Circuit Court for Baltimore County
Case No.: C-03-CR-24-000456

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 105

September Term, 2025

JOE MENSER

v.

STATE OF MARYLAND

Berger,
Arthur,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Eyler, James R., J.

Filed: June 10, 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).

Appellant, Joe Menser, was indicted in the Circuit Court for Baltimore County and charged with possession of over five grams of fentanyl, two counts of possession with intent to distribute cocaine, and multiple firearms-related offenses. After his motion to suppress evidence seized after execution of a search warrant was denied, Appellant entered a conditional guilty plea to one count of possession with intent to distribute cocaine and possession of a firearm after having been convicted of a crime of violence. Appellant was then sentenced to fifteen years, with all but five suspended, for the drug offense and a concurrent five years without parole for the firearms offense. On this timely appeal, Appellant asks us to address whether the suppression court erred in denying his motion to suppress evidence seized following execution of the search warrant on the grounds that: (1) the information in the warrant was stale at the time of issuance; and (2) with respect to the two controlled buys, there was no information about the confidential informant's basis of knowledge and reliability. For the following reasons, we shall affirm.[1]

BACKGROUND

In December 2023, a confidential informant known as CS1 alerted police that Appellant was distributing heroin, fentanyl, and cocaine out of his residence at 2936

[1] Appellant's question presented is as follows:

> Did the suppression court err in denying Mr. Menser's motion to suppress, where the information in the affidavit rested on two controlled buys with a confidential informant, the affidavit contained no information about the informant's basis of knowledge and reliability, and the information in the affidavit was stale by the time the warrant was issued?

Cornwall Road in Dundalk, Maryland.[2] CS1 also advised that Appellant was using a specific phone number to conduct his drug business. On January 2, 2024, Detectives R.J. Daffron and Shaun Owensby of the Baltimore County Police Department's Vice Narcotics Section submitted an application for a warrant to search Appellant's home, supported by an affidavit that both detectives signed. The affidavit sought authorization to search for evidence of cocaine and fentanyl distribution. It opened with a detailed account of each detective's training and experience in narcotics investigations before turning to the facts of the investigation itself.

Through police databases and MVA records, Detective Daffron identified the user of the phone number CS1 had provided as Appellant and confirmed his address at 2936 Cornwall Road. Detective Daffron also had prior familiarity with Appellant, having previously arrested him on CDS and firearm charges. Police showed CS1 a photograph of Appellant, and CS1 positively identified him as the person distributing the narcotics. Detective Daffron then arranged two controlled purchases of fentanyl and cocaine from Appellant through CS1.

The first controlled buy took place in the middle of December 2023. Before the transaction, CS1 was searched and provided with government funds. CS1 then contacted Appellant by phone to arrange the purchase, while detectives initiated surveillance on 2936 Cornwall Road. Detectives observed Appellant exit the front door of the residence, meet with CS1, and then return inside through the front door immediately thereafter. When CS1

[2] The Application and Affidavit for Search and Seizure Warrant is appended to Appellant's brief. The parties agreed to submit it as a joint exhibit at the motions hearing.

met with Detective Daffron afterward, CS1 confirmed that Appellant was the person who had sold him drugs, and a search of CS1 revealed no contraband other than the purchased narcotics. Laboratory analysis by a Baltimore County Police certified chemist subsequently confirmed that the recovered substances were fentanyl and cocaine, both Schedule II Controlled Dangerous Substances.

The second controlled buy followed the same pattern and took place during the second half of December 2023, no earlier than December 16, meaning the warrant application followed it by no more than seventeen days. CS1 was searched before and after the transaction, provided with government funds, and made contact with Appellant by phone. Detectives maintained surveillance on the residence and again observed Appellant exit the front door and return inside immediately afterward. CS1 again confirmed to Detective Daffron that Appellant was the seller of drugs, and Detective Daffron identified the recovered substances as fentanyl and cocaine based on his training and experience.

