UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1615

September Term, 2014

TERRON ARMENIUS MOORE

v.

STATE OF MARYLAND

Eyler, Deborah S.,
Hotten,
Nazarian,

JJ.

Opinion by Eyler, Deborah S., J.

Filed: August 11, 2015

A jury sitting in the Circuit Court for Baltimore County convicted Terron Armenius Moore, the appellant, of attempted second degree murder.[1] The court imposed a sentence of thirty years.

The issues on appeal all pertain to the denial of the appellant's pre-trial motions to suppress tangible evidence recovered in a warrantless search of a townhouse leased by the appellant's girlfriend and in a search, pursuant to a warrant, of his rental vehicle. He presents three questions[2] for review, which we have condensed and rephrased as two:

> I. Did the trial court err by denying the motion to suppress a handwritten note seized during a warrantless search of 200 Redbud Road?
>
> II. Did the trial court err by denying the appellant's motion to suppress a pair of boots seized from his rental car?

For the following reasons, we answer both questions in the negative and shall affirm the judgments of the circuit court.

FACTS AND PROCEEDINGS

The appellant filed a pre-trial motion to suppress from evidence a handwritten note seized during a warrantless search of 200 Redbud Road and a pair of boots seized from a

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[1]The jurors found the appellant not guilty of attempted first degree murder.

[2]The questions as posed by the appellant are:

> 1. Was the warrantless arrest supported by probable cause?
>
> 2. Was the initial warrantless search of the home justified by exigent circumstances?
>
> 3. Was the rental vehicle lawfully seized and searched pursuant to an out-of-county warrant?

rental vehicle. He argued that the warrantless search of 200 Redbud Road was not justified by exigent circumstances and was *per se* unreasonable under the Fourth Amendment. He argued that, while the police had a warrant to search his rental vehicle, that warrant was executed in Harford County, which was outside of the territorial jurisdiction of the warrant issuing court (the Circuit Court for Baltimore County).

The suppression hearing took place on the first day of trial, May 28, 2014, after jury selection. Detectives Heidi Ebbert and Christopher Williams, and Officer Joseph Cohan of the Baltimore County Police Department ("BCPD") and Deputy Mark Logsdon of the Harford County Sheriff's Office ("HCSO") testified for the State. Cimberly Suggs, who was romantically involved with the appellant and was the lessee of 200 Redbud Road, testified for the appellant. The State introduced into evidence a photocopy of the note seized from 200 Redbud Road. The evidence at the suppression hearing showed the following.

In the early morning hours of August 22, 2013, the BCPD received three phone calls asking officers to respond to a parking lot for an apartment building at 8019 Mollye Road in Pikesville. The first call came in a little after 1:00 a.m. The caller stated that two men were trying door handles on vehicles in the parking lot. BCPD officers responded and found two men, Davon Green and Charles Towe, in the parking lot. The police spoke with them briefly and left.

The BCPD received a second call at 2:57 a.m. The caller stated that "several subjects [were] in the parking lot arguing." BCPD officers responded and observed three men and

one woman in the parking lot: Green; Towe; a woman later identified as "Randy," who is Towe's cousin;[3] and another man later identified as the appellant. The appellant walked away as the police approached and entered the apartment building at 8019 Mollye Road. The police spoke to Green and Towe briefly, and left.

The third call came in at 5:39 a.m. The caller stated that someone outside was "screaming for help." BCPD officers responded and found Green lying on the ground next to his car in the parking lot in front of 8019 Mollye Road. He had been stabbed and was bleeding profusely. He was transported to Shock Trauma, where he underwent surgery.

The officers spoke to other residents and determined that the appellant was the man they had seen earlier with Green, Towe, and "Randy" and that he lived in Apartment F of 8019 Mollye Road. They knocked on the door to Apartment F, but received no answer. The occupant of Apartment E advised police that, shortly before the police arrived, she had heard a "commotion" in Apartment F and a woman yell, "he disrespected my boyfriend!" Another resident also reported having heard an altercation in Apartment F.

