UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1794

September Term, 2014

DAVID AUGHTRY

v.

STATE OF MARYLAND

Woodward,
Friedman,
Zarnoch, Robert A.
(Retired, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: February 1, 2016

Appellant, David Aughtry, was indicted in the Circuit Court for Prince George's County, Maryland, and charged with possession of marijuana with intent to distribute, possession of marijuana, possession of drug paraphernalia, and failure to use a turn signal. Following denial of his motion to suppress evidence, appellant was tried by a jury. At the end of trial, and after the court granted appellant's motion for judgment of acquittal on the count charging failure to use a turn signal, the jury convicted him of the narcotics offenses. Appellant was sentenced to two years for possession of marijuana with intent to distribute, with all but one year suspended, to be followed by one year supervised probation. The remaining count was merged. Appellant timely appealed, and presents the following question for our review:

Did the trial court err in denying appellant's motion to suppress?

For the following reasons, we shall reverse and remand for further proceedings.

BACKGROUND

On the evening of August 23, 2013, Sergeant Gerald Caver, of the Prince George's County Police, responded to the area of 6108 Marlboro Pike in District Heights, based on a radio broadcast from another officer to "watch for an SUV, I believe it was black, that was coming in the area that may have some drugs in it." Sergeant Caver then testified:

> I was driving in the parking lot, looking for the vehicle, and as I was turning around the corner of it, of the shopping center, the SUV almost sideswiped me.

Sergeant Caver further testified:

> Q. And your first contact with the vehicle was that the vehicle almost hit your vehicle?

A. Yes, ma'am.

Q. And did the vehicle turn in front of you or how did that happen?

A. I guess he was trying to go around me, but the space wasn't that big. Well, it was a large space, but the way he came was really close to my vehicle which caused me to turn to the right.

Q. Okay. And did you stop the vehicle?

A. Yes, ma'am.

Q. And the reason for your stop was?

A. He almost struck my vehicle.

Sergeant Caver activated his emergency equipment and the vehicle stopped. Upon approaching the vehicle on foot, the officer could smell "fresh marijuana." Appellant, the driver, appeared "quite nervous" to Sergeant Caver. When asked whether he told appellant the reason for the stop, Sergeant Caver testified "I asked him what was wrong, because he almost hit me, and he said he didn't see me."

After appellant was unable to produce a driver's license or other form of identification, the officer asked him to step out of the vehicle. When appellant opened the door, Sergeant Caver saw, what he believed, was marijuana. Appellant then stated that "it's not marijuana, it's particles from the seat." Sergeant Caver agreed that he was incorrect in his initial observation of these particles.

Shortly thereafter, as other officers arrived to assist with the stop, appellant informed Sergeant Caver that he needed his wheelchair. When the wheelchair was removed from the vehicle and brought nearby, appellant was able to exit the vehicle.

Within approximately six to eight minutes after the stop, a K-9 unit arrived on the scene. Although he was not involved in the ultimate search of appellant's vehicle, Sergeant Caver testified that, after the K-9 alerted, "[q]uite a bit of marijuana" was recovered from the vehicle.

On cross-examination, Sergeant Caver confirmed that he did not write a traffic citation for appellant, as follows:

> Q. Okay. And let me ask you this: Did you write – my client nearly hit you; is that right?
>
> A. Yes.
>
> Q. Did you write him a ticket for that?
>
> A. No, I did not.
>
> Q. Okay. And what part of the code, if you know –
>
> A. Officer's discretion.
>
> Q. Officer's discretion?
>
> A. Whether or not to write a ticket.
>
> Q. Okay, but what part of the code is the Maryland code that makes it illegal to nearly hit someone in a parking lot?
>
> [PROSECUTOR]: Objection.
>
> THE COURT: What's the objection? He's a police officer with knowledge of –
>
> [PROSECUTOR]: Right, but he didn't write him a ticket for it. Why would he know the code? He didn't write a ticket for that particular violation.
>
> THE COURT: I'll overrule the objection.

> THE WITNESS: Okay. I do not know what the code is offhand; however, through my training and experience, as not only a police officer, but a citizen, I know that it's not proper to almost sideswipe a vehicle anywhere.

Sergeant Caver then estimated that appellant was driving "probably about 20 to 25 miles an hour." However, he agreed he was not chasing appellant and did not have any way of "clocking" that speed.

On redirect examination, Sergeant Caver testified that he needed to "adjust my driving" by pulling to the right, "[t]o avoid the defendant hitting me[.]"Sergeant Caver further testified that, although he did not write any citations, he "explained everything to Officer Allen, who was the training officer at the time."

