‘where the police have a reasonable suspicion supported by articulable facts that criminal activity is afoot.’” *Steck v. State*, 239 Md. App. 440, 453 (2018) (quoting *Lewis*, 398 Md. at 361), *cert. denied*, 462 Md. 582, *cert. denied*, 139 S. Ct. 2763 (2019). Under this standard, “the police have the right to stop and detain the operator of a vehicle when they witness a violation of a traffic law.” *Steck*, 239 Md. App. at 454 (citing *Cartnail v. State*, 359 Md. 272, 289 (2000)).

At the heart of Moore’s complaint is that the traffic stop was predicated on a “mere hunch” that his license was suspended, followed by a “records check” that was “tainted by [Detective] Kirkland’s express vendetta against Mr. Moore.” The State acknowledges that “at first” Detective Kirkland’s suspicion that Moore was driving on a suspended license was a “hunch,” but emphasizes that the three detectives “followed up that hunch with lawful investigation, *i.e.*, Detective Musgrave conducted a records check and received confirmation that Moore’s license was indeed revoked and suspended.”

We conclude that, based on the information developed and shared by the three detectives, when Detective Converse spotted the vehicle previously identified by Detective

Kirkland, he had reasonable suspicion to stop Moore for driving on a suspended license, in violation of Md. Code (1977, 2020 Repl. Vol), § 16-303(c) of the Transportation Article. According to the unrefuted testimony of the three detectives, as well as their event log, Detective Kirkland radioed that he saw Moore driving a specific vehicle and that he believed Moore’s driving privileges were suspended. Detective Musgrave confirmed that licensure suspension. After receiving this information, Detective Converse saw Moore driving that same vehicle on a public highway.

In our view, this stop was not predicated on impermissible speculation, but on appropriate police work that confirmed Detective Kirkland’s suspicion about Moore’s license status. We agree with the motion court that the detectives did what the Fourth Amendment demands, by making visual observations in the field, investigating further by obtaining additional information from a law enforcement database, and then sharing what they learned with each other. This investigation and collaboration supplied Detective Converse with facts raising a reasonable suspicion that Moore was driving on a suspended license.

We are not persuaded otherwise by Moore’s contention that “it [was] very unlikely that [Detective] Kirkland clearly and accurately observed Mr. Moore, let alone that he ‘immediately recognized’” him. Detective Kirkland testified that he “immediately recognized” Moore behind the wheel of the black Elantra. According to the detective, he was familiar with Moore “through prior investigations.” He and Moore passed within ten feet of each other while operating their respective vehicles. Detective Kirkland testified

he was “a hundred percent sure” that the driver was Moore, which was later confirmed when the vehicle was stopped.

We also reject Moore’s suggestion that police must have reasonable suspicion, or some other constitutionally valid reason, for checking the status of a driver’s license prior to the traffic stop. An officer must have “reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of law” *before conducting a traffic stop* for the purpose of checking the status of a driver’s license or vehicle registration. *Prouse*, 440 U.S. at 663. No similar constitutional requirement exists for checking the status of a driver’s license *when a stop has not yet commenced*. As the State points out, “merely running a records check on a motorist does not implicate the Fourth Amendment.”

Finally, we note that, even though there is no evidence that the detectives suspected Moore of being engaged in drug activity before making this particular stop, it would not make a difference if they did, because “an otherwise-valid traffic stop does not become unconstitutional just because the actual purpose of the law enforcement officer making the stop was to investigate” another crime, including “potential drug crimes.” *Carter*, 236 Md. App. at 468; *see also Whren*, 517 U.S. at 813. Such “valid but pretextual traffic stops undertaken for the primary purpose of investigating other illegal activity” may be used as a “law enforcement weapon” when appropriately “restricted in scope and execution[,]” allowing an officer to “pursue investigations into both the traffic violation and another crime ‘simultaneously, with each pursuit necessarily slowing down the other to some

modest extent.”” *Carter*, 236 Md. App. at 468 (quoting *Charity v. State*, 132 Md. App. 598, 614 (2000)); *see also Whren*, 517 U.S. at 813. We therefore conclude that the stop here was constitutionally permissible.

