Circuit Court for Harford County
Case No. C-12-CR-23-000695

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1266

September Term, 2024

SATHRIE ZACH ROBINSON, JR.

v.

STATE OF MARYLAND

Friedman,
Zic,
Kenney, James A., III.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: June 5, 2026

* 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 Maryland Rule 1-104(a)(2)(B).

Following a jury trial in the Circuit Court for Harford County, Sathrie Zach Robinson, Jr., appellant., was convicted of multiple related offenses involving the possession of a firearm and controlled dangerous substances.

Mr. Robinson now challenges his convictions, specifically claiming that the circuit court impermissibly admitted evidence obtained during a purportedly unlawful "frisk"[1] at the Harford Memorial Hospital ("Hospital"). On appeal, Mr. Robinson presents one question for our review, which we have slightly rephrased as follows:[2] Did the circuit court err in denying the motion to suppress? For the following reasons, we answer this question in the negative and affirm.

BACKGROUND

Investigation at the Hospital

In the early hours of May 27, 2023, Mr. Robinson was admitted to the Hospital for injuries sustained during a car accident. Later that morning, Officer Klisavage, Officer Jones, and Corporal Molesky (collectively, "Officers") with the Havre de Grace Police Department received "a call for an armed subject[3] at [the] Hospital." Based on the

[1] For the sake of completeness, we note that both parties refer to the encounter between Mr. Robinson and law enforcement as a "frisk." Although we decline to adopt this characterization for the reasons set forth below, we include the parties' precise description here to accurately describe their arguments.

[2] Mr. Robinson phrased the question as follows: "Did the motions court err by denying [his] motion to suppress evidence?"

[3] At the January 9, 2024 suppression hearing, Officer Klisavage twice affirmed that Mr. Robinson was armed while receiving treatment at the Hospital. First, Officer Klisavage stated that "the information originally obtained was that an armed subject was at the [H]ospital." Second, he elaborated that "[t]he only original information was that there [w]as an armed subject."

information communicated via police radio, the Officers "left [their original] call for service, activated [their] emergency equipment, and responded to [the] Hospital." While en route, they requested additional assistance from neighboring law enforcement agencies.

Upon their arrival at the Hospital, the Officers "spoke to . . . multiple nurses and/or [H]ospital staff members, who informed [them] that there was a patient there that they believed to have some sort of item concealed on his person." Hospital personnel notified Officer Klisavage that an x-ray of Mr. Robinson's pelvic region had revealed "an item inconsistent with normal human anatomy, that appeared to be the barrel of a firearm." When Hospital staff inquired about the item, Mr. Robinson "stated to them that it was either a cell phone or a cell phone charger; however, he was not able to remove that item from its current position."

Approximately "two minutes after [his] arrival," Officer Klisavage reviewed the x-ray and determined, based on his experience and training, that the object depicted in Mr. Robinson's pelvic area "appeared to be the barrel of a handgun." At the suppression hearing on January 9, 2024, Officer Klisavage expounded on the foundation of this conclusion:

> [THE STATE]: And what did you see on that [x-ray] image?
>
> [OFFICER KLISAVAGE]: Although I do not have any medical training, my layman's terms would be a generic pelvic area, two items that identified to be legs based on the skeletal image, and then a cylindrical what appeared to be

> non-human anatomy object located toward[] the center between the two items that I recognized to be skeletal legs.[4]
>
> [THE STATE]: And based on your experience as an officer, did you have any belief of what that object was?
>
> [OFFICER KLISAVAGE]: That's correct. It appeared to be the barrel of a handgun.
>
> [THE STATE]: And what made you believe that?
>
> [OFFICER KLISAVAGE]: The cylindrical shape of the item is consistent [with] what I've learned through training with the Havre [d]e Grace Police Department and the . . . Baltimore County Police Academy training on firearms, to be the size and shape of a handgun, consistently a longer solid object for a barrel and then a smaller[,] slightly extended cylindrical object extending past that consistent with the slide and the barrel of a handgun.[5]

After Hospital personnel removed "the other patients in the surrounding beds" and ensured that Mr. Robinson "was not aware of [the police] presence[,]" the Officers entered Mr. Robinson's room to find him "sleeping [] in the fetal position." The Officers then proceeded to "ma[k]e contact with Mr. Robinson verbally, . . . awaken him[,] and gain . . . control o[f] his arms." Officer Klisavage later explicated that, "[g]iven the situation that [Mr. Robinson] could be armed, [the Officers] wanted to make sure that he

[4] While authenticating Mr. Robinson's pelvic x-ray, Officer Klisavage reiterated that he "[i]mmediately [] recognize[d] that [the object] [was] not normal human anatomy." He explained that, "[a]s [he] continued to look at the item, based on [its] cylindrical size and length, and what appeared to be a larger cylindrical item on the exterior and a small inner cylindrical item consistent with a slide and the barrel of a handgun, [he] believed it [was] a handgun."

[5] On cross-examination, Officer Klisavage acknowledged that "[he] could only see the barrel, the top portion of the handgun. [He] could not see the trigger, the magazine wall, or the trigger guard." He also conceded that "[w]ith certainty [he] could not identify what type of firearm [was depicted in the x-ray]; however, [he] could identify what appeared to be a barrel and a slide of a handgun[.]"

wasn't able to reach or move for any unknown items."

Officer Klisavage testified that Officer Fonse then utilized a metal-detection device[6] that emitted "an audible tone[,]" indicating the presence of a metallic object in Mr. Robinson's pelvic region. Officer Klisavage specifically testified to hearing "an audible beep while swiping or moving [the device] over the waistband of Mr. Robinson." He interpreted this sensory alert as an attestation that "some sort of metallic item [was] within the wand[-]searching region."

To mitigate the risk of exacerbating potential injuries from the car accident, Officer Jones and Corporal Molesky manually secured Mr. Robinson's arms without handcuffs or more abrasive restraints. Officer Klisavage explained that this measure was intended to prevent Mr. Robinson from gaining "positive control" over the firearm. He defined "positive control" as Mr. Robinson's ability to "maintain a solid grip and/or point or discharge that firearm if he were to gain control of it."

When Officer Klisavage initially questioned Mr. Robinson about the item depicted in the x-ray, Mr. Robinson unequivocally denied possessing a firearm. After the Officers disclosed the x-ray results, however, Mr. Robinson revised his statement, asserting that "his people[] took [the firearm,]" after which an individual named "Auntie (phonetic) . . . c[a]me to the location and . . . [took] possession of [the] item."

