

Circuit Court for Baltimore City
Case No.: 123248008

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 626

September Term, 2024

DAMOND WALLER

v.

STATE OF MARYLAND

Arthur,
Kehoe, S.,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: October 20, 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 Rule 1-104(a)(2)(B).

Appellant, Damond Waller, was indicted in the Circuit Court for Baltimore City and charged with illegal possession of a regulated firearm by a prohibited person, wearing, carrying, or transporting a loaded handgun on his person, and possession of ammunition. Following the denial of his motion to suppress evidence, Appellant entered a conditional guilty plea to illegal possession of a regulated firearm by a prohibited person. After he was sentenced to the mandatory minimum of five years without possibility of parole, Appellant timely appealed and asks us to address whether the court erred in denying his motion to suppress. For the following reasons, we shall affirm.

BACKGROUND

On August 14, 2023, at approximately 3:00 to 4:00 p.m., Baltimore City Police Detective Brandon Butt was working his normal shift at the Central District, located at 501 North Calvert Street, when he was “notified by a confidential informant that there was a[n] armed individual on the Unit block of North Howard Street.” More specifically, the informant told him “there was a[n] individual on the Unit Block of North Howard Street wearing all black with an Under Armour satchel bag concealing a firearm inside of the bag.”

Detective Butt testified that he had worked with this same confidential informant in the past, and he found him reliable. In fact, the information provided by this individual had led to arrests and charges on other occasions.

With respect to his experience on the job, the detective had been a member of the Baltimore City Police Department for five years and received training in firearms detection, both at the Baltimore Police Academy and through roll call training. This included

detecting “characteristics of an armed person” and covered “new and updated observations of other officers[,]” including “how officers are seeing individuals carry firearms[.]” Detective Butt also confirmed that he used this training in firearms detection on a daily basis and estimated that he was involved in approximately 100 arrests that involved armed individuals. Asked to describe these characteristics, Detective Butt testified as follows:

Yep. So characteristics of an armed person, I would describe that as conscious or unconscious body movements, that individuals who conceal firearms typically not in like a proper holster, they can consist of like security checks, stiff arms, stiff leg, blading your body away, printing, bulges, unusual clothing, you know, that doesn’t match the weather. Those are just some that I can think of top of my head.

Detective Butt also testified about his experience working with confidential informants, specifically individuals that are “cleared by the police department” as “official informant[s.]” Confidential informants are civilians who are “commonly used” by law enforcement, and Detective Butt confirmed that he used them in the course of his service.

Returning to the events of the day, less than ten minutes after receiving the call from the confidential informant, Detective Butt accessed the CitiWatch cameras to conduct surveillance.¹ He testified that Camera 19 is positioned at the intersection of Baltimore and Howard Streets and Camera 20 is located near Fayette and Howard. He explained that his access permitted him to move the viewpoint of the cameras as well as zoom in and out.²

¹ The court admitted the CitiWatch surveillance footage from the area in question as well as body camera footage from the officers involved in the stop.

² The State played the video recording from Camera 20, depicting North Howard Street at around the relevant time.

Using those cameras, Detective Butt observed an individual wearing all black and carrying an Under Armour satchel bag in the area. Over the next twenty-five to thirty minutes, Detective Butt maintained his surveillance and testified that no one else in the area matched the description provided by the confidential informant. Detective Butt further testified that “[b]ased on my training, knowledge and experience of the area, you know, this is a violent block right here. And a lot of times everyone kind of just hangs out in front of that Mini Mart store right there.”

Detective Butt testified further that: “[w]hile monitoring him, I observed some characteristics of an armed person supporting the information that I had received.” He explained:

So through the course of the observations, I had -- I had noted that the defendant was wearing the Under Armour satchel bag. And in the bag, it appeared very heavy just the way the strap kept being adjusted. It also had an unnatural bulge in the lower right corner, I believe, of the bag. Also during the observations, at one point it did appear that like the barrel or slide of a firearm was protruding out of the one side of the bag, like printing in the bag.

Detective Butt maintained that he saw the “outline of a firearm” in Appellant’s bag, testifying:

Yes. So at this point, I observed that the bottom of the bag appears very heavy. Just the way that it’s positioned as well as the bulging coming out of the lower, you know, portion of the bag. I can’t see really from this far but I know during my one observation, the outline of a firearm did appear.