II. Reasonable Diligence in Conducting the Traffic Stop

We now turn to examine whether the stop was unreasonably prolonged. As long as the “investigation into the original traffic violation” is not “conveniently or cynically forgotten and not taken up again until after [the other] investigation has been completed or has run a substantial course[,]” *Carter*, 236 Md. App. at 468 (alteration in original) (quoting *Charity*, 132 Md. App. at 614–15), the reasonable suspicion that justified the traffic stop afforded Detective Converse an opportunity to call for a canine scan, as a “free investigative bonus,” *Steck*, 239 Md. App. at 456 (quoting *State v. Ofori*, 170 Md. App. 211, 235 (2006)). Conversely, if the police fail to “diligently pursue” the traffic violation justifying the stop by prolonging the detention past the “time reasonably necessary for the officer to (1) investigate the driver’s sobriety and license status, (2) establish that the vehicle has not been reported stolen, and (3) issue a traffic citation[,]” the continued detention of the vehicle and driver “constitutes a second stop” that “must be independently justified by reasonable suspicion.” *Steck*, 239 Md. App. at 455-56 (first quoting *Henderson v. State*, 416 Md. 125, 144 (2010); then quoting *Pryor v. State*, 122 Md. App. 671, 682 (1998); and then quoting *Munafu v. State*, 105 Md. App. 662, 670 (1995)). We therefore focus on whether the canine scan that led to the discovery of cocaine in Moore’s car and on his person “occur[ed] during a valid, lawful traffic stop” that did not “extend[] beyond

the period of time that it would reasonably have taken for a uniformed officer to go through the procedure involved in issuing a citation to a motorist.” See *Steck*, 239 Md. App. at 455–56 (quoting *Pryor*, 122 Md. App. at 682).

As discussed, “[i]t is ‘perfectly legitimate’ to use a drug detection dog during a traffic stop as a ‘free investigative bonus,’ as long as the traffic stop is ‘still genuinely in progress.’” *Id.* at 456 (quoting *Ofori*, 170 Md. App. at 235). Yet “[p]olice officers may not prolong an initial stop to effectuate a canine search, especially when the purpose of that stop has been completed (*e.g.*, complete license check and ticket writing)” or, in the exercise of reasonable diligence, should have been completed. *Steck*, 239 Md. at 456 (citing *Florida v. Royer*, 460 U.S. 491, 500 (1983)).

Moore contends that when the canine scan occurred, the traffic stop was not still in progress because Detective Converse had abandoned his traffic enforcement duties in order to facilitate that scan. Alternatively, Moore argues that the detective improperly prolonged the stop beyond the time necessary to issue a traffic citation, in order to facilitate the canine scan.

This Court addressed comparable abandonment and delay claims in *Steck*. There, we pointed out that the reason a canine scan conducted during a valid, lawful traffic stop is not considered a Fourth Amendment event requiring additional reasonable suspicion is that “drug detection dogs do not seek out items that are lawful to possess, only contraband, and as such, the ‘use of a well-trained narcotics-detection dog . . . during a lawful traffic

stop, generally does not implicate legitimate privacy interests.” *Steck*, 239 Md. App. at 456 (alteration in original) (quoting *Illinois v. Caballes*, 543 U.S. 405, 409 (2005)).

Recognizing that “the reasonableness of a ‘traffic-based detention is not measured by the clock alone,” *id.* (quoting *Ofori*, 170 Md. App. at 237), we synthesized Fourth Amendment jurisprudence concerning traffic stops with a K-9 component as follows:

If a dog scan . . . unnecessarily exceeds the scope of the original seizure, then a Fourth Amendment violation has occurred. *Munafu*, 105 Md. App. at 670–72. . . . The issue turns on “not whether the dog sniff occurs before or after the officer issues a ticket . . . but whether conducting the sniff adds time to the stop.” *Rodriguez v. United States*, [575 U.S. 348, 357] (2015).

If the officer issuing the citation is diligently and “legitimately still working on those citations when the K-9 unit arrives, the traffic stop is still ongoing, and the detention will be considered reasonable for Fourth Amendment purposes.” *Partlow v. State*, 199 Md. App. 624, 638 (2011) (citing *Ofori*, 170 Md. App. at 243). *See*[.] *e.g.*, *Rodriguez*, [575 U.S.] at [351–53] (vacating a judgment which found it lawful to conduct a canine scan after police officer returned driver’s license and issued a written warning for momentarily crossing into the shoulder—the purpose of the stop); *In re Montrail M.*, 87 Md. App. 420, 437 (1991), *aff’d*, 325 Md. 527 (1992) (affirming the legitimacy of a canine sniff that occurred during a traffic stop, where the deputy who initiated the stop was still running the defendant’s license and registration when the canine scan took place).

