Circuit Court for Baltimore City
Case No. 123331015

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0269

September Term, 2024

DESHAWN ROBINSON

v.

STATE OF MARYLAND

Arthur,
Tang,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.
Dissenting Opinion by Tang, J.

Filed: July 17, 2025

Baltimore City police officers observed Deshawn Robinson carrying a cross-body bag with a bulge shaped like a "straight line" "jutting out" from the back. The officers stopped him, searched the bag, and discovered a handgun and cocaine inside.

Before his trial on drug and weapons charges, Robinson argued that the officers lacked reasonable articulable suspicion to engage in a *Terry*[1] stop and frisk. The court disagreed and denied Robinson's motion to suppress. Robinson entered a conditional guilty plea and was sentenced to five years' incarceration without the possibility of parole.

Robinson noted this timely appeal. He raises one question for our review: "Did the circuit court err in denying the motion to suppress?"

We hold that it did. The officers lacked reasonable articulable suspicion to justify the investigatory stop. The court should have suppressed the handgun and cocaine from evidence. Accordingly, we remand this case to the Circuit Court for Baltimore City for further proceedings.

BACKGROUND

The Stop and Frisk

On November 2, 2023, Detective John Schreven and five other members of Baltimore City Police Department's Northern District Action Team ("NDAT")[2] were

[1] *Terry v. Ohio*, 392 U.S. 1 (1968).

[2] The Baltimore Police Department reportedly "created the [district action team] squads after the Gun Trace Task Force was disbanded in the wake of federal racketeering

patrolling the "400 block of [East] 21st Street" in Baltimore City. The NDAT characterizes this region as a "high crime and problematic area," where it "proactively enforce[s] the law." Detective Schreven explained that a "high crime area" is one that has "frequent[ly]" experienced "aggravated assaults, homicides, [and] shootings" in the past few years. The NDAT has uncovered "multiple handgun violations" "within a few block radius" of the 400 block of East 21st Street.

The uniformed team was patrolling in two vehicles, one unmarked sedan trailed by a marked sedan. The team was not in the area in response to a call about illegal or suspicious activity. It was conducting a "proactive patrol."

At around 1:40 p.m., Detective Schreven observed Deshawn Robinson sitting on a set of stairs about ten to fifteen feet away from the detectives' moving vehicles. Detective Schreven saw Robinson "lean over" and "get up" from the stairs. He testified that Robinson "observed" the officers and "changed directions to get into a vehicle."

As Robinson stood up and walked to the car, Detective Schreven observed Robinson's cross-body bag. The detective described the bag as "heavy" and said that it "bounc[ed] off of [Robinson's] body[.]" As the bag swung, Detective Schreven observed "a large bulge coming out the back of it."

When Robinson got into the car, the officers parked their cars in such a way as to prevent Robinson from driving away and jumped out to conduct what Detective Schreven

charges[.]" CBS News, *Baltimore police shooting prompts criticism of specialized gun squads*, Nov. 10, 2023, 7:38 p.m., https://perma.cc/F9VS-S5QP.

called "a weapons pat-down." The officers opened the doors of Robinson's car. Sergeant Barnett "grabbed the bag" and announced that "he felt a firearm." The officers put Robinson in handcuffs, cut the bag off his body, searched it, and found a firearm. In a search incident to the arrest, they found vials of cocaine.

The Suppression Hearing

At the hearing on Robinson's motion to suppress the evidence obtained during the stop, Detective Schreven was the sole witness to testify.

Detective Schreven testified that he had been with the police department for approximately eight years. In that time, he had made or participated in more than 150 handgun arrests, taken an eight-hour course concerning the characteristics of an armed person, received field training, and testified as an expert five to ten times. The State moved that the detective be admitted as an expert in the characteristics of an armed person.

The court allowed defense counsel to question Detective Schreven about his qualifications. In response to her questions, the detective discussed the "many factors that can lead to raising reasonable articulable suspicion to conduct a weapons pat-down of a possibly armed person." According to the detective, those factors include "blading of the body[,]" i.e., turning one's body away from an observer in order to conceal something potentially unlawful on the other side; doing a "security check[,]" i.e., "a conscious or subconscious [cue] somebody does that indicates that they have a gun" on their person, such as "touching it to make sure it's there" or "adjusting clothing to

possibly conceal it better"; holding a "stiff arm" to one's side to ensure that "a gun that isn't properly secured to the person" will not "swing[]" or "slid[e] down the pants"; and "changing the path of walking upon witnessing a police officer."