He continued:

A So right there I noticed it’s something long, just rectangular or just long and square-shaped had appeared to be protruding out of the bag. And then additionally, right before he kind of cuts the corner there, you can actually see it right here, if I can --

THE COURT: Go ahead.

THE WITNESS: So right here, it appeared to be -- something appeared to be pushing out of the bag right there consistent --

[DEFENSE COUNSEL]: Excuse me. Are you pointing to the top or the bottom of the bag? I couldn't tell where you're pointing.

THE WITNESS: Yeah. I'm pointing -- right here. So this would be the lower lefthand corner of the bag that was, you know, just sat on the table.

As Appellant walked further down the street, Detective Butt saw "that an object long in shape is protruding out of the back of the bag there." The detective's direct examination continued:

A Same -- same position of the bag to -- it appears like the lower righthand of the bag appears very bulky. And then when he turns it other angles, it appears something is protruding out of the left side of the bag consistent with a firearm.

Q The part that's protruding, does that appear to be the same size as the rest of the object that was -- that you could see the print of?

A No. So on the right side of the bag, it appears bulkier which would be consistent with like the handle area.

He added, "So it appeared to take up the length of the bag. It'd be slightly larger than the bag due to it pressing outward on the material of the bag, you know, protruding outward." As Appellant continued to walk around in the area, Detective Butt made further observations, from the video feed, of what he believed to be the outline of a firearm, testifying:

THE WITNESS: So again, right there, I just noted that that same area of the bag just appeared, you know, pushing out. So right there, you know, just the way he grabbed the bag, it looks like he's grabbing a bulky item in that lower righthand corner. The way he lifts the strap up it definitely, to me, appeared that the bag was heavy in nature.

And then right there again, you know, it just -- the same thing. It appears like something, a hard metal object is pushing out on that left side of the bag with the bulky nature of it on the bottom right.

You know, again, right there in that -- at that angle, I noted it again. Same with -- right -- you know, right there, same thing. It just appears that that left side of the bag appears to have like a smaller metal object, a hard object pushing at the bag while the right side, you know, appears to have the more heavier section and weighing the body down and being bulkier.

Asked to explain the difference in sizes of the areas he observed, Detective Butt clarified as follows:

It appears kind of smaller and more -- I don't know the word. Like just smaller and centered on that left side of the bag. So the right side seems -- the bulk -- to be bulkier than the left side bulge which would be the consistency of a firearm, you know, an L-shaped object with the barrel end being smaller, you know, than the handle area. *So, to me, in my opinion, when I was observing this, I believed that the handle of the firearm was at the bottom right portion of the bag with the barrel pushing out of the left side of the bag.*

(Emphasis added.)

Detective Jonathan Boyer confirmed that he was the officer who actually stopped Appellant and patted him down based on the information provided by Detective Butt. Detective Boyer testified, "As soon as I grabbed him in order to stop him, I felt what I believed to be a firearm within -- located within the bag that was around his shoulder." He further testified, "I felt it immediately as soon as I grabbed him." He also explained that he felt the gun in the bag with the inside of his right hand, while he was holding Appellant with his left hand "to make sure that he doesn't run." At around the same time Detective Boyer felt the firearm, Appellant stated, "You got it."

Returning to the State’s main witness, Detective Butt confirmed he was at the scene of the stop and witnessed the firearm being retrieved from the bag on Appellant’s person. The handgun was positioned in the bag consistent with his observations. Described as a “fairly big gun[,]” the handgun retrieved from Appellant was “a Smith & Wesson .41 Magnum revolver handgun loaded with six live .41 Magnum cartridges.”

On further cross-examination, Detective Butt confirmed that, generally, a confidential informant receives compensation when there is an arrest that results in the recovery of a firearm. Asked whether the confidential informant told him how he knew there was a gun in Appellant’s bag, the detective simply reiterated “[t]he CI informed me that there was a firearm in the Under Armour bag of an individual dressed in all black.”

The detective maintained on further cross-examination that the object he observed on surveillance was a “hard metal object.” He testified, “It’s consistent with a hard metal object because it doesn’t bend. A hard metal object would not conform to the shape of the bag. It’s going to push out on the bag and make the bag conform to its shape.” On further questioning, he conceded the object could have been made of something else, perhaps “plastic.” He maintained, “based on my observations and the information I was provided, I believed it to be a firearm.”