Steck, 239 Md. App. at 456–57 (third alteration in original).

In *Steck*, the suppression hearing judge found that there was no “undue delay” because “only an eight minute lapse in time occurred” between the traffic stop and the canine scan conducted by another officer who “got there three or four minutes later,” while the stopping officer “was still writing a citation.” *Id.* at 458. Because the traffic citation was still being processed when the K-9 unit arrived, this Court rejected *Steck*’s claim “that

the traffic stop was unnecessarily prolonged such that its original purpose was abandoned to permit a canine scan of the vehicle.” *Id.*

Our decision and rationale in *Steck* is consistent with our resolution of comparable claims in *Carter*. In that case, we held that an interval of “approximately 17 minutes,” “from initiation of the traffic stop until the alert,” with “only ten minutes between the time [the stopping officer] returned to his car and [the K-9 unit’s] arrival[,]” was reasonable. *Carter*, 236 Md. App. at 471. In light of the stopping officer’s “testimony that it takes him eight-to-ten minutes to conduct all of the necessary records checks and five-to-seven minutes to write the citations at issue, it was not unreasonable that he was still writing the traffic citations when [the K-9 unit] arrived.” *Id.* at 470.

We also rejected *Carter*’s argument that the stopping officer “impermissibly abandoned the traffic stop when he paused from writing citations to brief [the K-9 officer] and then to ask Mr. Carter to exit his vehicle so that the canine search could proceed.” *Id.* at 471. It was not unreasonable for the original officer on the scene to “simply brief[] arriving officers on the situation and approach[] Mr. Carter to ask him to exit his vehicle.” *Id.* at 472. Specifically, these actions did not signal “abandonment of the purpose of the traffic stop, but [were] a momentary pause for permissible multi-tasking that, based on the findings of the suppression court, did not cause the seizure to extend beyond the time that was necessary to effectuate the traffic stop.” *Id.* We held that “the original traffic stop had not ended, nor had it been extended improperly, at the time [the K-9 dog] alerted because

it occurred within the time that ‘tasks tied to the traffic infraction are—or reasonably should have been—completed.’” *Id.* (quoting *Rodriguez*, 575 U.S. at 354).

Here, as in *Steck* and *Carter*, the suppression record supports the motion court’s determination that Detective Converse did not abandon or unduly prolong his traffic enforcement tasks for the purpose of enabling the canine scan. “Giving proper deference to the [motion] court’s first-level findings of fact,” and conducting an “independent constitutional appraisal of the events as a whole,” we conclude that “the conduct of the officers was reasonable and does not suggest impermissible delay.” *See Carter*, 236 Md. App. at 471.

Only eleven minutes elapsed from the time the stop began, at 3:24 p.m., until the K-9 alerted, at 3:35 p.m. During that interval, Detective Converse performed a series of appropriate traffic-related tasks. After initiating the e-tick system at 3:26 p.m., he talked with Moore for a couple minutes, during which Moore admitted that he did not have a license. Just four minutes after initiating the stop, the detective, as he returned to his cruiser with Moore’s identification and vehicle documents, called for a K-9 unit.

When he reached his cruiser, Detective Converse, following his standard practice, requested records checks for license, registration, and warrants. Within three minutes, he received a print-out showing that Moore’s driver’s license was suspended. With the necessary records checks completed, he began to input the information necessary to generate a warning citation. According to Detective Converse, completing that task took five to six minutes—a reasonable amount of time. *Cf. Carter*, 236 Md. App. at 470 n.5

(crediting testimony that stopping officer typically took “eight-to-ten minutes” to complete traffic citation).

Just two minutes after receiving Moore’s driving record, while Detective Converse was still in the process of completing Moore’s traffic warning, the K-9 unit arrived. Detective Converse briefly advised Corporal Bireley of the status of the stop, while Detective Musgrave was in the process of removing Moore from the vehicle. The canine scan began just one minute after the K-9 unit arrived. Less than two minutes later, after the K-9 unit arrived, and just thirty seconds after the sniff began, the dog alerted.

