

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0751

September Term, 2015

DESHAUNE DARNELL DARLING

v.

STATE OF MARYLAND

Krauser, C. J.,
Nazarian,
Moylan, Charles, E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: June 21, 2016

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

Following his convictions for various drug and firearm-related offenses in the Circuit Court for Wicomico County, Deshaune Darnell Darling, appellant, appeals raising a single issue: whether the trial court erred in denying his motion to suppress. Specifically, he contends that (1) the initial stop of his vehicle was transformed into an arrest when a second police car pulled in front of him to block his escape; (2) the arrest was not supported by probable cause; and (3) even if he was not arrested, the officers lacked a reasonable and articulable suspicion for the stop.

Assuming, without deciding, that appellant was seized for Fourth Amendment purposes during the initial stop of his vehicle, the fact that a second police vehicle pulled in front of him did not convert the stop into an arrest requiring the existence of probable cause. *See Williams v. State*, 212 Md. App. 396, 419-21 (2013) (holding that a defendant was not under arrest when, during a traffic stop, police officers pulled their vehicles up to the doors of his vehicle in order to prevent the occupants from leaving). Additionally, based on the officer’s credited testimony that appellant was speeding, the officer possessed both a reasonable, articulable suspicion and probable cause to stop appellant’s vehicle. *See Ferris v. State*, 355 Md. 356, 369 (1999) (stating that the stop of the defendant for exceeding the posted speed limit was justified by the probable cause possessed by the trooper in having witnessed the defendant’s traffic violation). Although appellant challenges the veracity of the officer’s testimony on appeal, based on our review of the record, the trial court’s decision to credit his testimony was not clearly erroneous. *See Rush v. State*, 403 Md. 68, 83 (2008) (“The factual findings of the suppression court and

its conclusions regarding the credibility of testimony are accepted unless clearly erroneous.”).

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