In response to questions from defense counsel, Detective Schreven mentioned additional characteristics that would lead him to suspect that a person is "possibly armed." These include bulges in clothing that reveal "the shape and outline of a gun" and "bulges in backpacks, satchels, [and] purses, either showing an outline . . . [or] partial outline of a firearm[.]"

Detective Schreven testified that identifying an armed person requires considering the "[t]otality of the circumstances." Yet, a moment later, when defense counsel asked "how many of these characteristics do you believe is [sic] required to make it that you have enough to make a stop?," Detective Schreven responded, "Just one." He testified that seeing someone change direction is not enough, but that if he saw "someone doing a security check" or if he "notice[d] a bulge[,] that would be enough to stop somebody[.]" When asked whether "the bulge alone would be sufficient[,]" Detective Schreven responded, "Yes."

Over Robinson's objection, the court accepted Detective Schreven as an expert on the characteristics of an armed gunman.

Detective Schreven briefly testified about the events that led to Robinson's arrest: The detective saw Robinson "sitting on stairs." Robinson leaned over and stood up. He was wearing a "heavy" "crossover" bag that "bounc[ed] off of his body." The detective

saw "a large bulge coming out of the back of [the bag] when it swung." Robinson observed the officers, changed directions, got into a car on the driver's side, and moved to the passenger's side. "[A]t that point," the officers got out of their cars "to conduct a weapons pat-down." The officers entered Robinson's car. Sergeant Barnett "grabbed the bag" and said that "he felt a firearm." The officers put Robinson in handcuffs, took the bag from him, and "located a firearm."

The State introduced Detective Schreven's and Sergeant Barnett's body-worn camera videos. The videos generally corroborated Detective Schreven's testimony that Robinson stood up, walked a few feet to a parked car with the bag swinging from his shoulder, and got into the car, and that the officers descended on the car, opened the door, detained Robinson, patted down the bag, and found the gun.

The State also introduced a still photograph from Detective Schreven's body-worn camera video to corroborate his observations about Robinson's bag. Using the still image, Detective Schreven pointed to "[t]he straight line" that he saw in the bag as Robinson walked, and he used a pen to circle a protrusion that, he said, he recognized as "the end of a handgun magazine." On cross-examination, Detective Schreven testified that "the shape" led the officers to believe "that it could be a possible handgun"**,** that "it's the general shape of a part of a handgun that was jutting out", that "[t]he straight line" was "of similar size common with semiautomatic handguns", and that it "could be the handle of a firearm."

Below, we have included the still image and a magnified copy of the image that focuses on the bulge. The image on the left is a copy of the still photograph that the State introduced at the hearing. The image on the right is a portion of that photograph, magnified to center on the bag and the bulge. In the image on the right, we have superimposed a white circle over the one that Detective Schreven drew by hand, and drawn a red line to indicate the "one straight line" that Detective Schreven observed.

On cross-examination, Detective Schreven agreed that "lots of things could [have] create[d] [the] outline" that he perceived to be the magazine of a firearm. He also agreed that he saw only "one straight line" and that he did not "see an actual outline of a full gun." He insisted, however, that it "wasn't the shape of a cell phone that is commonly used," of a package of illegal drugs, or of "many normal things that [he] or anyone else in Baltimore may carry at a normal time." He asserted that the bulge "could" have been "the handle of a firearm," but he did not explain how he could tell the bulge was not caused by one of the "many normal things" that a person might carry.

Aside from identifying the bulge in Robinson's bag, which he later described as the magazine or handle of a gun, Detective Schreven did not identify what crime, if any,

he or the other officers thought Robinson had committed, was committing, or would commit. The record does not indicate that Robinson was engaged in any unlawful conduct while he was sitting on the stairs or walking toward the car. Nor does the record indicate that there was some recent, local crime that Robinson could have perpetrated. Detective Schreven never testified about how Robinson's change in direction or shifting from the driver's seat to the passenger seat made him suspect that a crime was afoot. And, except for Robinson's change of direction, Detective Schreven did not testify that Robinson exhibited any of the characteristics of an armed person, such as blading of the body, a security check, or stiff arming. The record is also devoid of testimony that Robinson made any furtive movements or attempted to flee the area.