After hearing argument, the court denied the motion to suppress as follows:

All right. Having considered the testimony and the exhibits in this matter, Court’s just going to point to a couple things. First, I think the case of *Smith v. State*, 161 Md. App. 461, is instructive. That involved the police receiving a tip from a confidential informant. That informant had provided information in the past that was reliable. The informant in that case had described the suspect’s appearance and clothing, approximate location.

The police arrived. They observed the person matching the description in that location. So that's similar to what we have here. We have someone describing a location, not clothing but an Under Armour bag which, as you can see in the video, is distinct from the other bags which are not Under Armour bags. Clothing is also described which also matches.

And the Court also notes that in making a *Terry* stop, the officers are entitled to -- given the potential danger, they're entitled to even cuff somebody in performance of that frisk. And that's -- Court points to *Cotton v. State*, 386 Md. 249 citing *In re David S.*, 367 Md. 523, *Lee v. State*, 311 Md. 642, *Trott v. State*, 138 Md. App. 89.

Court also notes that it's significant that there was testimony today that the particular block is an area that has had significant violence which then the Court would point to *Illinois v. Wardlow*, 528 U.S. at 124 where the Court stated the stop occurred in a high crime area. That was among the relevant considerations in the "*Terry* analysis" citing *Adams v. Williams*, 407 U.S. at 144, *United States v. Brignoni-Ponce*, 422 U.S. 873 from 1975 noting that law enforcement officers may consider an area's characteristics in deciding whether to make an investigatory stop.

So here we have the confidential informant identifying Mr. Waller as somebody who is armed in this area. The clothing description, the bag description. And rather than simply acting upon that, Detective Butt indicates that he's, I guess, in the trust but verify frame of mind, makes observations for a while. And he acknowledged he can't say for certain what's in the bag but he can say -- and I can see on the screen that what he's referring to with respect to the outline being consistent with -- of course it could have been something else. It could have been plastic. He's noting that it has some weight to it.

So given that totality of circumstances, the Court does find that the officers involved in this matter had reasonable articulable suspicion to conduct the stop. I frankly think that they didn't -- the testimony from Detective Boyer that he felt the firearm as he's reaching his arm around, at that point would have given him probable cause to make the arrest.

But the -- certainly, even without that, the officers had the legal authority to stop, cuff if necessary if they felt for their safety necessary, and search the bag pursuant to *Terry v. Ohio*. So the Court, having considered the motion will deny it.

DISCUSSION

Appellant maintains on appeal that the confidential informant’s tip was not adequate to support an investigatory stop because it was unreliable and did not provide a “basis of knowledge,” meaning, there was no evidence of how the confidential informant knew there was a handgun in Appellant’s bag. Appellant also maintains that the bulge in his backpack was unidentifiable and could have been something other than a handgun. In addition to these contentions, Appellant now raises an argument on appeal that the court erred by considering the violent nature of the area where the stop occurred. Appellant explains that, whereas there is a federal constitutional right to carry a gun, the nature of the area is an inappropriate consideration, even under the totality of the circumstances analysis.

The State responds that the *Terry* stop was lawful under the circumstances because: (1) the confidential informant was known to the police and provided information that was corroborated by observation; (2) Detective Butt provided detailed facts why he thought the object in Appellant’s bag was a handgun; and, (3) to the extent the motions court considered the nature of the area, this was a legitimate factor under the totality of the circumstances. We concur with the State.

Standard of Review and Reasonableness

“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 Constitution of the United States, made applicable to the States through the Fourteenth Amendment, *Mapp v. Ohio*, 367 U.S. 643, 655 (1961), guarantees, *inter alia*, “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures[.]” U.S. CONST. amend. IV. The Supreme Court has often said that “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)). “Evidence obtained in violation of the Fourth Amendment will ordinarily be inadmissible under the exclusionary rule.” *Id.* at 446 (citing *Thornton v. State*, 465 Md. 122, 140 (2019)). However, considering the “significant costs” of the exclusionary rule, it is “‘applicable only where its deterrence benefits outweigh its substantial social costs.’” *Id.* (cleaned up) (quoting *State v. Carter*, 472 Md. 36, 55-56 (2021), in turn quoting *Utah v. Strieff*, 579 U.S. 232, 237 (2016)). Thus, in assessing the reasonableness of the government intrusion against the personal security of the individual, *see Trott*, 473 Md. at 255, we apply “a totality of the circumstances analysis, based on the unique facts and circumstances of each case.” *McDonnell*, 484 Md. at 80 (citing *Missouri v. McNeely*, 569 U.S. 141, 150 (2013)); *see also State v. Johnson*, 458 Md. 519, 534-35 (2018) (reaffirming that appellate courts do not “view each fact in isolation,”

and that the totality of the circumstances test “precludes a ‘divide-and-conquer analysis’” (cleaned up)).