The affidavit recounted Appellant's criminal history, which included a 2020 conviction for possession of CDS with intent to distribute and a separate conviction for possession of a loaded handgun in a vehicle. In a summary section, Detective Daffron noted that he had spoken with CS1 within seventy-two hours preceding the warrant application, and that CS1 reported Appellant was still actively selling narcotics. A judge of the Circuit Court for Baltimore County issued the warrant on January 2, 2024.

Although not part of the suppression issue, additional facts were elicited at the plea hearing. When police executed the search warrant at 2936 Cornwall Road on January 4, 2024, Appellant was present in the living room along with Gladys Carmichael, Diamond

Taylor, Antonio Romero, and Davon Barksdale. A search of the residence yielded a bag containing thirty-three grams of cocaine, distribution packaging, manufacturing equipment, CDS residue, street-level packaging material, two cellphones, a Smith and Wesson MP40 handgun locked in a safe, which Appellant opened by providing the code, that had been reported stolen in North Carolina, and a loaded Davis Derringer .22 caliber handgun recovered from the basement, which Appellant also claimed. Both weapons were test-fired and found to be operable, and the cocaine was confirmed by a certified chemist.

At the suppression hearing, Appellant argued that the warrant was deficient on two grounds. First, he contended that the probable cause was stale because as much as two weeks may have elapsed between the second controlled buy and the January 2 warrant application, and the affidavit described only two small purchases with no surveillance of foot traffic, no trash pull, and no indication of a large-scale ongoing operation. Defense counsel argued that the detective "didn't set up independent surveillance" and that the entire investigation consisted of nothing more than "the two buys," leaving probable cause to "float float float with no other investigations" between the second buy and the warrant application. Specifically, counsel argued that even a two-week gap was too long for a small-scale operation and that ongoing activity should not be presumed, contending that "when you read that warrant, one would come away with the logical conclusion that these were two very small purchases by a CI" and that without sworn indications of continuing high-volume sales, the probable cause had gone stale by January 2. Before the State's response, the court questioned why the operation needed to be continuous at all, asking counsel directly: "Why do you need the continuing to get to the probable cause? I mean, if

you have two drug buys, . . . why isn't that enough?" Counsel conceded the point might have been stronger the day after the second buy but maintained that "two weeks after the second buy" was too long given the scale of the operation.

Second, Appellant argued that the affidavit contained no information about CS1's reliability or basis of knowledge, contending that "we don't know anything about this confidential informant at all" and that the detective had "not sworn as to the credibility and veracity of that informant." Counsel stressed that the detective did no independent investigation beyond the controlled buys themselves, that there was no prior track record for CS1 established in the affidavit, and that, because the detective did not personally witness the hand-to-hand transactions, CS1's identification of Appellant as the seller was "the entirety of the probable cause." Appellant himself reinforced this point directly, arguing that the affidavit's language, that the detective observed Appellant "prior to meeting and distributing" and then "confirmed with CS1" that Appellant was the seller, proved the detective had not seen the exchange: "if he's seen it his self already, what is there to extra confirm about?"

The court observed that, based on its own reading of the affidavit, the detective's personal observations, searching CS1 before and after, providing funds, watching Appellant exit and return, and recovering drugs made the probable cause "at least 50/50, maybe even 75 percent as to what the detective is saying[,]" rather than resting almost entirely on CS1.

The State responded that the gap between the second buy and the warrant was at most seventeen days, that drug distribution from a residence is precisely the kind of

continuous activity that diminishes the significance of time, and that CS1 had confirmed within seventy-two hours of the application that Appellant was still selling. The State also explained that the reason specific dates were not used in the affidavit was that it would tend to compromise the identity of CS1.