Relying on his "belie[f] that Mr. Robinson was presently armed and dangerous[,]"

[6] Officer Klisavage explained that the device is "used by [H]ospital staff when patients come in, either for an emergency petition or in police custody, to determine if there's any metallic or metal-like items concealed on their person."

Officer Klisavage "conducted [a] frisk of [Mr. Robinson's] general body and [] groin area," where the x-ray revealed the location of the concealed item. Officer Klisavage explained that the primary purpose of the "frisk" was to ensure the safety of law enforcement, Hospital personnel, and Mr. Robinson himself. Officer Klisavage further testified to the precise manner in which he executed the "frisk":

> [THE STATE]: Okay. And how did you conduct the frisk?
>
> [OFFICER KLISAVAGE]: So I originally grab[bed], crumple[d], [and] rolled the exterior of [Mr. Robinson's] clothing starting at his waistband, moving down. And while inside the groin region of Mr. Robinson, again he was currently in the fetal position, . . . I identified . . . a hard[-]appearing object inconsistent with normal human anatomy.

While performing the "frisk," Officer Klisavage "located a hard object consistent with the size and shape of a handgun . . . between [Mr. Robinson's] thighs and immediately apparent as such." Officer Klisavage later testified that he believed the metallic, "hard object . . . to be the barrel and/or grip of a handgun."

When Officer Klisavage asked Mr. Robinson if the object was a natural part of his body, Mr. Robinson responded affirmatively. Based on the object's size, configuration, and metallic composition, coupled with his law enforcement training and experience "conduct[ing] multiple frisks and searches" involving the "locat[ion] and determin[ation of] . . . non-human anatomy [items,]" Officer Klisavage did not credit Mr. Robinson's claim.

Officer Jones and Corporal Molesky maintained their grip on Mr. Robinson's arms, while Officer Klisavage "placed medical gloves on [his] hands and then attempted

to locate [the] item." Officer Klisavage ultimately discovered a loaded silver Bryco 380 pistol concealed under four layers of underwear:

> [THE STATE]: All right. And what, if anything, did you find in [Mr. Robinson's] underwear?
>
> [OFFICER KLISAVAGE]: So [Mr. Robinson] had one pair of shorts and five pairs of underwear layered in succession on his person. . . . And I believe in the second layer, not closes[t] to his body[,] but one layer above that, there was a silver . . . Bryco . . . 380 pistol.

Officer Klisavage then extracted the firearm from the opening of the "male pair of boxers" and removed both the magazine and the chambered hollow-point bullets.

Officer Klisavage also retrieved multiple bags of suspected controlled dangerous substances from Mr. Robinson's person:

> [THE STATE]: And what, if any, other contraband did you find on [Mr. Robinson's] person?
>
> [OFFICER KLISAVAGE]: There [were] multiple bags of a white powdery substance, suspected to be crack cocaine. There was a small bag of orange circular pills. There was an additional . . . small glassine baggie of [a] white powdery substance . . . .

A search of Mr. Robinson's backpack uncovered "additional items that were believed to be marijuana, a greenish-brown leafy substance, in addition to various currency . . . ." The investigation culminated in Officer Klisavage's decision to place Mr. Robinson under arrest for "firearms and drug-related possession."

The Suppression Hearing

Mr. Robinson was later indicted on 11 counts related to the unlawful possession of a firearm and controlled dangerous substances.[7] On December 20, 2023, Mr. Robinson filed a motion to suppress "all evidence obtained" at the Hospital. In that motion, he argued that "[t]he object [recovered from his underwear] [did] not appear presumptively to be a gun." Without providing any factual or legal foundation for this contention, Mr. Robinson asserted that, "[a]bsent some exception to the warrant requirement, the search[8] . . . was a violation of [his] rights under the [United States] Constitution and the Maryland Declaration of Rights." Thus, Mr. Robinson concluded that "all evidence which flowed from the police search . . . was fruit of the poisonous tree."

On January 9, 2024, the circuit court held a hearing on Mr. Robinson's motion to suppress, during which Officer Klisavage testified as the sole witness. As recounted above, Officer Klisavage elucidated the investigative developments that resulted in the recovery of a firearm and controlled substances at the Hospital. The State argued that the Officers' comportment was justified under two distinct Fourth Amendment theories.

First, the State contended that Officer Klisavage possessed the requisite reasonable

[7] For the sake of thoroughness, we recognize that the circuit court issued an initial indictment on June 20, 2023. After receiving laboratory reports from the Maryland State Police Forensic Sciences Division confirming that the controlled substances in Mr. Robinson's possession were cocaine and methamphetamine, the circuit court issued an amended indictment on July 3, 2023.

[8] Although Mr. Robinson initially described Officer Klisavage's actions as a "search" in his motion to suppress, he subsequently abandoned this characterization in his appellate brief, in which he refers to the same conduct as a "frisk" and a "warrantless intrusion" committed without exigency.

articulable suspicion to conduct a protective frisk (*Terry* frisk)[9] because the x-ray "clearly [depicted] the barrel of a firearm that [he] knows based on his training, knowledge, and experience." Regarding *Terry* frisks, the State specifically propounded that the object, "even from a layman's [perspective,] is clearly not human anatomy. . . . [I]t is clearly the barrel of a firearm. It does have that cylindrical tint to it. And . . . [on] the side of [the x-ray,] there's almost a notch which . . . [appears to be] . . . a slide lock or some type of safety." Thus, according to the State, Officer Klisavage had "a minimum of reasonable articulable suspicion to do a *Terry* frisk for weapons given the information that's been provided."

Second, the State alternatively posited that the totality of the circumstances, including the "vulnerable people" in the "confined" Hospital setting, the concealed location of the firearm, and the imminent threat of "mass casualties," constituted an exigency that supported a warrantless search. The State's argument proceeded as follows:

> But more importantly, Your Honor, besides *Terry*, which is one avenue of success[,] and I think this is more on point, is the exception under the [F]ourth [A]mendment for . . . an emergency. Your Honor, [the] [] [O]fficers respond[ed] to [the H]ospital for a possible armed person. Other than a school, this is probably the worst place for a firearm to be. You have members of the public who are there . . . seeking medical treatment. You have doctors. You have nurses. You have all these vulnerable people who are not necessarily protected. *So to have a*[*n*] *armed person come into a hospital* [*and*] *potentially have a weapon that could do mass*

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

> *casualties in a very confined space is definitely a*[*n*] *emergency that would require* [*the Officers*] *to act. . . .*
>
> And it would definitely be justified and reasonable in the context of the [F]ourth [A]mendment. For [the] [O]fficers to simply go in and not do anything when [Mr. Robinson] advised them, "Oh, it's just a phone charger," would be a complete dereliction of duty, especially in this circumstance where it does turn out to be a firearm.