Detective Williams, who was assigned to the BCPD Investigative Services Unit, was designated the lead investigator and subsequently arrived on the scene. He contacted the leasing manager for 8019 Mollye Road and learned that Apartment F was leased by the appellant. Based upon that information, Officer Cowley applied for a search warrant for

[3]According to Towe, "Randy" was not his "blood cousin[]," however.

Apartment F. BCPD officers executed the warrant later that morning, but did not find the appellant or any evidence.[4] The search of Apartment F is not at issue in the instant appeal.

The leasing office also provided Detective Williams with an address for the appellant's parents' house. Detective Williams went to that address and spoke to the appellant's father, Terry Moore. Detective Williams explained to Moore that he wanted to speak to the appellant about the stabbing. Moore advised that the appellant was currently driving a rental vehicle and that he had not seen him since the day prior. Detective Williams left his card with Moore.

Shortly thereafter, Moore called Detective Williams. He advised that the appellant had since "stopped by" his parents' house and had said that he had been "involved in an altercation." Moore had advised the appellant to "turn himself in" to the police.

Meanwhile, the police contacted local rental car agencies and determined that the appellant was renting a 2012 Nissan Rogue SUV with New Jersey license plate number S73BXV. Officer Cowley applied for a search warrant for the Nissan in the Circuit Court for Baltimore County. The warrant issued on August 22, 2013, at 3:55 p.m.

Around 10:30 on August 22, 2014,[5] the appellant called Detective Williams. Detective Williams told the appellant that he "just needed to talk with him to try and figure out what happened at [8019 Mollye Road]." The appellant replied that "there was no self-

[4]The police seized three knives from the apartment and a bill identifying the appellant as the lessee. The knives never were linked to the stabbing, however.

[5]The testimony did not make clear whether this call was received at 10:30 a.m. or p.m.

defense law in Maryland, that he needed some time . . . to think about it and [that he would] give [Detective Williams] a call back in about 30 minutes." The appellant did not call back that day.

Detective Williams went to Shock Trauma to speak to Green. Green had been stabbed nine times, puncturing both his lungs and grazing his heart. He was unable to communicate with Detective Williams about the stabbing on August 22, 2014, and unwilling to speak with him on August 23, 2014.

The police contacted the appellant's cell phone carrier and the carrier was able to "triangulate[] the location" from which the appellant had made certain calls on August 22, 2014. That location was determined to be a townhouse at 200 Redbud Road in Edgewater, Harford County.

On August 23, 2013, at around 9:30 a.m., Detective Williams and another detective drove to the 200 Redbud Road townhouse, in an unmarked vehicle. As they approached the townhouse they observed the appellant standing in the front yard. The appellant looked at the detectives and then walked inside the townhouse. Detective Williams banged on the front door and rang the doorbell, but the appellant did not answer. Detective Williams identified himself as a police officer and asked the appellant to come outside and speak with him. The appellant did not respond.

Detective Williams observed the Nissan rental vehicle parked outside the townhouse.

Detective Williams approached the townhouse next door and spoke to Leola Wesson. She told him that she and her husband owned 200 Redbud Road and leased it to their daughter, Cimberly Suggs. Wesson stated that Suggs should be at work at that time. Wesson tried calling Suggs at her work number and on her cell phone, but received no answer. She then tried calling the appellant on his cell phone. He also did not answer. Wesson left voicemail messages for the appellant "pleading for him to just come out and talk to [the police]." Wesson gave the police a key to 200 Redbud Road and told them they could use it if they needed to enter.

Meanwhile, Detective Williams also had contacted the HCSO and asked that its SWAT Team be sent to assist the BCPD at 200 Redbud Road. The HCSO Swat Team set up a perimeter around the townhouse and called to the appellant with a bullhorn, directing him to come out.

Detective Williams also contacted Detective Ebbert, who was on desk duty with the BCPD Investigative Services Unit that day. He directed Detective Ebbert to apply for a search warrant for 200 Redbud Road.