As to the controlled buy structure, the State argued that the affidavit reflected "a controlled situation in which the detective does play a large role" and that it "wasn't like the confidential source calls the detective and says, hey, I am going to go do a buy in the next few days, I'll bring you the drugs when I get them." Rather, both buys were supervised end to end: CS1 was searched before and after, provided government funds, and watched by the detective, who recovered the drugs from CS1 upon return. As to informant reliability, the State argued that where a controlled buy is adequately controlled, the credibility of the informant is immaterial, and that Detective Daffron's personal observations independently supported the warrant regardless of anything CS1 said. The State further argued that even if the warrant were deemed deficient, the good faith exception applied because the affidavit was not a bare-bones document, and the executing officers had relied on it in objectively reasonable belief that it was valid.

The suppression court denied the motion, concluding that the affidavit contained sufficient probable cause, reasoning that the detective's personal observations surrounding both controlled buys made the showing "a lot" more than a bare tip, and that the executing officer had acted in good faith in relying on the warrant. The court further denied disclosure of CS1's identity, finding that, because all charges arose from the January 4 warrant execution rather than the December controlled buys, the informant would not have been a

witness in the case and disclosure was neither necessary nor appropriate. Specifically, the court found:

> I think you have enough here. I think the fact that you have the affidavit, just looking at the four corners of the affidavit, you have two controlled buys. The affiant, the fact it was basically telling the issuing Judge, this is what I have observed, you know. I mean I just mentioned a minute ago, both controlled buys is what I did, this is what I saw. And the fact that the CI was sort of the tipster that started this whole thing, that's a piece of it, but it's much bigger than that. It's not just, you don't have just the tipster, and that's the only thing in the affidavit, you have the tipster plus you have two controlled buys and they are in effect the officer saying in effect he did give the money, given the funds, searching the CI ahead of time, searching the CI after, you have a lot in there, the detective himself, I am assuming the detective is a he, I don't know.
>
> [PROSECUTOR]: It is in this case.
>
> THE DEFENDANT: Your Honor –
>
> THE COURT: I think you have enough in there.

The court continued:

> All right. So, as I stated, I do believe that the warrant does state enough to show probable cause. It's not the trial. We are not here for the trial, not here determining guilt or innocence of the charges contained in the indictment. We are simply here to determine whether or not the affidavit, the affidavit contains enough facts to, for an issuing Judge to determine there is probable cause of criminality or contraband and I am not going to go over it again. I think I put on the record my reasoning previously. And I think any, the executing officer, I think in good faith, followed the search warrant and executed it. So I don't see any problem, any constitutional violation there at all.
>
> I don't think that the identity of the informant is necessary because, divulging identity necessarily because of the charges here in this case relate to events that took place on January fourth of 2024 and there is nothing in the record to say that the informant was aware of anything on January fourth, 2024, wouldn't be a witness in the case. And the Defendant is not being prosecuted for what happened during the two controlled buys in December of 2023. So, I don't think there is, if you do any kind of balancing, I don't

> see that divulging the name of the informant is appropriate, necessary or helpful to the Defendant.

We may include additional detail in the following discussion.

DISCUSSION

Appellant contends that the suppression court erred because there was no substantial basis to conclude that the warrant was supported by probable cause. Specifically, Appellant argues that (1) the averments in the warrant were stale because "two weeks could have elapsed between the second buy and the issuance of the warrant" and (2) the affidavit lacked any information about the informant's basis of knowledge and reliability. Appellant also asserts the warrant's execution was not supported under the good faith doctrine.

The State responds that the information in the warrant was not stale because it was, at most, seventeen days old. The State arrives at this timeframe by reasoning that the second controlled buy from Appellant's residence occurred in the "second half of December"; thus, no earlier than December 16, 2023, and the warrant was issued on January 2, 2024. As for the argument concerning the informant's reliability, the State argues that the controlled buys were adequately "controlled" by police procedure and surveillance of the apparent transactions. In the alternative, the State contends the executing officers acted in good faith reliance on the warrant and the suppression court's ruling should be upheld.