(Emphases added.)

Based on our review of the suppression hearing transcript, it appears that the defense exclusively responded to the State's exigent circumstances argument. According to defense counsel, "there [was] no emergency and [] there was a need to get [a] warrant[.]" In furtherance of this position, the defense asserted that Mr. Robinson "was quite disabled at that point because of the [car] accident[,]" that "he[] [was] apparently under the influence . . . of some substance, and that there was no indication that he was going to be violent." Thus, defense counsel maintained "that [the] evidence should be suppressed because . . . Officer Klisavage and others . . . did not get a warrant."

The circuit court denied Mr. Robinson's motion to suppress, "find[ing] that the [O]fficers conducted themselves professionally" and that "[t]heir concern for others[,] given the object that was clearly not a part of human anatomy[,] was a reasonable concern *under either theory of Terry or* [] *emergency circumstances*." (Emphasis added.)

Trial and Sentencing

Following a two-day trial, the jury found Mr. Robinson guilty on multiple counts:

> [G]uilty . . . of possession of a controlled dangerous substance of schedule two to wit cocaine, a narcotic drug, in sufficient quantity to indicate an intention to distribute the same; guilty

> as to the possession of a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; guilty as to the possession of a controlled dangerous substance of schedule two to wit cocaine; guilty as to possession of a controlled dangerous substance of schedule two to wit methamphetamine; guilty as to possession of a regulated firearm after having been convicted of a disqualifying crime pursuant to the [Public] [S]afety [("PS")] article 5-133C; guilty as to possession, own[ership], carry, transport of a firearm after being convicted of a felony under title five of the [C]riminal [L]aw article; guilty as to wearing, carrying, or transporting a handgun on or about their person; guilty as to wearing, carrying, or transporting a loaded handgun . . . on their person; and guilty as to possession of ammunition being prohibited from possessing a regular firearm under PS 5-133C.

On August 19, 2024, the court sentenced Mr. Robinson to an aggregate term of 60 to 66 years of incarceration, with all but 30 years suspended, followed by five years of probation. Mr. Robinson filed a timely notice of appeal two days later. We will supplement with additional facts as necessary.

STANDARD OF REVIEW

In reviewing the denial of a motion to suppress, Maryland appellate courts "rely solely upon the record developed at the suppression hearing[,]" *Briscoe v. State*, 422 Md. 384, 396 (2011) (citation omitted), and "do not consider any evidence adduced at trial." *Daniels v. State*, 172 Md. App. 75, 87 (2006) (citation omitted). In doing so, "[w]e assess the record 'in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress.'" *Pacheco v. State*, 465 Md. 311, 319 (2020) (quotation omitted). We "give great deference to a hearing judge's determination

and weighing of first-level findings of fact . . . [and] will not disturb either[,] . . . unless they are shown to be clearly erroneous." *Longshore v. State*, 399 Md. 486, 498 (2007).

Conversely, "[i]ssues of law—specifically whether a constitutional right has been violated—receive no deference." *Bean v. State*, 240 Md. App. 342, 354 (2019). "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." *Washington v. State*, 482 Md. 395, 420 (2022) (citation and internal quotation marks omitted). Thus, "in resolving the ultimate question of whether [a] . . . search of an individual's person or property violates the Fourth Amendment," we apply a *de novo* standard of review. *Crosby v. State*, 408 Md. 490, 505 (2009).

DISCUSSION

I. THE CIRCUIT COURT DID NOT ERR IN DENYING MR. ROBINSON'S MOTION TO SUPPRESS.

A. Parties' Contentions

Mr. Robinson contends that the circuit court erred by denying his motion to suppress the evidence recovered from the Hospital. To substantiate this assertion, he advances two separate, yet inextricably related, Fourth Amendment arguments.

First, Mr. Robinson posits that the Officers lacked the requisite reasonable articulable suspicion to conduct a *Terry* frisk. He suggests that "'armed' and 'dangerous' are two distinct and independent elements" of a *Terry* frisk and that automatically "equat[ing] present gun possession with present dangerousness" would read "'dangerous' . . . as surplusage." According to Mr. Robinson, "[i]t is not the mere possession of the

object that creates a risk of harm, but the likelihood that it will be used dangerously."

While conceding that "the State's evidence certainly established that [he] was likely armed," Mr. Robinson claims that "there was no showing that he was presently dangerous[10] when Officer Klisavage conducted the frisk." To support this proposition, Mr. Robinson argues that "[t]here was no evidence that [he] posed a danger to the public ([H]ospital staff, other patients, or visitors) or even the [Officers] when they entered his room" because he was asleep in the fetal position and "did not attempt to remove the gun." Mr. Robinson contends, therefore, that "the State failed to establish any present danger" that would authorize a *Terry* frisk.

Second, Mr. Robinson asserts that "[f]or the same reasons that the [circuit] court erred in finding that [he] was 'dangerous' for purposes of *Terry* [frisks], the court erred in concluding that exigent circumstances justified the warrantless intrusion in this case." Mr. Robinson argues that "the State did not establish that there was a present danger" because "[h]e did not evince any intent to use the gun" as a sleeping patient undergoing medical treatment "at the time the [O]fficers decided to conduct the frisk." Mr. Robinson contends, instead, that "[b]y barging into [his] [H]ospital room, waking him up, and laying hands on him, it was the [O]fficers who injected exigency into the situation."

[10] Although he acknowledges "that firearms are, in one sense, inherently dangerous," Mr. Robinson, citing exclusively to out-of-state cases, challenges the intrinsic dangerousness of firearms relative to "other potentially dangerous or deadly objects such as motor vehicles, farm implements, or baseball bats."

The State[11] responds that the Officers performed a lawful "frisk" or "warrantless seizure for weapons" because "[t]he facts [] established that health care providers saw

[11] As a preliminary matter, the State postulates that the Fourth Amendment is inapplicable because Mr. Robinson "did not have a reasonable expectation of privacy in items that [the Officers] obtained in [the H]ospital after being notified of the presence of a firearm."

Under the Fourth Amendment, a defendant must have standing to contest the validity of a search for purposes of litigating his motion to suppress. *See State v. Savage*, 170 Md. App. 149, 174-75 (2006) ("[O]ne may not litigate an alleged Fourth Amendment grievance unless one is personally aggrieved."). "[T]he question of whether an individual has standing under the Fourth Amendment . . . requires us first to look at whether the individual invoking the Fourth Amendment possessed a legitimate expectation of privacy in the effects or place searched . . . ." *Whiting v. State*, 389 Md. 334, 347 (2005). The Supreme Court of Maryland previously expounded upon the symbiotic relationship between standing and expectation of privacy:

> If, under the totality of the circumstances, one is now deemed to have "a reasonable expectation of privacy," that means that one thereby has a Fourth Amendment right and, for that precise reason, has the standing to litigate an alleged violation of that right. Conversely, if one does not have "a reasonable expectation of privacy," that simply means that one does not have a Fourth Amendment right and, for that reason, has no standing to litigate an alleged violation of a non-existent right.