At the close of the suppression hearing, Robinson requested that the firearm and cocaine be suppressed because Detective Schreven lacked reasonable articulable suspicion to perform the *Terry* stop. Robinson argued that observing a heavy, swinging bag with "one straight line"-shaped bulge was an insufficient basis to suspect him of committing a crime. The court, focusing on "evaluating whether an officer had reasonable suspicion for a Terry frisk[,]" disagreed and denied Robinson's motion.

Immediately thereafter, Robinson conditionally pleaded guilty to use or possession of a firearm with nexus to a drug trafficking crime. Robinson retained the right to challenge the court's suppression ruling, and this timely appeal followed.

DISCUSSION

Standard of Review

Appellate review of a circuit court's denial of a motion to suppress evidence is "'limited to the record developed at the suppression hearing.'" *Richardson v. State*, 481 Md. 423, 444 (2022) (quoting *Pacheco v. State*, 465 Md. 311, 319 (2019)). We review the evidence and any inferences drawn therefrom in the light most favorable to the State as the party that prevailed on the motion. *Thornton v. State*, 465 Md. 122, 139 (2019) (citing *Sizer v. State*, 456 Md. 350, 362 (2017)).

"Suppression rulings present a mixed question of law and fact." *Id.* (citing *Swift v. State*, 393 Md. 139, 154 (2006)). We defer to the motions court's findings of fact unless clearly erroneous, but afford no deference to its legal conclusions. *Id.* (citing *Bailey v. State*, 412 Md. 349, 362 (2010)). Instead, we independently determine whether there was a constitutional violation and whether the evidence should be suppressed by applying the law to the facts of each case. *Id.*; *Crosby v. State*, 408 Md. 490, 505 (2009).

Governing Legal Principles

The Fourth Amendment to the United States Constitution guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]" Although "warrantless searches and seizures are presumptively unreasonable," the State may overcome that presumption under various, well-established exceptions to the warrant requirement. *Thornton v. State*, 465 Md. 122, 141 (2019). "In analyzing the reasonableness of warrantless encounters between the

police and members of the public, we have generally compartmentalized these interactions into three categories based upon the level of intrusiveness of the police-citizen contact: an arrest; an investigatory stop; and a consensual encounter." *Trott v. State*, 473 Md. 245, 255 (2021). This case concerns the middle category, an investigatory stop, otherwise known as a *Terry* stop.

"[A] *Terry* stop . . . 'permits an officer to stop and briefly detain an individual.'" *Id.* at 256 (quoting *Swift v. State*, 393 Md. 139, 150 (2006)). The stop "'must be supported by reasonable articulable suspicion that a person has committed or is about to commit a crime[.]'" *Id.* (quoting *Swift v. State*, 393 Md. at 150).

Reasonable suspicion "'is a common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and prudent people act.'" *Sellman v. State*, 449 Md. 526, 543 (2016) (quoting *Crosby v. State*, 408 Md. 490, 507 (2009)). Although "'the level of required suspicion is less than that required by the probable cause standard,'" police officers must have "'more than an inchoate and unparticularized suspicion or hunch.'" *Id.* (quoting *Crosby v. State*, 408 Md. at 507). The officers need "'a particularized and objective basis for suspecting the particular person stopped of breaking the law[.]'" *In re D.D.*, 479 Md. 206, 231 (2022) (quoting *Heien v. North Carolina*, 574 U.S. 54, 60 (2014)).

To determine whether law enforcement officers "acted with reasonable suspicion" to conduct a stop, we do not concentrate on each observation independently. *Crosby v. State*, 408 Md. at 507. Instead, we consider the totality of the circumstances to determine

whether the conduct observed indicated criminal activity. *See, e.g.*, *Trott v. State*, 473 Md. at 257; *Sizer v. State*, 456 Md. 350, 365 (2017)).