"When reviewing a trial court's denial of a motion to suppress, we are limited to information in the record of the suppression hearing and consider the facts found by the trial court in the light most favorable to the prevailing party, in this case, the State." *Washington v. State*, 482 Md. 395, 420 (2022) (citing *Trott v. State*, 473 Md. 245, 253-54,

cert. denied, ___ U.S. ___, 142 S. Ct. 240 (2021)). "We accept facts found by the trial court during the suppression hearing unless clearly erroneous." *Id*. "In contrast, our review of the trial court's application of law to the facts is *de novo*." *Id*. "In the event of a constitutional challenge, we conduct an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case." *Id*. (cleaned up). *Accord State v. McDonnell*, 484 Md. 56, 78 (2023).

The Fourth Amendment to the United States Constitution commands that, "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. CONST. amend. IV.[3] *Accord Richardson v. State*, 481 Md. 423, 450 (2022). In the context of search warrants, probable cause has been defined as a "fair probability that contraband or evidence of a crime will be found in a particular place." *Illinois v. Gates*, 462 U.S. 213, 238 (1983); *see also Maryland v. Pringle*, 540 U.S. 366, 370-71 (2003) (restating the well-known doctrine of probable cause to be a "a fluid concept – turning on the assessment of probabilities in particular factual contexts[,]" concerning "the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act[,]" and that "depends on the totality of the circumstances" (cleaned up)); *Pacheco v. State*, 465 Md. 311, 324 (2019) ("In describing probable cause, the Supreme Court has rejected rigid rules, bright-line tests, and mechanistic inquiries in favor of a more flexible, all-things-considered approach." (cleaned up)).

[3] The same constitutional rights are provided to Marylanders in Article 26 of the Maryland Declaration of Rights.

Indeed, although it is meant "to safeguard citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime[,]" *Brinegar v. United States*, 338 U.S. 160, 176 (1949), the probable cause standard does not set a "'high bar'" for police. *State v. Johnson*, 458 Md. 519, 535 (2018) (cleaned up) (quoting *Dist. of Columbia v. Wesby*, 583 U.S. 48, 57 (2018)). While the arresting officer must have something "more than bare suspicion[,]" *Brinegar*, 338 U.S. at 175, he need not have proof sufficient to conclusively establish guilt beyond a reasonable doubt or even by a preponderance of the evidence, *Gates*, 462 U.S. at 235. All that is required is a "fair probability," *id*. at 246, or "substantial chance," *id*. at 243 n.13, of the arrestee's criminal activity.

In determining whether probable cause exists, both the issuing judge or magistrate, as well as a reviewing court, are confined to the averments contained within the four corners of the search warrant application. *Sweeney v. State*, 242 Md. App. 160, 185 (2019) ("When we review the basis of the issuing judge's probable cause finding, we ordinarily apply the 'four corners rule' and confine our consideration of probable cause solely to the information provided in the warrant and its accompanying application documents." (cleaned up)). Those averments are to be considered under the totality of the circumstances. *Stevenson v. State*, 455 Md. 709, 727 (2017) ("No single item of information in the affidavit stands alone in supplying the requisite probable cause for the warrant-issuing judge, or the 'substantial basis' analysis that reviewing courts must use in assessing that judge's probable cause determination.").

Moreover, "[w]e do not conduct a *de novo* inquiry into whether the court order in this case was supported by probable cause, rather we must determine whether the '*issuing judge had a substantial basis* for concluding that the [court order] was supported by probable cause.'" *Whittington v. State*, 474 Md. 1, 31 (2021) (emphasis in *Whittington*) (quoting *Patterson v. State*, 401 Md. 76, 89 (2007), in turn citing *Greenstreet v. State*, 392 Md. 652 (2006)). *Accord Tomanek v. State*, 261 Md. App. 694, 713 (2024). Like this Court, the suppression court "sits in an appellate-like capacity with all of the attendant appellate constraints." *State v. Johnson*, 208 Md. App. 573, 578 (2012) (cleaned up); *see also State v. Jenkins*, 178 Md. App. 156, 170 (2008) ("In a review posture such as the present one, the deference that is owed by us is to the warrant-issuing judge, just as the deference of the suppression hearing judge was owed to the warrant-issuing judge."). Further, "[u]nder those 'attendant appellate constraints,' the suppression hearing judge may well be called upon to uphold the warrant-issuing judge for having had a substantial basis for issuing a warrant even if the suppression hearing judge himself would not have found probable cause from the same set of circumstances." *Johnson*, 208 Md. App. at 578. *Accord State v. Amerman*, 84 Md. App. 461, 463 (1990).