Savage, 170 Md. App. at 180-81 (citing *Katz v. United States*, 389 U.S. 347 (1967)).

"Procedurally, it is clear that there is an initial burden on the prosecution to raise the challenge to standing. If the State fails to raise a timely challenge[,] and the court . . . reach[es] the Fourth Amendment merits, the State will be estopped from raising the challenge at a later stage." *Thompson v. State*, 62 Md. App. 190, 202 (1985) (quotation omitted); *accord McGurk v. State*, 201 Md. App. 23, 33 (2011) ("[B]y failing to raise the standing issue in the circuit court, the State waived that issue for appellate purposes.") (citing Md. Rule 8-131(a)).

Here, the State did not argue before the circuit court that Mr. Robinson lacked standing to contest the Officers' warrantless conduct at the Hospital. "Under these circumstances, consideration of the standing issue for the first time on appeal would be unfair . . . ." *McCain v. State*, 194 Md. App. 252, 279 (2010). "There is no point in locking the barn door[] . . . once the horse is out. A failure of the State to raise a

(continued)

what they believed—even as laym[e]n—to resemble[,] upon x-ray[,] the barrel of a firearm, and [the O]fficers had reasonable articulable suspicion to believe that it was a firearm[] and that they were dealing with an armed and dangerous individual." The State asserts that Mr. Robinson's dangerousness was satisfied because "there[] [was] no doubt that everyone, from [H]ospital personnel to police, saw him as a potential threat." According to the State, "[t]he fact that Mr. Robinson was in pain, or [] wounded, did not logically provide any reason to give him liberty to access the gun in his pants. And . . . even if he told [the Officers] . . . that he did *not* have a gun, the objective evidence on the x-ray contradicted that claim[.]" The State further contends that "[j]ust because Mr. Robinson presented as a patient in need of care, and even if he was asleep, police were not required to wait until he awoke or recovered sufficient strength to reach for the handgun, or wait to get a warrant, given these unusual and potentially explosive circumstances."

B. Fourth Amendment Protections

The Fourth Amendment, made applicable to the States through the Fourteenth Amendment, *see Mapp v. Ohio*, 367 U.S. 643, 655 (1961), "guarantees individuals the right to be secure in 'their persons, houses, papers, and effects, against unreasonable

challenge to a defendant's standing at the suppression hearing operates as a waiver of the challenge." *Feaster v. State*, 206 Md. App. 202, 215 (2012). Accordingly, we will treat Mr. Robinson as if he had standing and address the merits of his Fourth Amendment claims.

searches and seizures.'"[12] *Whiting v. State*, 389 Md. 334, 346 (2005) (quotation and citations omitted). "It has long been said that '[n]o right is held more sacred, or is more carefully guarded, . . . than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.'" *Cartnail v. State*, 359 Md. 272, 283 (2000) (quoting *Terry v. Ohio*, 392 U.S. 1, 9 (1968)). "To this end, [the Fourth Amendment's] main import is the protection against invasions of the sanctity of one's person, home, and the privacies of life." *In re Tariq A-R-Y*, 347 Md. 484, 490 (1997).

Generally, "a search . . . conducted without the benefit of a warrant supported by probable cause is per se unreasonable under the Fourth Amendment . . . ." *Owens v. State*, 322 Md. 616, 622 (1991) (citation omitted). "The law surrounding the Fourth Amendment incentivizes police to abide by the general warrant rule, principally by imposing a heavy cost on unlawful searches . . . ." *Eusebio v. State*, 245 Md. App. 1, 22 (2020). "When evidence is obtained in violation of the Fourth Amendment, it will ordinarily be inadmissible in a state criminal prosecution pursuant to the exclusionary rule." *Thornton v. State*, 465 Md. 122, 140 (2019) (citation omitted). The "exclusion of evidence obtained in violation of these provisions is an essential part of the Fourth

[12] "A 'search' occurs when an expectation of privacy that society is prepared to consider reasonable is infringed[,]" whereas "[a] 'seizure' of property occurs when there is some meaningful interference with an individual's possessory interests in that property." *United States v. Jacobsen*, 466 U.S. 109, 113 (1984). The instant appeal falls within the purview of a search, rather than a seizure, for purposes of the Fourth Amendment.

Amendment protections." *Swift v. State*, 393 Md. 139, 149 (2006) (citing *Mapp*, 367 U.S. at 655-56).

Nevertheless, "[t]here are 'a few specifically established and well-delineated exceptions' to the warrant requirement." *Thornton*, 465 Md. at 141 (quotation omitted); *see also Owens*, 322 Md. at 622 (classifying these exceptions as "jealously guarded and carefully drawn") (citation omitted). Where an exception may be applicable, "[t]he State has the burden of proving the legality of a warrantless search . . . ." *Paulino v. State*, 399 Md. 341, 348 (2007) (citations omitted).

C. The *Terry v. Ohio* Exception to the Warrant Requirement

We begin by discussing the distinct, yet interrelated standards for investigative stops ("*Terry* stops") and *Terry* frisks. *See Ames v. State*, 231 Md. App. 662, 671, 676 (2017) ("A Terry stop is an indispensable prerequisite to a Terry frisk[,]" and they "serve quite distinct purposes."). The fundamental objective "of a *Terry* stop is to investigate possible criminal activity." *Lockard v. State*, 247 Md. App. 90, 102 (2020). By diametric contrast, a *Terry* frisk "is not directly crime-related at all but is exclusively concerned with officer safety, with safeguarding the life and limb of the officer who is thrust into the potentially dangerous situation of conducting a Terry stop . . . ." *Ames*, 231 Md. App. at 673.

1. Terry *Stops*[13]

"[S]trong concerns for public safety and for effective crime prevention and detection clearly justify the application of *Terry* principles where there exists reasonable suspicion of ongoing or imminent criminal activity." *Quince v. State*, 319 Md. 430, 434 (1990) (citing *United States v. Hensley*, 469 U.S. 221, 228-29 (1985)). An officer who possesses "reasonable suspicion that a person has committed or is about to commit a crime [is] permit[ted] . . . to stop and briefly detain [that] individual." *Swift*, 393 Md. at 150 (citing *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)) (further citation omitted).