We give due deference to the engaging officer's training and experience, but "the validity of the stop or the frisk is not determined by the subjective or articulated reasons of the officer; rather, the validity of the stop or frisk is determined by whether the record discloses articulable objective facts to support the stop or frisk." *Sellman v. State*, 449 Md. at 542 (internal quotation marks and citations omitted); *accord In re D.D.*, 479 Md. at 243. Accordingly, we review everything Detective Schreven knew before the NDAT stopped Robinson to assess whether his factual observations were sufficient and "objectively reasonable under the totality of the circumstances" to justify the stop. *In re Jeremy P.*, 197 Md. App. 1, 15 (2011).

"'[T]o be "reasonable[,]" the suspicion must be based on facts that would have led another officer to have a similar suspicion.'" *Id.* (quoting *Singleton v. United States*, 998 A.2d 295, 300 (D.C. 2010)). "'[T]o be "articulable," there must be specific evidence—not merely conclusions—that led the officer to suspect criminal activity in a particular circumstance.'" *Id.* (quoting *Singleton v. United States*, 998 A.2d at 300-01). "Mere conclusory statements by [an] officer that what he saw made him believe the defendant had a weapon are not enough to satisfy the State's burden of articulating reasonable suspicion that the suspect was involved in criminal activity." *Id.*

Under "limited circumstances," an officer who has lawfully stopped an individual may frisk that person to search for weapons, so long as the officer has reasonable

suspicion that "'the person[] . . . may be armed and presently dangerous[.]'" *Sellman v. State*, 449 Md. at 541, 542 (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)). "A law enforcement officer has reasonable articulable suspicion that a person is armed and dangerous where, under the totality of the circumstances, and based on reasonable inferences from particularized facts in light of the law enforcement officer's experience, a reasonably prudent law enforcement officer would have felt that he or she was in danger." *Norman v. State*, 452 Md. 373, 387 (2017). The purpose of a *Terry* frisk is "'to protect the police officer and bystanders from harm[,]'" "'not to discover evidence'" of a crime. *Sellman v. State*, 449 Md. at 542 (quoting *State v. Smith*, 345 Md. 460, 465 (1997)).

In sum, a *Terry* stop and a *Terry* frisk are two distinct investigative tools, each requiring a different justification. "An investigatory *Terry* stop is permissible if the officer has specific and articulable cause to believe that criminal activity is afoot; a *Terry* frisk is permissible if the officer has specific and articulable cause to believe that the individual stopped is armed and therefore poses a danger to himself or others." *Ransome v. State*, 373 Md. at 115 (Raker, J., concurring).

For the reasons stated below, sufficient articulable facts to justify the *Terry* stop are lacking in this case. Accordingly, the frisk that followed was also unlawful.

Guiding Caselaw

Ransome v. State, 373 Md. 99 (2003), guides our analysis here. In that case, three plainclothes officers in an unmarked vehicle were patrolling a Baltimore City

neighborhood "that had produced numerous complaints of narcotics activity, discharging of weapons, and loitering." *Id.* at 100-01. Late at night, the officers observed Ransome and another man "either standing or walking on the sidewalk." *Id.* at 101. Neither was "do[ing] anything unusual." *Id.*

As the police car approached the men and "slowed to a stop," Ransome "turned to look at the car." *Id.* The officers thought that this glance was "suspicious." *Id.* One officer noticed "a large bulge in [Ransome's] left front pants pocket[.]" *Id.*

Because the officers believed the bulge was "an indication" that Ransome "might have a gun[,]" they decided that they would "'conduct a stop and frisk.'" *Id.* The officers got out of their car, and one began to question Ransome "'to buy [himself] time to feel him out.'" *Id.* The officer asked Ransome where he lived, and he responded, truthfully, that he lived about seven blocks away. *Id.* As the officer questioned Ransome, "he ceased making eye contact," and, according to the officer, "'his voice was getting real[ly] nervous.'" *Id.* at 105. At that point, the officer directed Ransome to place his hands on top of his head, frisked his waist area (not the bulging pocket), and discovered marijuana. *Id.* at 101. A search incident to arrest revealed that the bulge was a roll of money. *Id.* at 102. The search also revealed numerous Ziploc baggies and cocaine, but no weapon. *Id.*

On those facts, the Court concluded that the officers lacked reasonable articulable suspicion to conduct a *Terry* frisk. *Id.* at 111. It "reject[ed] the notion that a bulge is a

bulge is a bulge is a bulge, no matter where it is, what it looks like, or the circumstances surrounding its observation." *Id.* at 107.

