

Circuit Court for Baltimore County
Case No.: C-03-CR-19-002037

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1164

September Term, 2019

DARRIAN CARLOS REDDEN

v.

STATE OF MARYLAND

Graeff,
Berger,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 7, 2020

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following a not guilty plea upon an agreed statement of facts entered in the Circuit Court for Baltimore County, the court found Darrian Carlos Redden, appellant, guilty of driving a motor vehicle without a driver's license, pursuant to Md. Code Ann., Transp. §16-101(a)(1). The court sentenced appellant to a fully suspended term of sixty days' imprisonment in favor of one-year of unsupervised probation. Prior to entering his plea, appellant filed a motion to suppress evidence which the court denied. In this appeal, appellant claims the circuit court erred in denying his motion to suppress evidence. We disagree and shall affirm.

During the hearing on appellant's motion to suppress, the State adduced evidence that, while on patrol on February 23, 2019, a police officer ran appellant's license plate number through a computer in his patrol car connected to the Maryland Vehicle Administration (MVA). Because the MVA records indicated that appellant's car had a "flag" on it indicating a compulsory insurance violation from November 14, 2018, the police officer activated his emergency equipment, pulled appellant over, and issued him tickets for various traffic offenses.

Essentially appellant claims that the police officer lacked sufficient justification to conduct that traffic stop because, in his view, the MVA flagging system is not reliable enough. For example, he claims that the flag can remain on a vehicle for weeks after a violation is remedied. He also claims that the traffic stop took place about three months after the flag had been placed and the MVA system did not show that his registration was suspended which should have occurred by then had the insurance violation not been remedied.

The suppression court denied appellant’s motion to suppress as follows:

[I]n viewing the Motor Vehicle Administration record in his police car, when he sees on the screen from motor vehicles that there is a compulsory insurance flag on the driving record, that does constitute reasonable articulable suspicion that the vehicle is uninsured and based on that I do find that he had a basis for stopping the motor vehicle. So, the motion to suppress is denied for those reasons.

“In reviewing a trial court’s ruling on a motion to suppress, an appellate court reviews for clear error the trial court’s findings of fact, and reviews without deference the trial court’s application of the law to its findings of fact.” *Hailes v. State*, 442 Md. 488, 499 (2015) (citing *Raynor v. State*, 440 Md. 71, 81 (2014)). If there is any competent evidence to support the factual findings of the trial court, those findings cannot be held to be clearly erroneous. *Goff v. State*, 387 Md. 327, 338 (2005) (internal citation and quotation omitted). “The credibility of the witnesses and the weight to be given to the evidence fall within the province of the suppression court.” *Barnes v. State*, 437 Md. 375, 389 (2014). (citing *Gonzalez v. State*, 429 Md. 632, 647-48 (2012)). We view the evidence and inferences that may be drawn therefrom in the light most favorable to the party that prevailed below, *Raynor v. State*, 440 Md. 71, 81 (2014), here the State.

In *Herring v. State*, 198 Md. App. 60 (2011), we determined that any traffic violation, including a parking violation, can justify a *Whren*¹ stop under the Fourth Amendment.

¹ *Whren v. U.S.*, 517 U.S. 806 (1996).

Here, in the light most favorable to the State, the police officer had more than just a hunch that appellant was violating the law. The police officer’s reliance on the MVA’s flag on appellant’s vehicle was reasonable even if the system has its shortcomings. After all, a determination of reasonable suspicion “need not rule out the possibility of innocent conduct.” *Holt v. State*, 435 Md. 443, 467 (2013). Moreover, even if there was some error with the MVA records, the police officer was entitled to rely on those records in good faith. *See McCain v. State*, 194 Md. App. 252 (2010).

The police officer therefore had reasonable articulable suspicion to believe that appellant had violated the law, which rendered the stop reasonable under the Fourth Amendment, the evidence thereby discovered admissible, and the denial of appellant’s motion to suppress correct.

Consequently, we shall affirm the judgment of the circuit court.

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