For purposes of *Terry* stops, "[t]he meaning of reasonable suspicion is not fixed, but 'exists somewhere between unparticularized suspicions and probable cause.'" *Washington*, 482 Md. at 421 (quotation omitted).[14] Law enforcement officers must have "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)), consisting of "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant [an] intrusion

[13] We acknowledge that the contested encounter was not a traditional *Terry* stop initiated by law enforcement because Mr. Robinson was already receiving medical treatment in the Hospital prior to the Officers' arrival. For the sake of conducting a thorough analysis, we will, nevertheless, address the foundational *Terry* stop principles before turning to Mr. Robinson's primary "frisk" argument.

[14] Although "the level of suspicion necessary to constitute reasonable, articulable suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence and obviously less than that for probable cause[,]" *Graham v. State*, 325 Md. 398, 408 (1992) (quotation and internal marks omitted), "mere hunches are insufficient to justify a[] [*Terry*] stop . . . ." *Stokes v. State*, 362 Md. 407, 415 (2001).

. . . ." *Sellman v. State*, 449 Md. 526, 542 (2016) (quoting *Terry*, 392 U.S. at 21). In compliance with this standard, "[t]he officer must 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 v. State*, 408 Md. 490, 508 (2009).

When reviewing whether reasonable suspicion existed, "[t]he test is 'the totality of the circumstances,' viewed through the eyes of a reasonable, prudent, police officer." *Bost v. State*, 406 Md. 341, 356 (2008). "The 'touchstone' of this analysis is reasonableness, both of the circumstances surrounding a stop and the nature of the stop itself." *Washington*, 482 Md. at 422 (citing *Trott v. State*, 473 Md. 245, 254-55 (2021)). "In making its assessment, the court should give due deference to the [specialized] training and experience of the law enforcement officer who engaged the stop at issue." *Crosby*, 408 Md. at 508 (citations and internal quotation marks omitted).

Factors "relevant to a determination of reasonable suspicion" include "the character of the area where the stop occurs, the temporal or spatial proximity of the stop to a crime[,] [] the appearance or conduct of the suspect," *Anderson v. State*, 282 Md. 701, 707 n.5 (1978), "the number of persons about in [the] area[,] . . . observed activity by the particular person stopped[,] and [] knowledge or suspicion that the person . . . stopped has been involved in other criminality of the type presently under investigation." *Cartnail*, 359 Md. at 289 (quoting 4 Wayne R. LaFave, Search and Seizure § 9.4(g), at 195 (3d ed. 1996 & 2000 Supp.) (further citations omitted). "[R]easonable suspicion can be supported by circumstances and conduct that, viewed alone, appear innocent yet 'collectively warrant further investigation.'" *Washington*, 482 Md. at 422 (quotation

omitted); *see also Crosby*, 408 Md. at 508 ("Context matters: actions that may appear innocuous at a certain time or in a certain place may very well serve as a harbinger of criminal activity under different circumstances.") (citing *United States v. Arvizu*, 534 U.S. 266, 276 (2002)) (quotation omitted).

As a threshold matter, the record provides sufficient indicia of criminal activity to establish the legal foundation for the predicate *Terry* stop. *Swift*, 393 Md. at 150 (citations omitted). The Officers were dispatched to the Hospital after receiving a report of an armed subject. Notably, Maryland law prohibits patients from "wear[ing], carry[ing], or transport[ing] a firearm" in "a health care facility," including a "hospital."[15] Md. Code Ann., Crim. Law ("CR") (2002, 2021 Repl. Vol.) § 4-111(a)(2)(iii), (c); *see* Md. Code Ann., Ins. (1995, 2017 Repl. Vol.) § 15-10B-01(g) (including "hospital" in the definition of "[h]ealth care facility"). Recently, the Fourth Circuit upheld the constitutionality of Maryland's statutory proscription of firearms in healthcare facilities. *Kipke v. Moore*, 165 F.4th 194, 204, 216 (4th Cir. 2026) (quoting *Antonyuk v. James*, 120

[15] In this context,

> "[h]ospital" means an institution that:
>
> (1) [h]as a group of at least 5 physicians who are organized as a medical staff for the institution;
>
> (2) [m]aintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment services for 2 or more unrelated individuals; and
>
> (3) [a]dmits or retains the individuals for overnight care.

Md. Code Ann., Health Gen. (1982, 2023 Repl. Vol.) § 19-301.

F.4th 941, 1012 (2d Cir. 2024) (underscoring the historical "tradition of prohibiting firearms in locations where vulnerable populations congregate")).

Regarding "the character of the area where the stop occur[red]," *Anderson*, 282 Md. at 707 n.5, the convergence of medical professionals, including physicians and nurses, alongside vulnerable patients seeking treatment at the Hospital contributed to the Officers' reasonable suspicion that Mr. Robinson had engaged in criminal activity by illegally concealing a firearm on his person.

The Officers' actions at the Hospital subsequently verified "the temporal or spatial proximity of the stop to a crime . . . ." *Id.* After Hospital personnel reported their suspicion that Mr. Robinson was concealing a firearm, they informed Officer Klisavage that an x-ray of Mr. Robinson's pelvic area had revealed a physical aberration "inconsistent with normal human anatomy . . . ." Officer Klisavage personally examined the x-ray and observed "a cylindrical[,] what appeared to be non-human anatomy[,] object located toward[] the center between the two . . . skeletal legs." Drawing upon his specialized training and experience, Officer Klisavage concluded that the object depicted was "the barrel of a handgun." As further evidence of Mr. Robinson's suspected criminal activity, a metal-detection device signaled the presence of a metallic object located in precisely the same area of his waistband as the corresponding abnormality depicted in the x-ray.

Mr. Robinson's incongruous responses to questions concerning the firearm also generated reasonable suspicion. *See Cartnail*, 359 Md. at 289 (listing as a "'reasonable suspicion' factor[] . . . observed activity by the particular person stopped") (quotation

omitted); *Anderson*, 282 Md. at 707 n.5 (explaining that a relevant factor "to a determination of reasonable suspicion to stop include[s] . . . the appearance or conduct of the suspect"). When Hospital personnel inquired about the character of the item depicted in the x-ray, Mr. Robinson "stated to them that it was either a cell phone or a cell phone charger[ ]. . . ." In response to Officer Klisavage's subsequent questions, Mr. Robinson unambiguously denied possessing a firearm. Only after the Officers disclosed the x-ray results did Mr. Robinson modify his previous statements by asserting "that his people[] took [the firearm]" and attributing possession "to someone by the name of Auntie (phonetic)[ ]. . . ." These inconsistent and evasive comments were objectively contradicted by the x-ray and the metal-detection device. Even if Mr. Robinson's actions independently "appear[ed] innocuous," when viewed collectively, they "serve[d] as a harbinger of criminal activity . . . ." *Crosby*, 408 Md. at 508 (citation omitted).