The Court reasoned that a "noticeable bulge in a man's waist area may well reasonably indicate that the man is armed," but that it may also have any number of innocuous explanations. *Id.* at 107-08. "[M]ost men . . . carry innocent personal objects in their pants pockets—wallets, money clips, keys, change, credit cards, cell phones, cigarettes, and the like—objects that, given the immutable law of physics that matter occupies space, will create some sort of bulge." *Id.* Thus, the Court concluded that the existence of a "large bulge in any man's pocket," on its own, does not create the suspicion necessary for a *Terry* stop or frisk. *Id.* at 108. To hold otherwise, the Court wrote, "would allow the police to stop and frisk virtually every man they encounter." *Id.*

The Court acknowledged "many cases in which a bulge in a man's clothing, along with other circumstances, has justified a frisk." *Id.* at 108. Thus, the Court acknowledged cases in which a bulge was one in "a combination of circumstances justifying a reasonable belief that the bulge noticed by the officer may be a weapon or that criminal activity may be afoot" to permit a *Terry* stop. *Id.* at 109.

In evaluating the facts before it, however, the *Ransome* Court held that the case did not involve a sufficient combination of circumstances to justify the stop and frisk. *See id.* at 111. The Court stressed that the officer never explained why Ransome's glance at the police car was suspicious and that Ransome had not "committed any obvious offense" or done anything "to attract police attention other than being on the street with a

bulge in his pocket at the same time" that the police drove by. *Id.* at 109-10. In concluding that the officers lacked reasonable articulable suspicion, the Court stated:

> If the police can stop and frisk any man found on the street at night in a high-crime area merely because he has a bulge in his pocket, stops to look at an unmarked car containing three un-uniformed men, and then, when those men alight suddenly from the car and approach the citizen, acts nervously, there would, indeed, be little Fourth Amendment protection left for those men who live in or have occasion to visit high-crime areas.

Id. at 111.[3]

Analysis

This case is not meaningfully distinguishable from *Ransome*. Here, we have a mid-day[4] encounter in a high-crime area where Robinson, a man wearing a cross-body bag containing a heavy object that created a "straight line"-shaped bulge in the wall of the bag, saw the NDAT's police vehicles, got up from where he was sitting, changed his direction, entered a car on the driver's side, and moved over to the passenger's seat. These circumstances, when reviewed together, would not give a reasonable officer a sufficient basis to suspect Robinson of criminal activity.

Detective Schreven opined that he had reasonable suspicion to stop Robinson after observing the "straight line"-shaped bulge in Robinson's cross-body bag. However,

[3] Judge Raker would have held that the facts were insufficient to justify the initial *Terry* stop as well as the subsequent frisk. *Ransome v. State*, 373 Md. at 113 (Raker, J., concurring).

[4] The daytime encounter in this case is different from the late-night encounter in *Ransome*. This distinction, however, is in Robinson's favor.

Ransome clearly instructs that a bulge alone is insufficient to justify a *Terry* stop or frisk. The State does not argue that a court should treat a bulge in a bag any differently from a bulge in a coat or pants pocket. Like a coat or pants pocket, a bag is not an unusual place for a bulky object. Regardless of the gender of the person carrying it, a bag is quite useful for transporting things that may not fit in one's pocket or that someone may not want to carry by hand.

Detective Schreven described the bulge as a "straight line" that made the bag heavy enough to swing pendulously. Although these descriptors provide more detail than the word "bulge" in itself, they are not enough, in our opinion, to give rise to reasonable suspicion that the unknown object is a gun as opposed to any of the many other innocent items that share those two characteristics. Detective Schreven claimed to have reasonable articulable suspicion because, he said, a "straight line" is "the general shape of a part of a handgun[,]" which he has seen carried in bags like Robinson's. Detective Schreven gave no other particularized explanation for why the straight line was the outline of a firearm.