Around 10:30 a.m., the HCSO SWAT Team prepared to enter the townhouse by force. As members of the team approached the front door, the appellant opened the door and walked outside. He immediately was placed under arrest.

Within five minutes of the appellant's arrest, HCSO deputies entered the townhouse to "clear the house" to "make sure nobody was hurt . . . inside." In particular, the deputies

were looking for Suggs. Deputy Logsdon walked upstairs and entered the first room on his left. After he had "clear[ed] [the] room," *i.e.*, made sure there were no people in it, he observed a handwritten note on a piece of paper sitting "right beside the TV." In large letters, the note read: "THE POLICE TOOK ME. EMPTY THE TRUCK OUT. Everything[.] TALK TO YOU SOON." At the bottom of the note was written: "I'll CALL YOU. My ~~phone~~ is ~~the [illegible]~~." Deputy Logsdon testified that he believed the note was of "evidentiary value." After the townhouse was "clear," he returned to the upstairs room and retrieved the note. He handed it to Detective Williams, who was standing outside of the townhouse.

At 11:25 a.m., the Circuit Court for Baltimore County issued a warrant to search 200 Redbud Road. The affidavit in support of the application for the search warrant was prepared by Detective Ebbert based upon the information provided to her by Detective Williams pertaining to the investigation into the stabbing. It did not include any information about the handwritten note.

At 11:45 a.m., the BCPD reentered the townhouse pursuant to the search warrant. Officers seized a white t-shirt and jeans and a cell phone.[6]

[6]The search warrant inventory form lists the "handwritten note" as another item seized during the search. As mentioned, however, Deputy Logsdon testified that he seized the note during the initial entry immediately after the appellant's arrest and handed it directly to Detective Williams. Detective Williams could not recall whether or not the note was placed back inside the townhouse and then "re-seized" after the warrant issued.

The Nissan Rogue parked outside of the townhouse was towed to BCPD headquarters. At 6:18 p.m., Detective Joseph Cohan with the BCPD searched the vehicle and seized a pair of Timberland boots with what appeared to be blood on them. (The substance later was determined to be blood; testing revealed that the blood was consistent with Green's DNA.)

Suggs testified that she had been renting the townhouse at 200 Redbud Road for approximately two years. She had known the appellant for fifteen years and at the relevant time they were romantically involved. On August 22, 2013, around 1:30 p.m., the appellant had met her at her work. They had lunch together and discussed a "mini vacation" to Sandy Point that they had been planning since June. They were supposed to leave the next day. Suggs returned to work for several more hours and then went home. The appellant met her there around 4:30 p.m. and spent the night with her at her townhouse. The next morning, August 23, 2013, she had arranged to take off work. She left the townhouse around 8:30 a.m. to run some errands. She did not receive any phone calls while she was out. When she returned home, the police were at her townhouse.

At the conclusion of the evidentiary portion of the hearing, the State conceded that the appellant had standing to challenge the searches of 200 Redbud Road and the Nissan.

Defense counsel argued that the police lacked probable cause to arrest the appellant outside of the townhouse because no witness had identified him as the person who stabbed Green and the other evidence was insufficient to support a reasonable belief that he was the perpetrator. Defense counsel further argued that exigent circumstances did not justify a

warrantless entry into the townhouse immediately following the appellant's arrest because the police did not have a reasonable belief that the appellant was dangerous; they had not undertaken any investigation to locate Suggs, such as by determining whether her car was parked outside the townhouse; and because the police had not heard any screaming or other distress calls coming from the townhouse. On these bases, defense counsel argued that the handwritten note discovered in plain view during the warrantless sweep of the townhouse should be suppressed. Finally, defense counsel argued that the search warrant issued by the Baltimore County Circuit Court for the Nissan did not confer jurisdiction on the BCPD officers to seize the vehicle in Harford County and, for that reason, the boots seized during the subsequent search of the vehicle should be suppressed.