Officer Klisavage's indirect references to "the number of persons" in the Hospital, *Cartnail*, 359 Md. at 289 (quotation omitted), further reinforce his "reasonable suspicion of ongoing or imminent criminal activity." *Quince*, 319 Md. at 434 (citation omitted). Officer Klisavage testified that, prior to the stop, Hospital staff removed "the other patients in the surrounding beds" and ensured that "[Mr. Robinson] was not aware of [the police] presence." Officer Klisavage's testimony establishes the presence of at least four law enforcement officers (Officer Klisavage, Officer Jones, Corporal Molesky, and

Officer Fonse[16]), several patients occupying adjacent rooms, and numerous Hospital employees.

Overall, Officer Klisavage's detailed testimony consisted of "specific and articulable facts" pertaining to the manner and purpose of the Officers' warrantless conduct, *Sellman*, 449 Md. at 542 (quoting *Terry*, 392 U.S. at 21), and, therefore, provided "a particularized and objective basis" for conducting the *Terry* stop. *In re D.D.*, 479 Md. at 231 (quotation omitted). By "giv[ing] due deference" to Officer Klisavage's "training and experience," *Crosby*, 408 Md. at 508, and evaluating "the totality of the circumstances, viewed through the eyes of a reasonable, prudent, police officer," *Bost*, 406 Md. at 356 (internal marks omitted), we conclude that Officer Klisavage's testimony conveyed his "reasonable suspicion" that Mr. Robinson "ha[d] committed . . . a crime[,]" *Swift*, 393 Md. at 150 (citations omitted), by possessing a firearm in the Hospital, in violation of CR § 4-111(a)(2)(iii), (c). Accordingly, we hold that the Officers were permitted "to stop and briefly detain" Mr. Robinson. *Swift*, 393 Md. at 150 (citations omitted).

2. Terry *Frisks*

During a *Terry* stop, law enforcement may conduct a *Terry* frisk,[17] which is defined as a limited, "reasonable search for weapons for the protection of the police

[16] Per Officer Klisavage's testimony, Officer Fonse operated the metal detection device at the Hospital.

[17] "A frisk is different from a search of a person." *Norman v. State*, 452 Md. 373, 388 (2017) (citation omitted). "Whereas a search has the broad purpose of discovering (continued)

officer . . . ." *In re David S.*, 367 Md. 523, 533 (2002) (emphasis added) (quoting *Terry*, 392 U.S. at 27). Because the purpose of a *Terry* frisk is "not to discover evidence, but rather to protect the police officer and bystanders from harm," *State v. Smith*, 345 Md. 460, 465 (1997) (citing *Terry*, 392 U.S. at 29), a *Terry* frisk is permissible when an officer "has reason to believe that he is dealing with an *armed and dangerous* individual, regardless of whether he has probable cause to arrest the individual for a crime." *Longshore v. State*, 399 Md. 486, 508-09 (2007) (emphasis added) (quoting *Terry*, 392 U.S. at 27).

"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) (citation omitted); *see also Longshore*, 399 Md. at 509 (explaining that the constitutionality of a *Terry* frisk depends on "whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger") (citing *Terry*, 392 U.S. at 27). "[I]n determining whether the officer acted reasonably in such circumstances, due weight must be given, not to his inchoate and unparticularized suspicion or 'hunch,' but to the specific

incriminating evidence, a frisk has the limited purpose of discovering weapons." *Id.* (citation omitted).

reasonable inferences which he is entitled to draw from the facts in light of his experience." *Terry*, 392 U.S. at 27 (citation omitted).

Although "the frisking officer himself [must] expressly articulate the specific reasons he had for believing that the frisk was necessary[,]" *Ames v. State*, 231 Md. App. 662, 674 (2017), reasonable suspicion "does not require [the] officer to be absolutely certain that an individual is armed and dangerous." *Thornton v. State*, 465 Md. 122, 142 (2019) (citation omitted). Ultimately, the validity of a frisk is determined by whether the facts available to the frisking officer '"warrant a [person] of reasonable caution in the belief' that the action was appropriate[.]" *Ransome v. State*, 373 Md. 99, 103 (2003) (quoting *Carroll v. United States*, 267 U.S. 132, 162 (1925)).

During a lawful *Terry* frisk, '"[i]f a police officer . . . feels an object whose contour or mass makes its identity *immediately apparent*, there has been no invasion of the suspect's privacy beyond that already authorized by the officer's search for weapons.'" *In re David S.*, 367 Md. at 544 (quoting *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993)).

For the reasons explained below, we hold that the Officers performed a lawful *Terry* frisk because they had "reason to believe" that Mr. Robinson was armed and dangerous." *Longshore*, 399 Md. at 508 (quoting *Terry*, 392 U.S. at 27). We begin with an examination of the factors that collectively demonstrate Officer Klisavage's reasonable suspicion that Mr. Robinson was "armed."

First, medical professionals with specialized expertise in human anatomy and radiological imaging conducted an x-ray of Mr. Robinson's pelvic region and identified

"an item . . . that appeared to be the barrel of a firearm." Officer Klisavage then reviewed the x-ray image and reached a concordant conclusion. Officer Klisavage testified, with specificity, that "[t]he cylindrical shape of the item [was] consistent [with] what [he] learned through . . . training on firearms, to be the size and shape of a handgun . . . ." The concurrence between Hospital staff's and Officer Klisavage's identifications provided an objective basis to support the frisk because "a [person] of reasonable caution" would believe that the action was appropriate. *Ransome*, 373 Md. at 103.

Second, the use of a metal-detection device corroborated the presence of a firearm on Mr. Robinson's person. When the Officers employed this device, it produced "an audible beep while swiping or moving over the waistband area of Mr. Robinson[,]" confirming that "some sort of metallic item [was] within the wand[-]searching region." We, therefore, conclude that Officer Klisavage's testimony sufficiently conveyed his reasonable suspicion that Mr. Robinson was armed. *Thornton*, 465 Md. at 142.