Reasonable Articulable Suspicion under *Terry v. Ohio*, 392 U.S. 1 (1968)

It is well settled that police may stop and briefly detain a person for purposes of investigation if the officer has a reasonable suspicion supported by articulable facts that criminal activity may be afoot. *See Terry v. Ohio*, 392 U.S. 1, 30 (1968); *accord Holt v. State*, 435 Md. 443, 459 (2013). Reasonable suspicion is “‘a particularized and objective basis for suspecting the particular person stopped of criminal activity.’” *Illinois v. Wardlow*, 528 U.S. 119, 128 (2000) (Stevens, J., concurring in part) (quoting *United States v. Cortez*, 449 U.S. 411, 417-18 (1981)). Further, “[w]e have described the standard as a common sense, nontechnical conception that considers factual and practical aspects of daily life and how reasonable and prudent people act.” *Holt*, 435 Md. at 460 (cleaned up). “While the level of required suspicion is less than that required by the probable cause standard, reasonable suspicion nevertheless embraces something more than an ‘inchoate and unparticularized suspicion or hunch.’” *Id.* (further quotation marks omitted) (quoting *Crosby v. State*, 408 Md. 490, 507 (2009), in turn quoting *Terry*, 392 U.S. at 27). Even seemingly innocent behavior, under the circumstances, may permit a brief stop and investigation. *Wardlow*, 528 U.S. at 125 (recognizing that even in *Terry*, the conduct justifying the stop was ambiguous and susceptible of an innocent explanation, but that, because another reasonable interpretation was that the individuals were casing the store for a planned robbery, “*Terry* recognized that the officers could detain the individuals to resolve the ambiguity”). As with other standards under the Fourth Amendment, reviewing

courts “must look at the ‘totality of the circumstances’ of each case to see whether the detaining officer has a ‘particularized and objective basis’ for suspecting legal wrongdoing.” *United States v. Arvizu*, 534 U.S. 266, 273 (2002).

Even seemingly innocent behavior, under the circumstances, may permit a brief stop and investigation under *Terry*:

Even in *Terry*, the conduct justifying the stop was ambiguous and susceptible of an innocent explanation. The officer observed two individuals pacing back and forth in front of a store, peering into the window and periodically conferring. 392 U.S., at 5-6. All of this conduct was by itself lawful, but it also suggested that the individuals were casing the store for a planned robbery. *Terry* recognized that the officers could detain the individuals to resolve the ambiguity. *Id.*, at 30.

In allowing such detentions, *Terry* accepts the risk that officers may stop innocent people. Indeed, the Fourth Amendment accepts that risk in connection with more drastic police action; persons arrested and detained on probable cause to believe they have committed a crime may turn out to be innocent. The *Terry* stop is a far more minimal intrusion, simply allowing the officer to briefly investigate further. If the officer does not learn facts rising to the level of probable cause, the individual must be allowed to go on his way.

Wardlow, 528 U.S. at 125-26.

Much of Appellant’s argument challenges the totality of the circumstances test, but that law is well settled. The appellate court will “not parse an officer’s overall concern and base a judgment on whether its individual components, standing alone, will suffice.” *McDowell v. State*, 407 Md. 327, 337 (2009); *see also Bryant v. State*, 142 Md. App. 604, 616 (“We cannot engage in piecemeal refutation of each individual factor as being consistent with innocence. It is the entire mosaic that counts, not single tiles.” (cleaned up)), *cert. denied*, 369 Md. 179 (2002). What is required is that the officer “explain how

the observed conduct, when viewed in the context of all of the other circumstances known to the officer, was indicative of criminal activity.” *Crosby*, 408 Md. at 508. Simply put, “there must be an articulated logic to which this Court can defer.” *Id.* at 509 (cleaned up).