Indeed, "[t]he substantial basis standard involves something less than finding the existence of probable cause, and is less demanding than even the familiar 'clearly erroneous' standard by which appellate courts review judicial fact finding in a trial setting." *State v. Coley*, 145 Md. App. 502, 521 (2002) (quotation marks and citations omitted). "[R]eviewing courts must assess affidavits for search warrants in 'a commonsense and realistic fashion,' keeping in mind that they 'are normally drafted by nonlawyers in the

midst and haste of a criminal investigation.'" *State v. Faulkner*, 190 Md. App. 37, 47 (2010) (quoting *United States v. Ventresca*, 380 U.S. 102, 108 (1965)). Ultimately:

> [W]e bear in mind not only "the Fourth Amendment's strong preference for searches conducted pursuant to a warrant," *Gates*, 462 U.S. at 236, but also the Supreme Court's recognition that "[r]easonable minds frequently may differ on the question whether a particular affidavit establishes probable cause," [*United States v. Leon*, 468 U.S. 897, 914 (1984)]. In consideration of both principles, the Supreme Court has "concluded that *the preference for warrants is most appropriately effectuated by according 'great deference' to a magistrate's determination." Id. Thus, "in a doubtful or marginal case a search under a warrant may be sustainable where without one it would fall." Id*. "[S]o long as the magistrate had a 'substantial basis for . . . conclud[ing]' that a search would uncover evidence of wrongdoing, the Fourth Amendment requires no more." *Gates*, 462 U.S. at 236. If that "substantial basis" standard is met, then any court called upon thereafter to review the warrant is required to uphold it.

Stevenson, 455 Md. at 723-24 (some internal citations omitted; emphasis added).

Appellant's first contention is that the averments in the affidavit were stale because the second of two controlled buys out of his home occurred in the second half of December, or, approximately two weeks prior to issuance of the warrant. "There is no 'bright-line' rule for determining the 'staleness' of probable cause; rather, it depends upon the circumstances of each case, as related in the affidavit for the warrant." *Connelly v. State*, 322 Md. 719, 733 (1991). '"Factors used to determine staleness include: passage of time, the particular kind of criminal activity involved, the length of the activity, and the nature of the property to be seized."' *Patterson v. State*, 401 Md. 76, 93 (2007) (quoting *Greenstreet*, 392 Md. at 674). Ultimately, the "criterion in determining the degree of evaporation of probable cause . . . is not case law but reason." *Id.* (cleaned up).

In addition, staleness is not considered in a vacuum, especially when applied to a case involving the distribution of narcotics, which "'[b]y its nature"' is a "'regenerating activity[.]"' *Amerman*, 84 Md. App. at 482 (quoting *Peterson v. State*, 281 Md. 309, 321 (1977), *cert. denied*, 435 U.S. 945 (1978)); *see Joppy v. State*, 232 Md. App. 510, 533 (stating, in a case concerning illegal distribution of crack cocaine, that "[t]he 'character of the crime' was that of 'a regenerating conspiracy' and not 'a chance encounter in the night'"), *cert. denied*, 454 Md. 662 (2017).

