

Circuit Court for Baltimore City
Case No.: 123160018

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 0181

September Term, 2024

JERREL ANTHONY GRIFFIN

v.

STATE OF MARYLAND

Ripken,
Kehoe, S.,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Harrell, J.

Filed: October 15, 2025

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

Prior to his trial in the Circuit Court for Baltimore City on illegal narcotic and firearm possession charges, Jerrel Anthony Griffin, appellant, moved to suppress the evidence against him on the basis that it was the fruit of his allegedly illegal arrest. On 6 December 2023, at the conclusion of a hearing held on appellant’s suppression motion, the court denied it.

Thereafter, on 25 March 2024, following a bench trial on an agreed statement of facts, the court found appellant guilty of possession of cocaine with the intent to distribute it and unlawful firearm possession. The court sentenced him to ten years’ imprisonment, with all but five years suspended in favor of two years’ probation, for the narcotics offense, and to five concurrent years’ imprisonment, without the possibility of release on parole, for the firearms offense.

Appellant noted this timely appeal. He presents us with the following question for our consideration: “Did the lower court err when it denied [a]ppellant’s motion to suppress?” For reasons we shall elaborate, we answer that question in the negative and affirm the judgment of the circuit court.

BACKGROUND

Prior to trial, appellant sought to suppress the evidence the police recovered after they arrested him on suspicion of distributing narcotics. He claimed the police lacked the requisite probable cause to support his warrantless arrest, and therefore, the evidence that the police recovered should be suppressed as the fruit of his allegedly illegal arrest.

During the hearing on appellant’s motion to suppress evidence, the State called Officer Anthony Delgado of the Baltimore City Police Department as both a fact witness and as an expert witness in street-level hand-to-hand narcotics transactions.

Officer Delgado testified that, on 18 May 2023 at around 6:00 p.m., while he was monitoring the “CitiWatch” surveillance cameras in the area of Fayette, Howard, and Baltimore Streets, he observed what he suspected to be a hand-to-hand narcotics transaction between appellant and two unknown persons. The State played a video recording of the suspected narcotics transaction for the suppression court.¹

Officer Delgado said that, while watching the CitiWatch camera, he saw a woman approach someone (identified later as appellant) standing on the west side of the block. When she approached, appellant reached into his left jeans pocket and pulled out a small opaque bag. To Officer Delgado, the opaque bag looked like “a blunt wrapper bag.” He opined that, sometimes in CDS transactions, people use “[w]hatever type of Ziploc bag or anything that can conceal any type of [narcotics.]”

The woman who approached appellant held out her open hand, and appellant poured something into it from the opaque pouch. After that, she walked away. Moments later, a man approached appellant and handed him money.²

¹ A copy of the surveillance video recording is a part of the appellate record, which video we reviewed.

² Neither the woman nor her suspected accomplice were arrested after the transaction.

Appellant was arrested. A search of his person and the bag he was carrying revealed twenty-six vials of suspected cocaine, five grams of suspected MDMA, approximately sixty-five grams of suspected cannabis, a digital scale with white powder residue on it, a Glock 19 handgun loaded with nine rounds, and an extra magazine for the Glock 19 with nine rounds.

During the suppression hearing, the State argued that the police arrested lawfully appellant because they developed sufficient probable cause to do so based on Detective Delgado’s observation of what he believed to be, through his training, knowledge, experience, and expertise, was a hand-to-hand narcotics transaction.

Appellant argued that the police lacked probable cause to arrest him because, aside from witnessing a hand-to-hand transaction of an unidentified object or objects, there was nothing else to indicate that the transaction was a narcotics transaction. Appellant pointed-out also that no one testified that the transaction took place in a high-crime area. In addition, appellant suggested that he could have given the woman many innocent things, to include “chewing gum, tobacco, cigarettes, [or] aspirin[.]”

The Court ruled that the police had probable cause to arrest appellant based on what Officer Delgado observed on the CitiWatch camera feed, explaining:

All right, so the issue boils down to whether what the officer saw – the CitiWatch camera led to a fair probability, a reasonable observer with his background to have a probable cause to believe that he’d just seen a crime take place. And it is certainly missing some things that we sometimes see – prolonged observations, it’s missing the, sometimes the testimony that takes place in a high-crime area. I don’t know that I would characterize that stretch of Howard Street – I would walk up and down it often – as a high-crime area. Certainly not a – for Baltimore city standards, not the safest neighborhood in the city, not the most dangerous neighborhood in the city. It’s just a

neighborhood in the city, mostly retail, and – with the light rail running by it.