"The command that we generally respect the inferences and conclusions drawn by experienced police officers does not require that we abandon our responsibility to make the ultimate determination of whether the police have acted in a lawful manner or that we 'rubber stamp' conduct simply because the officer believed he had a right to engage in it." *Ransome v. State*, 373 Md. at 110–11. So, although a court must credit Detective Schreven's training and experience, his conclusion about the bulge summarily dismisses

the reasonable possibility that the bag may have contained any number of ordinary, innocuous items. Detective Schreven's instincts to rule out the possibility that the object was a cell phone or a package of illegal drugs may be well-grounded, but he provided no information as to how, as he testified, he "knew" that "it wasn't the shape of many normal things[.]"

A "straight line" is "the general shape of a part" of countless objects. Certainly, one may use a cross-body bag to carry a book, a notebook binder, an iPad or a similar tablet computer, a water bottle, coffee mug, or flask, a collapsible umbrella, a container of leftover food, a portable speaker or charger, a picture frame, a box of candy, a flashlight, a tin of tea, or even a spiritually meaningful pillar of quartz. Each of these items possesses the distinct, yet ubiquitous, "straight line" shape. There are simply too many lawful items that fit Detective Schreven's description of the bulge for the bulge, as described, to reasonably justify the stop and frisk of Robinson. Unless Detective Schreven had X-ray vision, he could only guess whether the bulge in Robinson's bag was caused by a gun.

Nor do the other circumstances in this case, when considered with the bulge, lead to reasonable articulable suspicion. Detective Schreven's mid-day observations did not disclose the hint of any criminal activity. He did not testify why Robinson's conduct gave him, gave the other officers, or would have given any reasonable officer cause to suspect that Robinson was committing or about to commit a crime. Additionally, Detective Schreven gave no reason why Robinson's change in walking direction or his

decision to move from the driver's seat to the passenger seat of the car was suspicious. He testified that the latter action was "unusual," but he gave no testimony from which we could begin to infer how these actions made him, or would have made any reasonable officer, suspect that crime was afoot.

In this case, the purpose of the frisk appears to have been to uncover evidence of a crime, not to protect an officer from danger. Robinson was sitting in front of a house in the middle of the day in a high-crime area. When the officers approached, he walked in the opposite direction and got into a car, as he had every right to do. *See Washington v. State*, 482 Md. 395, 449-50 (2022); *Swift v. State*, 393 Md. at 152. The officers decided to forcibly enter his car and to seize him on the basis of a bulge in his bag that could have been caused by any number of innocent items. Until the officers seized Robinson and his bag, there was no plausible threat to officer safety.

To countenance a *Terry* stop under these circumstances would be to leave "little Fourth Amendment protection . . . for those . . . who live in or have occasion to visit high-crime areas." *Ransome v. State*, 373 Md. at 111. Without reasonable articulable suspicion that Robinson was engaged in criminal activity to justify the initial *Terry* stop, the frisk of his cross-body bag and the discovery of contraband therein were unlawful. Accordingly, the motions court erred in not suppressing the evidence.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE CITY VACATED. CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY

THE MAYOR AND CITY COUNCIL OF BALTIMORE.

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Dissenting Opinion by Tang, J.

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*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).

I respectfully dissent. The detective had reasonable suspicion to believe that the appellant possessed a firearm, and therefore, the stop was reasonable.

In *Terry v. Ohio*, 392 U.S. 1 (1968), the U.S. Supreme Court held that law enforcement may briefly detain a person for investigation if the stopping officer has "reasonable suspicion 'that criminal activity may be afoot.'" *Washington v. State*, 482 Md. 395, 421 (2022) (quoting *Terry*, 392 U.S. at 30). "[T]o establish reasonable suspicion, a 'police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant' the stop." *Id.* (quoting *Terry*, 392 U.S. at 21). If the officer has a "reasonable suspicion that the person stopped is armed and dangerous," the officer may "frisk" the individual for weapons. *Graham v. State*, 146 Md. App. 327, 358–59 (2002).