Here, the affidavit sets forth that there were two controlled buys from Appellant's residence. The first occurred in mid-December 2023, and the second in the second half of December 2023. Considering the warrant issued on January 2, 2024, we concur that, at most, there was roughly a little over a two-week gap between the second controlled buy and the warrant's issuance. We are not persuaded the probable cause had gone stale. *See, e.g.*, *Peterson*, 281 Md. at 320-22 (holding that probable cause was not stale even though last observed sale of narcotics occurred five weeks before warrant was issued and last observed sale at premises to be searched occurred two months before warrant was issued); *Amerman*, 84 Md. App. at 475 (stating that probable cause was not stale when based on evidence of alleged illegal drug sales conducted one month before application); *Yeagy v. State*, 63 Md. App. 1, 6-7 (1985) (holding that probable cause was not stale where the sale of cocaine occurred sixteen days before application and issuance of the search warrant); *Davidson v. State*, 54 Md. App. 323, 331 (1983) (holding that "a potential time lapse of nineteen days between the date of the controlled buy and the issuance and execution of the warrant" did not render the warrant "improper").

Appellant directs our attention to *Greenstreet, supra*. In that case, the affidavit cited evidence recovered in a residential trash seizure one year prior. *Greenstreet*, 392 Md. at 677; *see also Lee v. State*, 47 Md. App. 213, 231 (1980) (holding that information from a drug sale eleven months prior was too stale to support probable cause to issue search warrant). Simply put, *Greenstreet* is inapposite. The following is instructive:

> Staleness is a highly subjective factual question that different judges could answer in different ways, and reviewing judges are required to be highly deferential to the warrant-issuing judge and to eschew *de novo* determinations of their own. Every defect in probable cause does not necessarily invalidate the substantial basis predicate and staleness, as but one of such possible defects, is no exception.

Johnson, 208 Md. App. at 619.

We turn to Appellant's second ground challenging the warrant – that there was no evidence to establish the confidential informant's basis of knowledge or reliability. This Court has described the "typical 'controlled buy' investigative technique" as follows: "[T]he affiants (or the appropriate one of them) searched the informant and found him 'clean,' and sent him into the suspect premises, whence he came out 'dirty.'" *Hignut v. State*, 17 Md. App. 399, 412 (1973) (footnote omitted). We explained: "So long as the controls are adequate, the 'controlled buy' alone may well establish probable cause to search a suspect premises, let alone verify from scratch an informant's otherwise unestablished 'credibility.'" *Id*.

In *State v. Jenkins*, 178 Md. App. 156, 178 (2008), we reiterated that the

> bottom line is that if the controls were adequate, probable cause to issue the warrant to search the person of the appellee was *ipso facto* established. If, on the other hand, the controls were not fully adequate, some further analysis, considering other portions of the warrant application, would be required.

In that case, appellee attacked the warrant application based on the credibility of the informant, arguing that the State failed to demonstrate any "track record" of demonstrated reliability. *Id*. We concluded, however, that if the "controls are adequate in a 'controlled buy' exercise, the credibility of the controlled buyer is utterly immaterial." *Id*.

The affidavit provides that, for Controlled Buy #1 that took place in mid-December 2023, CS1 was searched prior to a controlled buy and provided official funds. CS1 then contacted Appellant on his known cell phone number to arrange a purchase of fentanyl and cocaine. Detectives conducting surveillance observed Appellant exit his residence at 2936 Cornwall Road before the transaction and return through the front door immediately after. Following the buy, police recovered quantities of fentanyl and cocaine from CS1. Laboratory analysis by a Baltimore County Police certified chemist confirmed the recovered substances to be fentanyl and cocaine, both Schedule II Controlled Dangerous Substances.

The affidavit further provides that, for Controlled Buy #2 that transpired in the second half of December 2023, CS1 was again searched prior to a controlled buy and provided official funds. CS1 then contacted Appellant on his known cell phone number to arrange another purchase of fentanyl and cocaine. Detectives conducting surveillance again observed Appellant exit his residence at 2936 Cornwall Road before the transaction and return through the front door immediately after. Following the buy, police recovered quantities of fentanyl and cocaine from CS1. Based on Detective Daffron's training,

knowledge, and experience, the recovered substances were identified as fentanyl and cocaine, both Schedule II Controlled Dangerous Substances.