The Fourth Amendment “issue turns on ‘not whether the dog sniff occurs before or after the officer issues a ticket . . . but whether conducting the sniff adds time to the stop.’” *Steck*, 239 Md. App. at 457 (alteration in original) (quoting *Rodriguez*, 575 U.S. at 357). Here, the traffic enforcement tasks and the canine scan were conducted simultaneously and expeditiously, resulting in a positive alert approximately eleven minutes after Moore’s vehicle was stopped. As in *Carter*, 236 Md. App. at 472, the *de minimis* and “permissible multi-tasking” that occurred when Detective Converse called for the K-9 unit and briefed Corporal Bireley did not delay the detention or constitute an abandonment of his traffic enforcement mission.

Applying the constitutional yardstick of reasonable diligence, we are satisfied that Detective Converse was reasonably diligent in conducting the records checks and ticket writing necessary to complete the traffic stop. As in *Steck* and *Carter*, “the original traffic stop had not ended, nor had it been extended improperly, at the time [K-9 Luke] alerted

because it occurred within the time that ‘tasks tied to the traffic infraction are—or reasonably should have been—completed.’” *See Carter*, 236 Md. App. at 472 (quoting *Rodriguez*, 575 U.S. at 354); *see also Byndloss v. State*, 391 Md. 462, 490–91 (2006) (holding that there is no Fourth Amendment violation where license and registration check was delayed due to technical difficulties, and late-arriving K-9 unit scanned vehicle during the delay).

Moreover, we agree with the motion court that the eleven minutes from traffic stop to dog alert further evidences prompt policework rather than pretextual prolongation. Though not “dispositive, time is a consideration in this [Fourth Amendment] calculus.” *Steck*, 239 Md. App. at 457. Even though there is no “safe harbor” time frame for a reasonable traffic stop, this encounter falls on the shorter end of the spectrum for stops that have passed constitutional muster because records checks or ticket writing were still underway when the canine alert occurred. *See generally Jackson v. State*, 190 Md. App. 497, 511–12 (2010) (holding that “[e]ven by the fast-moving stopwatch of a traffic stop, eight minutes does not come close to the outer permissible limits” and recognizing that “the critical breaking point between permissible and unreasonably prolonged traffic detentions occurs at somewhere near the 20 to 25 minute marker”); *cf. Byndloss*, 391 Md. at 469, 491–92 (upholding traffic detention of thirty minutes, where records checks were delayed due to computer unavailability); *Steck*, 239 Md. App. at 458 (eight minutes); *Carter*, 236 Md. App. at 471 (seventeen minutes); *Ofori*, 170 Md. App. at 243 (twenty-four minutes).

We also agree with the motion court that our diligence/delay analysis may factor in the unrefuted evidence that Moore did not have a valid license, so that “under no circumstances . . . was [he] going to be permitted to drive the vehicle away.” As the court pointed out, “[t]he vehicle would have still been there with another [person] waiting for a third party to come or waiting for a tow company to come[,]” so that “Corporal Bireley, armed with nothing more than mere suspicion, could have conducted a K-9 scan.”

Under the inevitable discovery doctrine, the State may “cleanse” the “poisoned” fruit of any unconstitutionality by “demonstrating that the evidence acquired through improper exploitation would have been discovered by law enforcement officials by utilization of legal means independent of the improper method employed.” *Peters v. State*, 224 Md. App. 306, 350 (2015) (quoting *Stokes v. State*, 289 Md. 155, 162–63 (1980)). “The State must show, by a preponderance of the evidence, that the lawful means which made discovery inevitable were being actively pursued prior to the illegal conduct.” *Hatcher v. State*, 177 Md. App. 359, 397 (2007). If “the evidence inevitably would have been discovered through lawful means[,]” the exclusionary rule does not apply. *Elliott v. State*, 417 Md. 413, 436 (2010) (emphasis removed). Here, because the K-9 unit would have had access to Moore’s vehicle even if there had been an unconstitutional abandonment of the traffic enforcement purpose for the stop or a delay that unconstitutionally prolonged the traffic stop, it was inevitable that the K-9 unit could have scanned the vehicle until someone else arrived to move it, making discovery of the drugs inside inevitable.

Conclusion

Because police had reasonable suspicion to stop Moore for driving on a suspended license, then exercised reasonable diligence in processing that traffic violation, we conclude there are no Fourth Amendment grounds to exclude evidence of the cocaine recovered following the canine scan. For these reasons, the court did not err in denying Moore’s motion to suppress.

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