Circuit Court for Baltimore City
Case No.: 123202006

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1092

September Term, 2024

JAMES COKER

v.

STATE OF MARYLAND

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 17, 2025

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

In January 2024, Appellant James Coker was driving in Baltimore City when he was stopped by two detectives with the Baltimore City Police Department for a suspected windshield tint violation on his car. When the detectives ran Coker's tag, it showed up as suspended with a "pickup order." The detectives observed that Coker appeared extremely nervous. They requested backup, and five more officers arrived on the scene to deal with this alleged tint and registration issue. Although they did not smell anything coming from the car, the detectives also radioed for a K9 Unit to come perform a scan of the vehicle. The K9 was unavailable, however, and Coker refused to consent to a search of his vehicle, so the officers ordered his car be towed to the police impound lot.

Coker refused the officers' many requests to leave his keys or to unlock his car. Shortly before the tow truck arrived, Coker, at the officers' instruction, removed his belongings from the car. Coker asserted multiple times that nothing valuable was left in the car and that he did not "want [any]body in [his] car." As the tow truck approached, the officers started reaching through the open back left window of Coker's car to try to manually unlock it from the inside. After seeing the officers reaching inside his car, Coker finally unlocked the car as he walked toward his ride.

One of the detectives opened the driver's-side door and immediately checked the closed center console where he found a handgun. The officers then completed a search of the vehicle and placed Coker under arrest. After the Circuit Court for Baltimore City denied Coker's motion to suppress the evidence found during the inventory search of his vehicle, he entered a conditional plea of guilty to possession of a regulated firearm by a prohibited person and was sentenced to five years without parole. This appeal followed.

On appeal, Coker argues that the court erred in denying his motion to suppress because there was no evidence of a policy for searching closed containers during an inventory search.[1] The State agrees. So do we.

When reviewing the denial of a motion to suppress, we look only to the record of the suppression hearing and are "limited to considering facts in the light most favorable to the State as the prevailing party on the motion." *State v. Wallace*, 372 Md. 137, 144 (2002). We review factual findings for clear error, but we review *de novo* the circuit court's application of the law to its findings of fact. *State v. McDonnell*, 484 Md. 56, 78 (2023). Moreover, "when assessing the constitutionality of a search or seizure, we conduct an independent constitutional evaluation[,] applying the law to the facts found in each particular case." *Id.* (cleaned up).

Police officers may conduct warrantless inventory searches of the contents of automobiles lawfully in police custody. *South Dakota v. Opperman*, 428 U.S. 364, 375–76 (1976); *Briscoe v. State*, 422 Md. 384, 396 (2011). That said, this "search exception to the warrant requirement is narrow[.]" *Sellman v. State*, 152 Md. App. 1, 21 (2003). At a suppression hearing on this issue, the State must show "both that the vehicle was in lawful police custody at the time of the search *and* that the search was conducted in accordance with a sufficiently standardized departmental policy or routine." *Briscoe*, 422 Md. at 397 (citations omitted) (emphasis in original). This case concerns the second requirement.

[1] Coker also contends that the police action here was inconsistent with the Baltimore City towing policy and that the State failed to show that this was not an investigatory search. Because the conceded basis of error independently requires reversal, we need not address Coker's other arguments.

The search policy need not necessarily be written, but the State must still show that a departmental policy or routine exists and was followed. *See id.* at 398. Critically, "testimony by an officer about his personal routine for conducting automobile searches" is not enough. *Sellman*, 152 Md. App. at 22. Put simply, an officer's testimony about their "personal routine" does not establish a departmental policy. *Id.* at 21–22. Just so here.

At the suppression hearing, the detective who found the handgun made clear that he performed the inventory search of Coker's car based on his personal routine:

> [STATE]: When you eventually began to inventory this car, where did you start?
>
> [DETECTIVE]: I started in the center console of the vehicle.
>
> [STATE]: Why did you start at the center console?
>
> [DETECTIVE]: Generally, people forget a lot of things in the—in that area. Something small, like I said, jewelry or a wallet or, you know, anything of that nature, that could be valuable, that could fit in there. It's also—you start at the driver's side. *I start at the driver's side, generally, and work my way through the vehicle. That's usually the—just, out of my practice, that's generally where I go to.*
>
> (Exhibit 1 is played while Witness questioning continues, as follows:)
>
> [STATE]: And is that what you did in this case?
>
> [DETECTIVE]: Yes.

(Emphasis added.)

The detective's testimony showed that he performed an inventory search based on his own "practice," rather than a departmental policy. Because there was no evidence that he or any other officer followed a standard departmental policy, the State failed to satisfy

its burden of showing a proper inventory search. The circuit court, therefore, erred in denying Coker's motion to suppress, and we must reverse his conviction.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY REVERSED. CASE REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY THE MAYOR AND CITY COUNCIL OF BALTIMORE.