The controls here were adequate under *Hignut* and *Jenkins*. Each buy followed the same disciplined protocol: CS1 was searched clean beforehand, provided government funds, and sent to contact Appellant on his known cell phone number; detectives maintained active surveillance and personally observed Appellant exit and return to 2936 Cornwall Road bracketing each transaction; and CS1 was searched again afterward, returning only the purchased narcotics.

We also are not persuaded by Appellant's argument that CS1's unestablished reliability is fatal because the detective did not witness the hand-to-hand exchange. Where the controls are adequate, the credibility of the informant is utterly immaterial, and the detective's own observations independently supplied the probable cause. Appellant cites no authority suggesting that adequacy turns on whether police observed the precise moment of exchange, and *Hignut* forecloses the argument directly. *See Hignut*, 17 Md. App. at 413 ("[I]ndependent observation need only verify a significant part, and not the totality, of an informant's story[.]").

Alternatively, the State asserts that the affidavit contained sufficient evidence of probable cause to allow the executing officers to rely on the averments therein in good faith. We concur.

Evidence obtained in violation of the Fourth Amendment is ordinarily inadmissible under the exclusionary rule. *Richardson*, 481 Md. at 446. The good faith exception, however, provides that "evidence will not be suppressed under the exclusionary rule if the

officers who obtained it acted in objectively reasonable reliance on a search warrant." *Id.* As the Supreme Court has explained, "searches pursuant to a warrant will rarely require any deep inquiry into reasonableness, for a warrant issued by a magistrate normally suffices to establish that a law enforcement officer has acted in good faith in conducting the search." *Leon*, 468 U.S. at 922 (cleaned up). There are only four circumstances in which reliance on a warrant would not be considered reasonable: (1) the magistrate was misled by information the officer knew or recklessly disregarded as false; (2) the magistrate wholly abandoned his detached and neutral judicial role; (3) the warrant was based on an affidavit so lacking in probable cause as to render official belief in its existence entirely unreasonable; or (4) the warrant was so facially deficient in particularizing the place to be searched or the things to be seized that the executing officers cannot reasonably presume it to be valid. *Patterson*, 401 Md. at 104 (quoting *Leon*, 468 U.S. at 923). *Accord Tomanek*, 261 Md. App. at 719-20.

Appellant contends only that the affidavit was so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable. We disagree. The affidavit documented two supervised controlled purchases of fentanyl and cocaine from Appellant's residence within weeks of the warrant application, Detective Daffron's personal observations of Appellant exiting and returning to 2936 Cornwall Road bracketing each transaction, CS1's confirmation within seventy-two hours of the application that Appellant was still actively selling, and Appellant's prior conviction for possession with intent to distribute. An affidavit of that character is not a bare-bones document. Nor would the staleness argument alter this conclusion; the gap between the second controlled buy

and the warrant application was at most seventeen days, and no reasonable officer could have regarded that interval, in the context of ongoing residential drug distribution, as rendering the warrant so obviously infirm as to preclude reliance on it. The threshold for good faith is, moreover, considerably lower than the threshold for a substantial-basis finding, *see Marshall v. State*, 415 Md. 399, 408 (2010), and this affidavit, supported by two controlled buys, direct police surveillance, and recent informant confirmation, falls well above it. Suppression would serve none of the deterrent purposes the exclusionary rule exists to advance.

In sum, because the affidavit provided a substantial basis for the issuing judge to conclude that probable cause existed to search 2936 Cornwall Road, and because, alternatively, the executing officers acted in objectively reasonable good faith reliance on a warrant issued by a neutral and detached magistrate, the suppression court did not err in denying Appellant's motion to suppress.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED.

COSTS TO BE PAID BY APPELLANT.