1. Confidential informant’s tip

Appellant asserts that the confidential informant’s tip was unreliable and that there was no information to support why he believed he possessed a gun. Reasonable suspicion may arise from information provided by an informant. *State v. Rucker*, 374 Md. 199, 213 (2003). In *Rucker*, the Court stated that:

Information furnished by an informant must be sufficiently reliable in order to provide reasonable suspicion justifying an investigatory stop. In determining reliability, we look at the “totality of the circumstances.” In looking at the totality of the circumstances, we consider an informant’s “veracity, reliability,” and his or her “basis of knowledge.” Rather than being treated independently, these factors must be viewed as interacting components in the totality of the circumstances analysis: “a deficiency in one may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, or by some other indicia of reliability.”

Id. at 213-14 (cleaned up); *see also Illinois v. Gates*, 462 U.S. 213, 230 (1983) (“[A]n informant’s ‘veracity,’ ‘reliability’ and ‘basis of knowledge’ are all highly relevant in determining the value of his report.”).

An officer may rely upon information received through an informant so long as the informant’s statement “‘is reasonably corroborated by other matters within the officer’s knowledge.’” *Gates*, 462 U.S. at 242 (quoting *Jones v. United States*, 362 U.S. 257, 269 (1960)). “Because an informant is right about some things, he is more probably right about other facts[.]” *Id.* at 244 (cleaned up). Reasonable suspicion “requires that a tip be reliable

in its assertion of illegality, not just in its tendency to identify a determinate person.” *Dixon v. State*, 133 Md. App. 654, 682 (cleaned up), *cert. denied*, 362 Md. 36 (2000).

Appellant directs our attention to *Smith v. State*, 161 Md. App. 461 (2005). *Smith* involved a tip from a confidential informant who had provided reliable information to police in the past. The informant told police that a black male named “Jimmy” was distributing crack cocaine in a particular area. *Id.* at 469. The informant described Jimmy’s appearance and clothing, provided Jimmy’s approximate location, and described Jimmy’s vehicle. *Id.* When police officers arrived, they observed Jimmy at the location described by the informant. Although police officers did not personally observe a drug transaction, they did see Jimmy exit a vehicle several times, approach a group of males across the street, and return to the vehicle. *Id.* at 477. We held that, based upon “the past reliability of the informant, the accuracy of the information given, and the officers’ independent observations,” the officers had a reasonable, articulable suspicion that the suspect known as Jimmy was committing a crime. *Id.* Accordingly, we held that the officers did not violate the suspect’s Fourth Amendment rights by conducting an investigatory stop. *Id.*

Appellant also asks us to consider *Cross v. State*, 165 Md. App. 164 (2005). In that case, the officer was approached by a patron in a 7-Eleven store who advised that he observed a high-speed car chase, and one of the participants who displayed a handgun was in a vehicle parked on the 7-Eleven lot. *Id.* at 169-70. The driver was approached by a different officer as he was about to enter the car and was ordered to place his hands on his head. *Id.* at 171. Ultimately, a handgun and a large quantity of narcotics were found inside the vehicle. *Id.* at 172.

On appeal, we upheld the stop and search based on information provided by the informant:

Here the informant's basis of knowledge was established, i.e., he told Officer Knox that he saw appellant brandish a gun. Second, the informant confronted Officer Knox directly and made no effort to hide his identity. By doing so, he exposed himself to the very real possibility that he would be questioned and his identity revealed. Moreover, even if he had balked at giving his name to the police, his identity could still have been ascertained easily because he drove a car. Unlike the situation in *Florida v. J.L.*, [529 U.S. 266 (2000)], the informant, by coming forward to the police, put himself in a position where he could be held accountable if his information proved false. Thus, the likelihood that the information was reliable was much greater than if the information had been obtained from a truly anonymous tipster such as the one described in the *J.L.* case. For this reason, an informant who makes a face-to-face report of a crime to a police officer is significantly less likely than an anonymous telephone tipster to be merely engaging in a prank or otherwise trying to mislead the police.

Id. at 187.