We now assess the correlated factors that, taken together, support Officer Klisavage's reasonable suspicion that Mr. Robinson was contemporaneously "dangerous." At the suppression hearing, Officer Klisavage explicitly testified about his belief that Mr. Robinson was "armed and dangerous":

> [THE STATE]: So those questions you were asking Mr. Robinson, why [were] you asking those questions?
>
> [OFFICER KLISAVAGE]: Under the impression, *based on the x-ray and the original information, it was believed that he was presently armed and dangerous. I was trying to make sure that* [*the O*]*fficers, . . . in addition to Mr. Robinson and other* [*H*]*ospital staff,* [*were*] *currently safe based on the*

> *information* [*that Mr. Robinson*] *could be armed and a firearm could be concealed on his person.*
>
> [THE STATE]: Right. And what was the reason [for] continuing after this point given [Mr. Robinson's] statements?
>
> [OFFICER KLISAVAGE]: *Based on the original x-ray and the information provided from the* [*H*]*ospital staff based on their medical training, it was my belief that he was presently still armed and dangerous.* And thus, I conducted a frisk of Mr. Robinson.

(Emphases added.)

Per Officer Klisavage's testimony, the contested conduct occurred in a hospital setting, which significantly enhanced the danger posed by Mr. Robinson. The inherent vulnerability of medical patients necessitates the preservation of a heightened standard of safety and security within healthcare institutions. *See* CR § 4-111(a)(2)(iii), (c); *see also Polk v. State*, 378 Md. 1, 19 (2003) (recognizing the compelling state interest in protecting vulnerable patients at a hospital). Moreover, Officer Klisavage explained that the location of the concealed firearm created an imminent and continuous danger to patients, staff, and law enforcement because the x-ray revealed that it was not secured in a holster, locked in a case, or otherwise rendered safe. The Officers' belief regarding Mr. Robinson's dangerousness is further evinced by their restriction of his movements to prevent him from "maintain[ing] a solid grip and/or point[ing] or discharg[ing] [the] firearm." As such, Officer Klisavage's testimony establishes that the Officers' warrantless actions were designed "not to discover evidence, but rather to protect" themselves and bystanders from harm. *Smith*, 345 Md. at 465 (citing *Terry*, 392 U.S. at 29).

Under the totality of the circumstances, a reasonably prudent officer would have perceived the extent of Mr. Robinson's dangerousness, *Norman*, 452 Md. at 387 (citation omitted); *Longshore*, 399 Md. at 509 (quotation omitted), and Officer Klisavage's testimony "expressly articulate[d] the specific reasons he had for believing that the frisk was necessary." *Ames*, 231 Md. App. at 674. Accordingly, we hold that Officer Klisavage conducted a lawful *Terry* frisk[18] because he had "reasonable articulable

[18] "The Supreme Court [of Maryland] has [] scrupulously limited the scope of a *Terry* frisk to a patting down of the exterior of the clothing surface. The reasoning is that such a pat-down is enough to detect the presence of most weapons . . . ." *Epps v. State*, 193 Md. App. 687, 714 (2010). Generally, "a pat-down is [] a proper, minimally intrusive means of determining whether a suspect is armed." *Smith*, 345 Md. at 465-66.

A frisk must be "strictly circumscribed by the exigencies which justify its initiation." *Terry*, 392 U.S. at 25-26 (citation omitted). "What *Terry* allows are 'necessary measures' to determine whether a person is carrying a weapon." *McDowell v. State*, 407 Md. 327, 340 (2009). For a frisk to be constitutionally justified, it must be "limited in scope, for the specific purpose of searching for weapons to protect the officer's safety, or the safety of bystanders." *Bailey v. State*, 412 Md. 349, 374 (2010). A frisk violates the Fourth Amendment when it serves as a general investigatory mechanism designed "to ferret out carefully concealed items that could not be accessed without some difficulty." *In re David S.*, 367 Md. at 545 (quotation omitted).

Nonetheless, "the permissible scope of a *Terry* stop has expanded in the past few decades, allowing police officers to neutralize dangerous suspects . . . using measures of force such as placing handcuffs on suspects, placing the suspect in the back of police cruisers, [and] drawing weapons[]. . . ." *Longshore*, 399 Md. at 509 (citations omitted). The police are permitted to engage in "*reasonable measures* to neutralize the risk of physical harm and to determine whether the person in question is armed." *In re David S.*, 367 Md. at 535 (emphasis added) (quotation omitted).

If the initial frisk reveals an item that "might be[] used as a weapon against the police officer[,]" the officer may subsequently elevate the interaction to a more comprehensive search for the purpose of promoting officer safety. *Id.* at 541-42. Conversely, if an officer's "initial pat-down [] reveal[s] nothing that might have been used as a weapon[,]" the validity of the *Terry* frisk terminates. *Id.* at 541. Similarly, upon discovering an item whose incriminating nature is not "immediately apparent," such

(continued)

suspicion" that Mr. Robinson was both "armed and dangerous." *Norman*, 452 Md. at 387 (citation omitted).

D. The Exigent Circumstances Exception to the Warrant Requirement

Alternatively, we consider whether the Officers' actions constituted a permissible warrantless search arising under the exigent circumstances exception to the warrant requirement.

"A search occurs when an expectation of privacy that society is prepared to recognize as reasonable is infringed." *Varriale v. State*, 218 Md. App. 47, 53 (2014) (quoting *United States v. Jacobsen*, 466 U.S. 109, 113 (1984)). "[T]he scope of a lawful search is defined by the object of the search and the places in which there is probable cause to believe that it may be found." *Eusebio v. State*, 245 Md. App. 1, 26 (2020) (quoting *Maryland v. Garrison*, 480 U.S. 79, 84 (1987)). Pertinent here is the principle "that a person has a reasonable expectation of privacy in the physical integrity of his . . . body." *Varriale*, 218 Md. App. at 53 (citing *Maryland v. King*, 569 U.S. 435 (2013)).

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as "a soft object, a hard object which the officer can determine is not a weapon, or a hard object which cannot be determined to be a weapon," an officer is precluded from conducting a further search to determine whether the item is contraband "unless [he] observes conduct which leads him to believe the suspect is armed and dangerous or has some other reliable basis for believing that the suspect is armed and dangerous." *Smith*, 345 Md. at 470-71 (holding that the officer conducted an improper *Terry* frisk when he opened a bag found in the suspect's waistband *after* realizing the bag did *not* contain a weapon) (quoting *Dickerson*, 508 U.S. at 379) (further quotation omitted).

Here, Mr. Robinson does not challenge the Officers' warrantless conduct as transcending the permissible scope of a lawful *Terry* frisk. As such, we decline to address this issue further.