The State responded that the legality of the arrest of the appellant, *vel non*, was not at issue because no evidence was seized from his person and the subsequent search of the townhouse was not a search incident to arrest. Nevertheless, the State maintained that the police had probable cause to arrest the appellant based upon the facts known to them, including that he had been arguing with Green in the parking lot outside of 8019 Mollye Road just a few hours before Green was stabbed; that neighbors reported overhearing an "altercation" in his apartment shortly before the stabbing, and that he had told Detective Williams that there was "no self defense law in Maryland."

The State conceded that the search of 200 Redbud Road was not a "protective sweep" because it was not a search for another suspect or to alleviate a threat to the police. The State

took the position that it was a consent search because Wesson, an owner, gave the police a key and consented to their entry,[7] or, in the alternative, that it was justified under the "community caretaking function" to ensure Suggs's safety. Finally, the State asserted that the handwritten note seized from the townhouse was not subject to suppression because it would inevitably have been discovered during the search executed pursuant to the warrant and was admissible under the independent source doctrine.

With respect to the search of the Nissan, the State argued that the police had probable cause to search the vehicle and, under the *Carroll*[8] Doctrine, could have searched it with or without a warrant at that time. Thus, any jurisdictional defect with respect to the warrant was "a moot point."

The court ruled that the police had probable cause to arrest the appellant outside of 200 Redbud Road. It found that the police had knowledge of "altercations involving the [appellant] and [Green] earlier that evening on at least two prior occasions" and information from residents of 8019 Mollye Road that "the [appellant] was the resident of the location where the altercation was heard to have transpired." The court found that the appellant's behavior after the shooting also gave rise to probable cause. Specifically, the appellant left 8019 Mollye Road and then, upon learning that the police were searching for him, called Detective Williams and "somewhat implicate[d] his involvement in [the stabbing] . . . with

[7]The State does not make this argument on appeal.

[8]*See Carroll v. United States*, 267 U.S. 132 (1925).

the statement . . . relative to self-defense, which show[ed] knowledge of . . . the altercation in question." On these bases, the court ruled that the "Motion to Suppress that arrest is denied."

Turning to the search of 200 Redbud Road, the court found that exigent circumstances existed permitting the police to enter and conduct an "emergency search of that residence after the [appellant] was arrested." The court found that the "named resident of the location [*i.e.*, Suggs] could not be located." Given that the appellant had been arrested based upon probable cause to believe that he had stabbed Green nine times, the police had "every right . . . to go into that residence to make sure that there were no other possible victims, especially Ms. Suggs." The court found, moreover, that the police were not searching for tangible evidence, but for "possible bodies." In light of these facts, the court ruled that these were "quintessential exigent circumstances" and that the police entry and sweep of the house without a warrant was not illegal. The court further found that Deputy Logsdon observed the note in plain view when he was legally present in an upstairs room in the house and, as such, denied the motion to suppress the note.

With regard to the search of the Nissan, the court ruled that the warrant to search the vehicle was supported by probable cause. The court reasoned that because a vehicle is "transient" the police acted in "good faith" when they secured the vehicle in Harford County and had it towed to Baltimore County to execute the search warrant.

Following the denial of the appellant's motion to suppress, the trial commenced and lasted two and a half days. Green testified for the State and identified the appellant as the man who stabbed him. As mentioned, the State also presented DNA evidence linking the boots found in the Nissan to the stabbing and introduced into evidence the handwritten note found at 200 Redbud Road. The appellant did not testify or call any witnesses in his case. The jury convicted the appellant of second degree murder. This timely appeal followed.

STANDARD OF REVIEW

Our review of the denial of a motion to suppress evidence is based only upon "the facts and information contained in the record of the suppression hearing." *Longshore v. State*, 399 Md. 486, 498 (2007). "The factual findings of the suppression court and its conclusions regarding the credibility of testimony are accepted unless clearly erroneous." *Rush v. State*, 403 Md. 68, 83 (2008). "'[W]e view the evidence and inferences that may be reasonably drawn therefrom in a light most favorable to the prevailing party on the motion.'" *Owens v. State*, 399 Md. 388, 403 (2007) (quoting *State v. Rucker*, 374 Md. 199, 207 (2003)). We undertake our own constitutional appraisal of the record by reviewing the law and applying it to the facts of the present case. *Wilkes v. State*, 364 Md. 554, 569 (2001).