Appellant also asks us to consider *Dixon v. State*, 133 Md. App. 654 (2000). There, a Montgomery County Police Officer received a phone call from a confidential informant that he had worked with on prior occasions. *Id.* at 658-59. The informant told the officer that Dixon would be transporting approximately ten pounds of marijuana to the second level of a parking garage adjacent to a mall inside a dark-colored Acura at around 8:15 p.m. *Id.* at 659. Although the record was not clear, the police officer was familiar with Dixon from prior surveillance. *Id.*

At approximately 7:00 p.m., the police arrived at the parking lot to set up surveillance and noticed that Dixon's Acura was already parked on the second level. *Id.* at 660. At 8:15 p.m., Dixon emerged from a stairwell, walked to his car, looked around, and then returned to the stairwell. *Id.* At short time later, Dixon returned and entered his car.

Id. The police arrived and blocked in Dixon's vehicle. *Id.* The officer who had received the tip looked in the passenger compartment of the vehicle but did not see any contraband. *Id.* He then opened the trunk of the vehicle and found a plastic garbage bag containing nine gallon-sized bags, each containing suspected marijuana, inside a larger red rubber bag. *Id.*

We concluded that the informant's tip in *Dixon* was insufficient to support probable cause. *Id.* at 695-96. We stated:

The content of the tip, standing alone, was inadequate to furnish "a reasonable assurance of being based on firsthand observation." [*Jackson v. State*, 81 Md. App. 687, 692 (1990).] Moreover, it was sorely lacking in meaningful detail. Nor did the police testify to any significant corroboration of the tip. Additionally, the record with respect to the confidential informant's reliability was woefully undeveloped.

Id. at 696.

For present purposes, these three cases instruct that a stop based on an informant's tip requires evidence that: (1) the informant is reliable; (2) the informant's information has a rational basis; and (3) the information should be corroborated by independent observation. Here, there was ample evidence of the confidential informant's reliability:

Q This confidential informant -- was that someone that you had spoken to in the past?

A It is.

Q Okay. Had you had cases with this individual in the past?

A I have.

Q And was the information that they had given you in the past, did you find it to be reliable?

A I do.

Q Okay. Did you -- based on information that the confidential informant gave you in the past, were you able to effectuate any arrests and bring about any charges on those individuals based on that information?

A Yes.

However, we tend to agree that evidence of the informant's basis of knowledge was problematic. When asked whether the confidential informant told him how he knew there was a gun in Appellant's bag, Detective Butt did not answer the question directly, but stated, generally, that "[t]he CI informed me that there was a firearm in the Under Armour bag of an individual dressed in all black."

Nevertheless, we are persuaded this case is closer to *Smith* and *Cross* than it is to *Dixon*. Indeed, *Dixon* is inapposite, primarily because it was not a *Terry* case – it involved probable cause to search, a higher standard of proof. *Dixon*, 133 Md. App. at 673. Moreover, although the tip in that case was "sorely lacking in meaningful detail[.]" we observed that the police did not "testify to any significant corroboration of the tip." *Id.* at 696.

Unlike *Dixon*, there was significant police corroboration of the confidential informant's tip in this case. Detective Butt testified to his experience and training in working with confidential informants and in the identification and characteristics of individuals believed to be carrying firearms. He provided detailed facts about the way the suspected item moved in Appellant's bag, which, notably, was observed by him on the CitiWatch camera surveillance for approximately twenty-five to thirty minutes. Considering that the standard is reasonable, articulable suspicion, not probable cause, and not beyond a reasonable doubt, and also considering that even innocent behavior

considered under the totality of the circumstances may suggest criminal activity is afoot, we conclude the informant’s tip was sufficiently and independently corroborated to warrant an investigatory stop in this case.

2. *Suspicion based on the bulge in Appellant’s bag*

Appellant also asks us to consider that Maryland law disfavors mere reliance on a bulge in a person’s attire to support an investigatory stop. Appellant relies on *Ransome v. State*, 373 Md. 99 (2003). In that case, a police officer made a *Terry* stop and frisk on Ransome, who was loitering with others in a high-crime area, after the officer noticed a bulge in the left front pocket of Ransome’s pants. *Id.* at 100-01. The officer then performed a pat-down of Ransome’s waistband, not the pocket where the officer observed the bulge, and found a smaller packet of marijuana. *Id.* at 101.

