

Circuit Court for Baltimore City  
Case No.: 123017003

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 797

September Term, 2023

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MARQUIS VENEY

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: May 14, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In December 2022, Marquis Veney, appellant, was in the back seat of a car traveling in Baltimore City. Police stopped the vehicle after observing that one of its taillights was out. As they approached, the officers noted that the driver was making furtive movements in his “dip.” The officers ordered the three occupants—including Veney—out of the car, patted them down, and searched the vehicle. They found a firearm in the back seat near where Veney had been sitting. All three occupants were then arrested and charged with offenses related to the weapon.

Before trial in the Circuit Court for Baltimore City, Veney moved to suppress evidence of the firearm, arguing that it was the result of an illegal search. After a hearing, the court denied the suppression motion, and Veney then pleaded guilty to one count of unlawful possession of a firearm. Veney’s plea was conditional and allowed him to seek review of the denial of his suppression motion without needing this Court’s leave to do so. He timely noted this appeal.

Veney presents one argument on appeal. He contends that, under Maryland law, a car is required to have only two working brake lights. *See* Md. Code Ann., Trans., § 22-206(a)(1)(i). Thus, because the car here had only a malfunctioning third brake light, Veney asserts that the stop was unlawful thereby rendering the subsequent search illegal. Not so.

In *Smith v. State*, 214 Md. App. 195, 207 (2013), we held that, although driving “with one inoperable brake light, when two others are functional,” might not violate the Transportation Article, it is still reasonable “to initiate [a] traffic stop on the basis that driving a vehicle with a malfunctioning rear deck brake light renders the vehicle unsafe

such that it poses a danger to the driver, passenger, or any other person on the road.” And despite Veney’s argument that it is unlikely that the police subjectively intended to caution him about the danger of a malfunctioning brake light, the officers’ subjective intent is irrelevant. *Id.* at 201. Thus, because the stop was lawful, the circuit court did not err in denying Veney’s suppression motion.

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