"[A]bsent exigent circumstances[,] a warrantless search . . . violates the Fourth Amendment." *McGurk v. State*, 201 Md. App. 23, 47 (2011) (quotation and citations omitted). There is no Fourth Amendment violation, however, "when law enforcement officers are faced with exigent circumstances such that there is a 'compelling need for official action and no time to secure a warrant.'" *In re Calvin S.*, 175 Md. App. 516, 528 (2007) (quoting *Wengert v. State*, 364 Md. 76, 85 (2001)). "The meaning of exigent circumstances is that the police are confronted with an emergency—circumstances so imminent that they present an urgent and compelling need for police action." *Stackhouse v. State*, 298 Md. 203, 219-20 (1983). One prominent exigency exists "when a substantial risk of harm to [] law enforcement officials . . . or [] others would arise if the police were to delay until a warrant could be issued." *Gorman v. State*, 168 Md. App. 412, 422 (2006) (quoting *Williams v. State*, 372 Md. 386, 402 (2002)).

The reasonableness of a warrantless search conducted under exigent circumstances depends on "the facts as they appeared to the officers at the time" of the search. *Wengert*, 364 Md. at 86. Factors that "must be considered in the determination of whether exigent circumstances are present" include "the gravity of the underlying offense, the risk of danger to police and the community, the ready destructibility of the evidence, and the reasonable belief that contraband is about to be removed." *McGurk*, 201 Md. App. at 48 (quotation and citation omitted). Also "[r]elevant to the determination of whether exigent circumstances . . . are present is the opportunity of the police to have obtained a warrant." *Dunnuck v. State*, 367 Md. 198, 205-06 (2001) (citations omitted). Notably, the exigency cannot be created or precipitated by police conduct designed to justify an otherwise

impermissible warrantless search. *See Spiering v. State*, 58 Md. App. 1, 12 (1984) ("What the police may not do is create their own exigencies . . . .").

Because this exception "is a narrow one[,]" *Williams*, 372 Md. at 402 (citations omitted), "[t]he burden is on the State to establish exigent circumstances that overcome the presumptive unreasonableness" of a warrantless search. *Wengert*, 364 Md. at 85 (citations omitted). "[T]o satisfy its heavy burden, the State must demonstrate 'specific and articulable facts to justify the finding of exigent circumstances.'" *Williams*, 372 Md. at 407 (quotation omitted).

Here, many of the same factors that satisfied the dangerousness requirement for a *Terry* frisk similarly establish the existence of exigent circumstances under the Fourth Amendment.

According to Officer Klisavage's testimony, Hospital personnel and the Officers independently identified a firearm on the x-ray conducted of Mr. Robinson's pelvic area. As previously discussed, by "wear[ing], carry[ing], or transport[ing] a firearm" in a "health care facility," Mr. Robinson violated CR § 4-111(a)(2)(iii), (c), which is designed to protect "children [and] vulnerable individuals." Due to the presence of medical professionals, law enforcement officers, and vulnerable patients, the Hospital environment contributed to an overall sense of exigency and compounded both "the gravity of the underlying offense[] [and] the risk of danger to police and the community[.]" *McGurk*, 201 Md. App. at 48 (quotation and citation omitted).

Mr. Robinson's deliberate concealment of the loaded firearm beneath multiple layers of underwear engendered a pervasive and immediate threat to the safety of

Hospital personnel, patients, visitors, and law enforcement officers. Officer Klisavage was acutely aware of this danger. He testified that the Officers secured Mr. Robinson's arm movements to inhibit his ability to "maintain a solid grip and/or point or discharge [the] firearm." Officer Klisavage also attempted to elicit pivotal information pertaining to the firearm's identity and location. The x-ray and the metal-detection device controverted Mr. Robinson's responses that the metallic, "hard object" in his pelvic area "was either a cell phone or a cell phone charger" and that "someone by the name of Auntie (phonetic) . . . had possession of [the firearm]."

Officer Klisavage clarified that these actions were intended "to make sure that [the O]fficers, . . . in addition to Mr. Robinson and other [H]ospital staff, [were] currently safe based on the information [that Mr. Robinson] could be armed and a firearm could be concealed on his person." Based on the facts as perceived by the Officers at the Hospital, *Wengert*, 364 Md. at 86, we conclude that the warrantless conduct was reasonable under the Fourth Amendment. Collectively, these facts constitute exigent circumstances because the Officers were "confronted with an emergency . . . so imminent that [it] present[ed] an urgent and compelling need for police action." *Stackhouse*, 298 Md. at 220.

The temporal dimension of the Officers' response forecloses any argument that the situation provided a sufficient opportunity to obtain a warrant. *Dunnuck*, 367 Md. at 205-06. After receiving a report of an armed subject, the Officers promptly departed from their initial call for service and arrived at the Hospital "approximately 8-10 minutes" later. Within two minutes of their arrival, the Officers reviewed the x-ray and

verified the presence of a firearm. Hospital personnel, patients, visitors, the Officers, and Mr. Robinson were in immediate proximity to this loaded firearm. Under these circumstances, "a substantial risk of harm to [] law enforcement officials . . . or [] others would [have] arise[n] if the police were to delay [the search] until a warrant could be issued." *Gorman*, 168 Md. App. at 422.

While Mr. Robinson correctly states that law enforcement cannot manufacture the exigency to support a warrantless search, *Spiering*, 58 Md. App. at 12, we are unpersuaded by his argument that the Officers "injected exigency into the situation" by "barging into [his] [H]ospital room, waking him up, and laying hands on him . . . ." The exigency confronting the Officers did not originate from their conduct at the Hospital; rather, the Officers responded to a preexisting emergent situation created by Mr. Robinson's actions. Critically, the initial discovery of the firearm on the x-ray, the evacuation of patients from surrounding areas, and the notification to law enforcement were undertaken by *Hospital personnel*, not the Officers. Thus, the response to the perceived emergency was ongoing when the Officers arrived on the scene, and the evidence adduced from Officer Klisavage's testimony at the suppression hearing satisfied the State's burden to "demonstrate specific and articulable facts to justify the finding of exigent circumstances," *Williams*, 372 Md. at 407 (quotation and internal marks omitted), and to "overcome the presumptive unreasonableness" of the warrantless search. *Wengert*, 364 Md. at 85 (citations omitted).

Because the Officers "[were] faced with exigent circumstances such that there [was] a 'compelling need for official action and no time to secure a warrant,'" we

conclude that their warrantless conduct did not violate the Fourth Amendment. *In re Calvin S.*, 175 Md. App. at 528 (quotation omitted).

CONCLUSION

We hold that the circuit court did not err in denying Mr. Robinson's motion to suppress because the Officers' warrantless conduct was justified as *either* a *Terry* frisk or a warrantless search under exigent circumstances.

JUDGMENT OF THE CIRCUIT COURT FOR HARFORD COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.