DISCUSSION

I.

The Handwritten Note

The appellant contends the trial court erred by denying his motion to suppress the handwritten note. He asserts that the warrantless search of 200 Redbud Road is inextricably linked to his warrantless arrest and that both the arrest and the search were unlawful under the Fourth Amendment. With respect to the arrest, he argues that the court clearly erred when it found that the police had knowledge that he had been involved in "altercations" with Green on "at least two occasions" on August 22, 2013, and that the other information known to the police did not give rise to a reasonable belief that the appellant had committed a felony. With respect to the search of 200 Redbud Road, the appellant argues that the purported justification for the warrantless entry – to ensure that Suggs was not inside and in need of aid – was not borne out by the evidence and testimony and, in any event, did not rise to the level of an emergency.

The State responds that the police had probable cause to arrest the appellant and, even if they did not, the note was not the fruit of the arrest; rather, it was the fruit of the subsequent warrantless search of 200 Redbud Road. The search of that townhouse was reasonable under the Fourth Amendment because the police reasonably believed that Suggs (or another victim) might be inside and injured. The State further argues that, even if the warrantless search of 200 Redbud Road was illegal, the note was not subject to exclusion because it inevitably would have been found during the subsequent warrant-based search. Finally, the State maintains that any error in denying the motion to suppress the note was

harmless beyond a reasonable doubt because Green testified that the appellant was the man who stabbed him.

A. The Arrest[9]

"Probable cause [to arrest] exists where the facts and circumstances within the officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed by the person to be arrested." *Longshore*, 399 Md. at 501 (quotations and alterations omitted). "To determine whether probable cause exists, we consider the totality of the circumstances, in light of the facts found to be credible by the trial judge, factoring in the variables of the information leading to police action, the environment, the police purpose, and the suspect's conduct." *Haley v. State*, 398 Md. 106, 132-33 (2007).

In the instant case, the facts and circumstances known to Detective Williams and the other BCPD police officers involved in the case were that around 3:00 a.m. on August 22, 2013, Green was arguing with persons in the parking lot at 8019 Mollye Road, including the appellant,[10] and that less than three hours after this argument Green was found lying on the ground in the same parking lot, having been stabbed nine times. Immediately prior to the

[9]Although the appellant did not move to suppress any evidence seized from his person, we agree with him that the arrest is relevant to the reasonableness of the warrantless search of 200 Redbud Road. Thus, we shall briefly address the probable cause determination with respect to the arrest.

[10]The court mistakenly stated in its ruling that the police were aware of two altercations between Green and the appellant on August 22, 2013.

stabbing, residents of 8019 Mollye Road overheard an altercation occurring in Apartment F. When police responded, however, no one was inside Apartment F. The police investigation revealed that the appellant leased Apartment F and that he was driving a rental vehicle. The appellant's father was contacted and he subsequently spoke to the appellant and advised him that the police were looking for him. The appellant called Detective Williams and stated that there was "no self defense law in Maryland" and that he would call the detective back within 30 minutes, but never called back. All of these facts and circumstances gave rise to a reasonable belief that the appellant was the person who had stabbed Green and amounted to probable cause to arrest him outside 200 Redbud Road without a warrant.

B. Initial Search of 200 Redbud Road

"It is a 'basic principle of Fourth Amendment law' that searches and seizures inside a home without a warrant are presumptively unreasonable." *Payton v. New York*, 445 U.S. 573, 586 (1980) (citation and footnote omitted). A search of a home without a warrant may be justified, however, when "'"the exigencies of the situation" make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable under the Fourth Amendment'" *Kentucky v. King*, ___ U.S. ___, 131 S. Ct. 1849, 1856 (2011) (quoting *Mincey v. Arizona*, 437 U.S. 385, 394 (1978)).