And, so the question is, not whether what he saw was proof beyond a reasonable doubt, that there had been a drug transaction, because I agree, it's simply – it was not. It was a hand-to-hand transaction, and there are, as Ms. Shapiro points out, many, many legitimate things that could have been exchanged and so it's not necessarily proof of a criminal transaction. I am looking at a case called *Williams v. State*, from 2009, 188 Maryland App. 78, which has to do with more or less the same argument of, you know, it could have been anything that was seen being exchanged and therefore there's not probable cause.

The Appellate Court said that one of the things the Judge could consider was the background and expertise of the officer who made the arrest in whether what he saw of the objects passing between the two people created a fair probability of a criminal transaction. The Court said that that detective did not need absolute certainty in regards to the objects exchanged in order to obtain probable cause. While there might have been innocent explanation for the Appellant's conduct, it's not necessary that all innocent explanations for a person[s] actions . . . be absent, before those actions can provide probable cause. Under the totality of the circumstances presented here, based on what I saw in the video, I think there was probable cause to make the arrest and therefore the motion to suppress is denied.

DISCUSSION

Legal Framework

“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)). “[W]e view the evidence presented at the [suppression] hearing, along with any reasonable inferences drawable therefrom, in a light most favorable to the prevailing party.” *Davis v. State*, 426 Md. 211, 219 (2012). “We accept the suppression court’s first-level [fact] findings unless they are shown to be clearly erroneous.” *Brown v. State*, 452 Md. 196, 208 (2017). “We give no

deference, however, to the question of whether, based on the facts, the trial court’s decision was in accordance with the law.” *Seal v. State*, 447 Md. 64, 70 (2016).

The Fourth Amendment to the United States Constitution, guarantees, among other things, “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]” The “ultimate touchstone of the Fourth Amendment is reasonableness.” *Richardson v. State*, 481 Md. 423, 445 (2022) (cleaned up) (quoting *Riley v. California*, 573 U.S. 373, 381-82 (2014), in turn quoting *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006)).

Warrantless searches are “per se unreasonable under the Fourth Amendment – subject only to a few . . . established and well-delineated exceptions.” *Id.* (cleaned up).

The exception to the warrant requirement at issue in this appeal is a search incident to a valid arrest, as described by the United States Supreme Court in *Chimel v. California*, 395 U.S. 752 (1969) and its progeny. A “search incident to arrest allows the police to search the person of the arrestee and any area within his immediate control to protect themselves from danger and to prevent the destruction or concealment of evidence.” *Borges v. State*, 262 Md. App. 538, 549 (2024); *Chimel*, 395 U.S. at 762-63. “The prerequisite to a lawful search of a person incident to arrest is that the police have probable cause to believe the person subject to arrest has committed a felony or is committing a felony or misdemeanor in the presence of the police.” *Lewis v. State*, 470 Md. 1, 20 (2020) (citing *Pacheco*, 465 Md. at 323, in turn citing *Maryland v. Pringle*, 540 U.S. 366, 369-70 (2003)).

As we have explained, “[p]robable cause exists where the facts and circumstances within the arresting officers’ knowledge and of which they had reasonably trustworthy

information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.” *Brown v. State*, 261 Md. App. 83, 94 (2024) (cleaned up). Under the “exclusionary rule[,]” evidence obtained as the result of an unreasonable search or seizure, in violation of the Fourth Amendment, is ordinarily not admissible against a defendant. *Richardson*, 481 Md. at 446.

The trial court in this case relied on this Court’s decision in *Williams v. State*, 188 Md. App. 78 (2009) when determining that the police developed sufficient probable cause to arrest appellant for distribution of narcotics. In *Williams*, a police officer, who was monitoring remotely police surveillance cameras, witnessed what he believed to be a hand-to-hand narcotics transaction between Williams and an unknown man. *Id.* at 83-84. Williams concealed the object during the transfer. The unknown man then gave something to Williams that the police officer believed to be money. *Id.* at 83. Williams moved to suppress drug evidence seized incident to his arrest. *Id.* at 82, 85. During the hearing on Williams’s motion to suppress, the police officer was admitted as an expert witness “regarding the sale, identification, and distribution of illegal drugs.” *Id.* at 82. Based on his expertise, the police officer opined that he believed he observed a narcotics transaction which justified Williams’s arrest. The trial court denied the motion to suppress, ruling that, based on the above facts, the police had probable cause to arrest Williams on the belief that he was engaged in the illegal distribution of narcotics. *Id.* at 86. Williams was convicted.