Our Supreme Court found that reversal was mandated, as the officer failed to give sufficient facts to justify the stop. *Id.* at 111-12. The officer said nothing about why he believed that the bulge necessarily indicated that Ransome had a weapon, as opposed to objects like keys, a wallet, or other innocent personal items. *Id.* at 106. The Court explained why the location of the bulge is significant:

Gertrude Stein’s characterization of the rose does not fit: when judging the facts under the Fourth Amendment *Terry* rubric, we reject 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. We accept, as [*Pennsylvania v.*] *Mimms*, [434 U.S. 106 (1977),] and our knowledge of what occurs with alarming frequency on our streets require us to do, that a noticeable bulge in a man’s waist area may well reasonably indicate that the man is armed. Ordinarily, men do not stuff bulky objects into the waist areas of their trousers and then walk, stand, or drive around in that condition; regrettably, the cases that we see tell us that those who go armed do often carry handguns in that fashion.

Id. at 107. The Court continued:

We understand that conduct that would seem innocent to an average layperson may properly be regarded as suspicious by a trained or experienced officer, but if the officer seeks to justify a Fourth Amendment intrusion based on that conduct, the officer ordinarily must offer some explanation of why he or she regarded the conduct as suspicious; otherwise, there is no ability to review the officer’s action.

Id. at 111; *accord Booker v. State*, __ Md. App. __, No. 742, Sept. Term, 2024, slip op. at 8 (filed Aug. 28, 2025).

Again, for the reasons previously discussed, we conclude that *Ransome* is distinguishable. There was more than ample testimony from Detective Butt on why he believed the item in Appellant’s bag was a handgun. And there was testimony that the detective was trained in the characteristics of an armed person. We note that Appellant argues that “what Butt saw in the bag was not the distinct shape of a gun that would bring this case into the plain view doctrine arena, but rather an object that was both consistent with a gun and a number of other objects.” And yet, the detective’s conclusion was corroborated by his experience, the tip from a reliable confidential informant, as well as evidence that the area was known to be “violent.” Considered under the totality of the circumstances, a brief, investigatory stop was lawful.

3. *Factors informing the Terry stop, including that it was made in a high-crime area*

Finally, Appellant also contends that the motions court erred by considering evidence that the area of the stop was “a violent block.” In support of that claim, Appellant directs our attention to issues related to the Second Amendment and racial justice concerns, citing *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). Appellant suggests that the totality of the circumstances test requires us to consider whether each

factor has a “rational connection to the question of whether criminal activity might have been afoot.” Appellant explains that each “purported circumstance” must be “rationally connected to concluding crime might be afoot, all considered within context.” Under this proposed standard, Appellant argues the facts in this case are “too weak, individually and in the aggregate, to justify reasonable suspicion.”³

We decline to deviate from the totality of the circumstances test. The road Appellant asks us to take is similar to the one the United States Supreme Court expressly rejected in *United States v. Arvizu*, *supra*. As Professor LaFave explains:

To the same effect is *United States v. Arvizu*, where in overturning the district judge’s finding of reasonable suspicion, the court of appeals, on the ground that fact-specific weighing of circumstances introduced a “troubling degree of uncertainty and unpredictability” into Fourth Amendment analysis, sought “to describe and clearly delimit the extent to which certain factors may be considered.” Thus, in examining the factors relied upon by the officer and district court, the court of appeals assessed them one-by-one, dismissed some as entitled to “no weight” because individually susceptible to an innocent explanation, and found those remaining insufficient to show reasonable suspicion. A unanimous Supreme Court reversed, reasoning that the court of appeals’ approach would “*seriously undercut the ‘totality of the circumstances’ principle which governs the existence vel non of ‘reasonable suspicion’*” and that such “*divide-and-conquer analysis*” was precluded by *Terry*, where a series of acts each “*perhaps innocent in itself*” was deemed to add up to reasonable suspicion.

4 LaFave, *Search and Seizure: A Treatise on the Fourth Amendment*, § 9.5(b), at 680 (6th ed. 2020) (emphasis added, footnotes omitted).

³ This argument was not raised in the motions court, and we question whether it is properly before us. See *State v. Greenstreet*, 162 Md. App. 418, 426 (2005) (recognizing that there is a difference between a new issue and a new argument on an issue and holding that Md. Rule 8-131(a) does not preclude a new argument), *rev’d on other grounds*, 392 Md. 652 (2006).

We hold that the evidence presented at the motions hearing, under the totality of the circumstances, provided reasonable, articulable suspicion to believe that Appellant was armed and that a handgun was located in the bag he was carrying about his person. The court properly denied the motion to suppress.

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