"The 'exigent circumstances' exception is a narrow one; '"exigency" implies urgency, immediacy, and compelling need.'" *Dunnuck v. State*, 367 Md. 198, 205 (2001) (quoting *Stackhouse v. State*, 298 Md. 203, 212 (1983)). The facts are to be considered as

they appeared to the police officers at the time of the warrantless entry. *Williams v. State*, 372 Md. 386, 403 (2002). The extent of the warrantless entry is "'strictly circumscribed by the exigencies which justify its initiation.'" *Mincey*, 437 U.S. at 393 (quoting *Terry v. Ohio*, 392 U.S. 1, 25-26 (1968)).

In the instant case, the State argued that the police "reasonably believe[d] injured persons . . . [might have been] on the premises." *Dunnuck*, 367 Md. at 206. The court found as facts that Suggs was the lessee of 200 Redbud Road and that she could not be located during the hour that police were trying to get the appellant to come outside. While Suggs ordinarily would have been at work at that time, she was not answering her work number. Wesson also had called Suggs on her cell phone and called the appellant on his cell phone. None of these calls were answered or returned. As discussed, *supra*, the police also held a reasonable belief that the appellant had stabbed Green nine times the day before. Under the circumstances, the police reasonably believed that Suggs might be inside 200 Redbud Road in need of aid. The police entry for the limited purpose of searching for her was justified. The court found that the police did not exceed the scope of the exigency.

Because the warrantless police entry was reasonable under the Fourth Amendment, the police were justified in seizing the note under the plain view doctrine.

> To invoke the "plain view" doctrine of the Fourth Amendment, the police must satisfy the following requirements: (1) the police officer's initial intrusion must be lawful or the officer must otherwise properly be in a position from which he or she can view a particular area; (2) the incriminating character of the evidence must be "immediately apparent;" and (3) the officer must have a lawful right of access to the object itself.

Wengert v. State, 364 Md. 76, 88-89 (2001). Here, all three prongs were met. First, as already explained, the police were justified in entering 200 Redbud Road without a warrant to search for Suggs. While conducting that limited search, Deputy Logsdon observed the handwritten note in plain view in an upstairs room.[11] Second, the "incriminating character" of the note was "immediately apparent" to Deputy Logsdon because the note advised that the police had arrested the appellant and directed the reader to "EMPTY THE TRUCK OUT. Everything." Third, Deputy Logsdon had a lawful right of access to the incriminating evidence found in plain view. The note was properly seized during the lawful warrantless entry into 200 Redbud Road, and the court did not err in denying the motion to suppress it.

Even if we were to agree with the appellant that the warrantless entry into the townhouse was illegal, we nevertheless would affirm the denial of the motion to suppress the note under the inevitable discovery doctrine.[12] When the police made their warrantless entry

[11]The content of the note suggests that it was left in plain view so that Suggs would see it upon her return.

[12]The State argues in its brief that the note was admissible under the independent source doctrine. It argued both inevitable discovery and independent source during the suppression hearing, however. These doctrines are "closely related [but] analytically distinct." *Williams*, 372 Md. at 410. As the *Williams* Court explained:

> The inevitable discovery doctrine applies where evidence is not actually discovered by lawful means, but inevitably would have been. Its focus is on what would have happened if the illegal search had not aborted the lawful method of discovery. The independent source doctrine, however, applies when the evidence actually has been discovered by lawful means. Its focus is on what actually happened—was the discovery tainted by the illegal search?