Reasonable suspicion is "a lesser degree of suspicion than probable cause." *Sizer v. State*, 456 Md. 350, 365 (2017). A court tasked with determining whether a police officer acted based on reasonable suspicion must consider the totality of the circumstances, without "pars[ing] out each individual circumstance for separate consideration." *Chase v. State*, 449 Md. 283, 297 (2016) (quoting *Crosby v. State*, 408 Md. 490, 507 (2009)); *see also In re David S.*, 367 Md. 523, 535 (2002) ("Under the totality of circumstances, no one factor is dispositive."). Courts examine the totality of the circumstances "viewed through the eyes of a reasonable, prudent, police officer." *Bost v. State*, 406 Md. 341, 356 (2008). In making that assessment, we "give due deference to the training and experience of the law enforcement officer who engaged the stop at issue." *Crosby*, 408 Md. at 508. "Such

deference allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them that might well elude an untrained person." *Id.* (citations and internal quotations omitted). Notably, "[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 v. State*, 373 Md. 99, 105 (2003).

The majority relies on the decision in *Ransome v. State*, 373 Md. 99 (2003), to conclude that the detective in this case lacked reasonable suspicion to stop the appellant. It states that the facts of this instant case are not meaningfully distinguishable from the facts in *Ransome*. However, the facts in this case are indeed distinguishable from those in *Ransome*.

In *Ransome*, the defendant was standing on the sidewalk with another man in a high-crime area of Baltimore. 373 Md. at 100–01. Three police officers patrolling in an unmarked car spotted the pair and slowed down to stop. *Id.* The defendant turned to look at the car, which an officer regarded as suspicious. *Id.* at 101. One officer noticed a "large bulge" in one of the defendant's pockets, which he believed was "an indication" that the defendant "might have a gun." *Id.* The officer approached the defendant, asked him several questions, and then conducted a pat-down. *Id.* The frisk revealed a bag of marijuana in the defendant's waist area, rather than the pocket area where the officer had noticed the bulge. *Id.* The officer placed the defendant under arrest and, after an additional search, recovered

zip-lock bags, some cocaine, and the roll of cash that constituted the observed bulge. *Id.* at 101–02.

The defendant moved to suppress the evidence seized. *Id.* at 102. His motion was denied, and he was convicted. *Id.* On appeal, the Supreme Court of Maryland reversed, holding that the officer did not have reasonable suspicion to support the stop and frisk because he lacked particularized facts to support a belief that the defendant was armed. *Id.* at 102, 109–10. The Court explained that the officer's decision to stop the defendant was based solely on his observation of the bulge in the defendant's pocket and the officer's immediate conclusion from the bulge that the defendant might have been armed. *Id.* at 105–06.

The Court reasoned that, although a "noticeable bulge in a man's waist area may well reasonably indicate that the man is armed," it may also have any of a number of innocent explanations, as "most men do not carry purses" and, "of necessity, carry innocent personal objects in their pants pockets—wallets, money clips, keys, change, credit cards, cell phones, cigarettes, and the like—objects that, given the immutable law of physics that matter occupies space, will create some sort of bulge." *Id.* at 107–08. The Court held that the mere presence of "any large bulge in any man's pocket," standing alone, does not create the reasonable suspicion necessary for a *Terry* stop, as otherwise, police could lawfully "stop and frisk virtually every man they encounter." *Id.* at 108.

Furthermore, the officer did not observe a combination of circumstances that would have justified a reasonable belief that the bulge might have been a weapon or that criminal

activity was afoot. *Id.* at 109. The Court considered it significant that the officer "never explained why he thought that [the defendant's] stopping to look at his unmarked car as it slowed down was suspicious or why [the defendant's] later nervousness or loss of eye contact, as two police officers accosted him on the street, was suspicious." *Id.*

Detective Schreven's suspicion was based on more than an unparticularized hunch that the appellant was engaged in criminal activity, i.e., possession of a gun.[5] The detective testified that he had been with the police department for approximately eight years, had taken an eight-hour course on the characteristics of armed individuals at the police academy, received more training on the job, and had participated in more than 150 handgun arrests. He explained that the characteristics of an armed person include, among other things, "bulges in backpacks, satchels, purses, either showing an outline of a firearm or . . . a partial outline of a firearm," and "immediately changing the path of walking upon witnessing a police officer."

Unlike the officer in *Ransome*, Detective Schreven articulated his suspicion that the appellant was carrying a handgun in his bag beyond merely stating that he observed a bulge. He described the bag as "heavy in weight" as it "bounc[ed] off" the appellant's body. The bag "had a lot of slack in the line and [swung] with a pendulum-like effect." As the bag "swung," the detective observed "a large bulge coming out of the back of it."