On appeal, we affirmed the suppression court’s ruling. *Id.* at 82. We rejected Williams’s argument that a police officer’s observations of an exchange of an unknown object, without more, might create reasonable suspicion, but did not give rise to probable

cause to arrest. *Id.* at 93-94. We emphasized that the officer observing the cameras testified, based upon “extensive experience and expertise,” that the exchange between Williams and the unknown man was consistent with a CDS transaction. *Id.* at 96. The fact that Williams concealed the object amounted to “furtive behavior” and was a factor considered by the trial court. *Id.* We reasoned that the officer “did not need absolute certainty in regard to the objects that were exchanged . . . in order to obtain probable cause.” *Id.* Further, “innocent explanations” for the conduct need not be eliminated in order to find probable cause. *Id.* (cleaned up).

As noted earlier, the police arrested appellant in the present case after observing him engage in back-to-back hand-to-hand transactions, separated by only seconds. In the first hand-off, appellant appeared to drop an unknown substance from an opaque bag into an unknown woman’s open and outstretched hand. In the second hand-off, an unknown man appeared to give appellant money.

In denying appellant’s motion to suppress the evidence, the trial court acknowledged Officer Delgado’s background and expertise. As we said in *Williams*:

Notably, experience and special knowledge of police officers may be considered in determining probable cause. Indeed, considerable credit can be given to the expertise of law enforcement officers in conducting investigations into illegal drug activity. Accordingly, as the court below recognized, Detective Green’s training and experience in street level distribution of illegal drugs were relevant to the court’s determination of whether Green had probable cause to believe that the hand-to-hand transaction he observed was evidence of the commission of a crime.

Id. at 92 (cleaned up).

In denying appellant’s motion to suppress the evidence, the circuit court noted, among other things, that, according to *Williams*, the suppression court should consider “the background and expertise of the officer who made the arrest” when determining whether the hand-to-hand transaction “created a fair probability of a criminal transaction.” The circuit court noted also that the police officer “did not need absolute certainty in regards to the objects exchanged in order to obtain probable cause.” In response to appellant’s argument that, because the officer did not see exactly what object or objects appellant gave the woman and, therefore, there might have been an innocent explanation for appellant’s conduct, the court noted correctly that “it’s not necessary that all innocent explanations for a person[s] actions . . . be absent[] before those actions can provide probable cause.”

We agree with the suppression hearing judge. The circumstances of the hand-to-hand transaction were self-evidently suspicious. The only real question for the suppression court was whether the level of suspicion rose to probable cause. As noted earlier, “experience and special knowledge of police officers” may be considered in determining probable cause. *Longshore v. State*, 399 Md. 486, 534 (2007) (cleaned up). “Indeed, ‘considerable credit can be given to the expertise of law enforcement officers in conducting investigations into illegal drug activity.’” *Williams*, 188 Md. App. at 92 (quoting *Birthead v. State*, 317 Md. 691, 703 (1989)).

As explained earlier, the circuit court accepted Officer Delgado as an expert witness in street-level hand-to-hand narcotics transactions. The circuit court was, therefore, entitled to give appropriate weight to the police officer’s expertise.

When evaluating whether a police officer had probable cause to arrest without a warrant, we examine the events leading up to the arrest, and then decide whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause. As the Court of Appeals [has] said . . . context matters: actions 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. at 95 (cleaned up).

Officer Delgado was entitled to draw fair inferences from the actions he witnessed that appellant gave the woman a substance that was paid for by the man, and that appellant and the woman’s confederate engaged in the transaction with the intent to conceal its true purpose. That deception, coupled with his expertise and the other actions Officer Delgado witnessed, provided him with reasonable and particularized grounds for belief of guilt, that is, probable cause. *Pringle*, 540 U.S. at 371.

We perceive no error in the circuit court’s determination that the facts and circumstances within the police officer’s knowledge amounted to probable cause to arrest appellant on suspicion of distributing narcotics. As a result, the police search of his person was lawful, and the evidence was not required to be suppressed.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. APPELLANT TO PAY
COSTS.**