(continued...)

into 200 Redbud Road, they already were in the process of applying for a search warrant. *See Hatcher v. State*, 177 Md. App. 359, 397 (2007) (noting that, before the State may invoke the inevitable discovery doctrine, it "must show, by a preponderance of the evidence, that the lawful means which made discovery inevitable were being actively pursued prior to the illegal conduct"). The application for a search warrant did not include any information in it pertaining to the note. Rather, the affidavit set forth the facts discussed, *supra*, with respect to the probable cause to believe that the appellant had stabbed Green and that the police had reason to believe that the appellant had been staying at 200 Redbud Road since the stabbing. These facts gave rise to probable cause to search 200 Redbud Road for evidence of the appellant's involvement in the stabbing. Thus, even if the warrantless police entry into 200 Redbud Road was unlawful, the note inevitably would have been discovered when the police searched the townhouse an hour later, pursuant to the warrant.

II.

The Boots

As discussed, on August 22, 2014, the BCPD applied for a warrant to search the Nissan Rogue the appellant was renting. The warrant was issued by the Circuit Court for Baltimore County that same day.

[12](...continued)
Id. (quotation marks and citations omitted). In the instant case, assuming that the initial warrantless entry into 200 Redbud Road was illegal, the note was not discovered by lawful means. Thus, the inevitable discovery doctrine, not the independent source doctrine, comes into play.

On August 23, 2013, when the police arrived at 200 Redbud Road, in Harford County, the Nissan was parked outside. After the appellant was arrested outside of that location, BCPD Officer Joseph Cohan arranged for the Nissan Rogue to be towed from 200 Redbud Road to BCPD headquarters in Towson. He escorted the tow truck in his police car. Once the Nissan was in Towson, Officer Cohan and other BCPD officers searched the vehicle and seized a pair of Timberland boots and a pair of jogging pants belonging to the appellant. As noted, blood on the boots was tested for DNA and was found to be consistent with Green's DNA profile.

The appellant contends the trial court erred by denying his motion to suppress the boots from evidence because the seizure of the Nissan in Harford County was unlawful. This is so, he argues, because the search warrant was issued by the Circuit Court for Baltimore County, which only had jurisdiction to issue a search warrant for property located within Baltimore County. He maintains that, absent exigent circumstances, the police were required to obtain a warrant from the Circuit Court for Harford County, and therefore the fruit of the illegal search must be suppressed.

The State responds that the BCPD did not search or seize the boots in Harford County; rather, the BCPD officers towed the Nissan to within the territorial jurisdiction of the Circuit Court for Baltimore County before executing the warrant. The State maintains that, in any event, the "officers were permitted to search the vehicle out of exigency" in Harford County.

While a "District Court judge's authority to issue a search warrant is not restricted to the county of the judge's residence," *Brown v. State*, 153 Md. App. 544, 576 (2003), a circuit court judge's authority is so limited. *See Gattus v. State*, 204 Md. 589, 595 (1954). This is so because the "District Court is a single unified court, divided into districts, with uniform statewide jurisdiction." *Brown*, 153 Md. App. at 576. In contrast, a circuit court judge only may issue a search warrant for property located within the county in which the judge sits. *Gattus*, 204 Md. at 596-97 (search of automobile in Baltimore County pursuant to a search warrant issued by the Supreme Bench of Baltimore City was unlawful because the search took place outside the territorial jurisdiction of the warrant-issuing court).

In the instant case, the Nissan was moved to Baltimore County *before* it was searched. Two decisions of this Court are instructive. In *Crowley v. State*, 25 Md. App. 417 (1975), the defendant was charged with possession with intent to distribute and simple possession of marijuana and LSD. He moved to dismiss the indictment, arguing that the Circuit Court for St. Mary's County lacked jurisdiction to prosecute him because he was arrested and his car was seized on federal land. At the hearing on his motion, a St. Mary's County Deputy Sheriff testified that he had obtained a warrant to search the defendant's person and his vehicle from the Circuit Court for St. Mary's County; that he had received information that the defendant would be returning from a weekend trip to Kentucky with illegal drugs; that he observed the defendant's car at an intersection near the entrance to the Patuxent River Naval Station; and that he stopped him just as he was about to drive through the gate to the

Naval Station, but while on federal land. The defendant and two passengers were ordered out of the vehicle. Another sheriff's deputy backed the car out of the entryway to the Naval Station and into a parking lot for an elementary school on St. Mary's County land. At that location, the car was searched and a "brick" of marijuana was seized. The defendant and both passengers were arrested. The car was impounded and towed to an impound lot where it was searched further. During that search, a vial containing LSD was seized.