[5] *See*, *e.g.*, Md. Code Ann., Crim. Law 4-203(a)(1)(i) (2021 Repl.) generally prohibits wearing, carrying, or transporting a handgun, "whether concealed or open, on or about the person."

The detective testified that it was a "particular bulge in the shape that led us to believe that it could be a possible handgun, not just merely the fact that it was overstuffed with stuff." (internal quotations omitted). Specifically, he explained that he saw a "straight line" that he recognized as "the general shape of a part of a handgun that was jutting out" when the bag was bouncing off the appellant's body as he was walking. While he could not see the "actual outline of a full gun," he described the "straight line" as being of "similar size common with semiautomatic handguns that are commonly carried in satchels such as that pressed out and giving the outline of one part of a firearm." *See, e.g.*, *United States v. Black*, 525 F.3d 359, 365 (4th Cir. 2008) (reasonable suspicion where, among other factors, officer saw a bulge that was "6 to 8 inches long along the bottom of the pocket," "1 to 1 ½ inches high," and "appeared to have a flat side," which he suspected was a firearm); *United States v. Hagood*, No. 20 Cr. 656 (PAE), 2021 WL 2982026, at *5, *14–15 (S.D.N.Y. July 15, 2021) (reasonable suspicion where outline of "an elongated, rigid, solid object" with a "line" that was "hard at the top" was consistent with a gun, in light of officer's experience).

On cross-examination, defense counsel questioned the detective about "lots of things" that "could have made a straight line." The detective acknowledged that "lots of things could create an outline like that," but he nonetheless suspected the outline was of part of a firearm. He explained:

> Because, while, yes, the grand scheme of things lots of stuff could, but what I know to be commonly carried in there to be that shape—I know it wasn't the shape of a cell phone that is commonly used and I know it wasn't the shape of a CDS package commonly sold.
>
> I knew it wasn't the shape of many normal things that I or anyone else in Baltimore may carry at a normal time. I felt that I had reasonable articulable

> suspicion that that could be the handle of a firearm *based on both the size, the length coupled with the weight of the bag*.

(emphasis added). *See Thornton v. State*, 465 Md. 122, 148 (2019) (noting that a police officer must articulate an objective basis for suspecting that an individual is carrying a weapon rather than an innocent object); *In re Jeremy P.*, 197 Md. App. 1, 14 (2011) (explaining that the stopping officer "must be able to recount specific facts, in addition to the waistband adjustment, that suggest the suspect is concealing a weapon in that location, *such as a distinctive bulge consistent in appearance with the presence of a gun*" (emphasis added)).

In addition to particularizing why he believed the bulge in the bag was a gun, the detective testified that he saw the appellant get up from the steps and that, after noticing the officers, the appellant "changed directions" and "immediately" walked to a vehicle and got in. According to the detective's earlier testimony, this behavior was characteristic of an armed person. Furthermore, the area that Detective Schreven and his team were patrolling was a high-crime area. *See Bost*, 406 Md. at 359–60 ("The nature of the area is a factor in assessing reasonable suspicion."); *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (noting that whether the stop occurred in a high-crime area is relevant to the *Terry* analysis).

In making its findings, the court implicitly found the detective's testimony credible. *See Barnes v. State*, 437 Md. 375, 389 (2014) ("The credibility of the witnesses and the weight to be given to the evidence fall within the province of the suppression court."). The detective testified about a combination of data points that led him to believe the appellant possessed a firearm. As the U.S. Supreme Court has stated, "[a] determination that

reasonable suspicion exists . . . need not rule out the possibility of innocent conduct." *United States v. Arvizu*, 534 U.S. 266, 277 (2002). Even where each individual factor "alone is susceptible of innocent explanation," the question is whether, "[t]aken together," they are sufficient to "form a particularized and objective basis" for an officer's suspicions. *Id.*

Under the totality of the circumstances, Detective Schreven had reasonable, articulable suspicion that the appellant was carrying a firearm, which permitted the officers to stop the appellant and frisk his bag. Based on the evidence and inferences that may be drawn therefrom in the light most favorable to the prevailing party, the circuit court's denial of the motion to suppress should be affirmed.