On appeal, the defendant argued that the seizure of his car took place on federal land outside the territorial jurisdiction of the State, making it unlawful. This Court disagreed, explaining:

> [The defendant]'s argument that a search and seizure warrant issued by a Maryland judge has no extra-territorial effect is sound . . . , but the premise for the argument is not sound. The premise is that the warrant was executed by a search and seizure on federal property. Regardless of what took place on federal land, *it is clear to us from the evidence that the automobile was on land unquestionably within the territorial jurisdiction of the State when it was searched, and when numerous items of contraband found in that search, including the brick of marijuana, were seized*.
>
> We note that it is the asserted situs of the execution of the warrant, not its validity, that is questioned here.
>
> . . . . We hold further that the brick of marijuana which was received in evidence was lawfully seized from [the defendant]'s automobile.

Id. at 422-23 (footnote and internal citations omitted) (emphasis added).

In *Brown v. State*, 132 Md. App. 250 (2000), the defendant was arrested and charged with the murder of an off-duty police officer during a robbery. After his arrest, the police applied to the Circuit Court for Prince George's County for a warrant to search his home and

his car, which was observed parked outside of his home. By the time the police returned with the warrant, the car was no longer there. The car was located in Washington, D.C., and, like in the instant case, was towed from a location outside the jurisdiction of the warrant-issuing court to an area within the jurisdiction of that court, and then was searched. A handgun and ammunition were seized during the search. The defendant moved to suppress that evidence.

We noted that, under the *Carroll* Doctrine, the "inherent[] mobil[ity]" of automobiles gives rise to exigent circumstances justifying a warrantless search. *Id*. at 261. We determined, however, that we did not need to reach the question of whether the *Carroll* Doctrine applied because the police had a warrant and were permitted to tow the car to Prince George's County to execute that warrant. We opined:

> In light of the circumstances, we do not believe that it was unreasonable for the officers to tow the car to Maryland before searching it pursuant to the warrant. The fact that the car was no longer in Maryland did not negate probable cause and the officers' belief that the Cadillac contained evidence of the crime that supported the issuance of the warrant. Moreover, the exigency of the circumstances was greatly heightened. While [the defendant] was in custody, the car had been relocated to another jurisdiction by someone other than [the defendant] during the early morning hours.

Id. at 263. We further rejected the defendant's attempts to distinguish *Crowley*, explaining: "The search in *Crowley* was upheld because the search was conducted in Maryland and pursuant to a warrant, not based on the concept of fresh pursuit." *Id*. at 266. For all of these reasons, we affirmed the denial of the motion to suppress the evidence seized from the defendant's car.

We return to the case at bar. Like in *Crowley* and *Brown*, the appellant's Nissan was located outside the territorial jurisdiction of the warrant-issuing court, and the police then moved the car to within the territorial jurisdiction of the warrant-issuing court to conduct the search. The car was parked outside the home of a third person - Suggs. Suggs and the appellant were romantically involved and the appellant had left a note, presumably for her, directing her to "EMPTY THE TRUCK OUT." In light of these facts, the police reasonably could have believed that, if they left the car in place in order to secure a search warrant from the Harford County Circuit Court, it could have been moved or evidence inside it might have been destroyed. Like in *Brown*, the exigencies of the situation were such that it was entirely reasonable for the BCPD to tow the car to Baltimore County and execute the search warrant there. When the Nissan was searched and the boots were seized, the vehicle was in Baltimore County. Thus, the warrant was executed within the jurisdiction of the warrant-issuing court and the motion to suppress properly was denied.

JUDGMENT AFFIRMED.
COSTS TO BE PAID BY THE APPELLANT.