Prince George's County Police Officer Latasha Allen responded to the scene of this traffic stop to assist Sergeant Caver. When she approached appellant's vehicle, Officer Allen "smelled a strong odor of marijuana." Officer Allen asked appellant for his license and registration, and, although appellant was able to produce a vehicle registration, he only had a learner's permit. Because there was no one over 21 years old with appellant, Officer Allen cited him for driving on a learner's permit while unaccompanied. Officer Allen then requested that a K-9 unit respond to the location.

After appellant was removed from the vehicle, the K-9 arrived, scanned the vehicle, and gave a positive alert on the driver's side door, as well as the interior area near the front driver's seat. Officer Allen then searched the vehicle and found a bag of suspected marijuana between the center console and the front driver's seat. Another bag of suspected marijuana was found underneath the rear passenger side seat. The substance

field tested positive for marijuana. Approximately 484 grams of marijuana was recovered.

Officer Allen agreed that she did not perform the original traffic stop of appellant's vehicle. She testified, on cross-examination, that Sergeant Caver told her that "he almost struck him." Officer Allen also testified as follows:

> Q. Okay. Now, at some point, you actually wrote my client a ticket for making an illegal left turn, didn't you?
>
> A. Yes, sir.
>
> Q. Okay, but you didn't see that?
>
> A. No, sir.
>
> Q. And nobody told you he made an illegal left turn; is that right?
>
> A. Sergeant Cavers [sic] did.
>
> Q. I thought he told you that he almost hit him.
>
> A. By making an illegal left turn.[1]

After hearing this testimony, appellant argued for suppression of the evidence because there was insufficient evidence to support the initial traffic stop:

> Sergeant Carver [sic] testified that he didn't know what portion of the code it was. He never said anything about a failure to signal. The only evidence of failure to signal was Officer Allen who said Sergeant Carver told her that, but we heard directly from Sergent Carver. He didn't say one word about a failure to signal.
>
> There is no other violation of the alleged or even actual violation of the traffic code. Therefore, the entire stop and search was illegal. . . .

[1] Neither of the aforementioned traffic citations, for driving unaccompanied on a learner's permit and for failing to use a turn signal, were admitted into evidence at the motions hearing and, therefore, are not included with the record on appeal.

In response, the State agreed that Sergeant Caver did not offer any evidence concerning the failure to use a turn signal. However, the State continued:

> Well, Sergeant Caver didn't discuss the defendant's lack of using a signal. What he did say was that he almost struck my vehicle. I don't know a state in this country where you could almost hit a police officer's vehicle, and he wouldn't stop you at some point and have contact with you.
>
> The officer could have issue[d] a citation for negligent driving. He certainly does have the discretion as to which tickets to have written on behalf of – for the defendant.
>
> The defense attorney had an opportunity, just like I had an opportunity, to ask Sergeant Caver if his client used a turn signal when he almost struck his vehicle.
>
> But I think what Officer Caver's – Sergeant Caver's testimony gave us was that, based on his evasive action, but for it, there would have been a collision. Which means that the defendant's driving truly enough affected his vehicle such that he had to pull to the right in order to avoid having the defendant strike his vehicle. That is probable cause for a traffic stop every time.

The State then addressed Officer Allen's testimony that she learned about the failure to signal from Sergeant Caver when she cited appellant, as follows:

> We hear all the time where officers are on the scene and somebody committed an offense and another officer comes in and writes the report and does the charging information.
>
> But Officer Allen said that she learned from Officer Caver that the defendant almost struck his vehicle. So she issued a citation for that. And she also issued a citation for his failing to be present with someone over the age of 21 while having a learner's permit.

The State concluded:

> So I think that Sergeant Caver's testimony, the fact that the defendant almost struck his vehicle is more than probable cause for a stop. Just because the citation isn't necessarily what the defense attorney would like it to be, but it could have been negligent driving, it could have been

reckless driving, but the officer has the discretion as to which citations to issue.

So for that I would say that it's inevitable discovery from that point on. Because the officer could have issued a number of citations and didn't. So I think that there was probable cause for a stop. For that reason, Your Honor, the State is asking that you not suppress the evidence in this case.

Appellant's counsel then responded as follows:

Your Honor, what we need here is facts not – we can't make up our own what could have been and what should have been. We needed to have the witnesses testify to facts. And the witness testified that he almost hit me.

He didn't give any other facts as to what would make the elements of negligent driving. He didn't say a word about a failure to signal. He didn't describe whether or not my client was coming down and making a left, and he was coming straight at an intersection. He didn't describe if he was parked.

There are no facts in evidence to prove that my client was driving negligently, that he didn't make a left turn and that there was any reason to pull him over. They were looking for him. They all admitted that.
And I would just – I would just read a very brief quote to kind of finish things up. It's from Charity v. State[2], and it's the first line in the case. And it says: If there is a lesson to be learned from this case, it is that when a police officer committed a very broad, but persistently controversial investigative prerogative, it would be well advised, even not – even when not literally required to do so to exercise that prerogative with restraint and moderation less they lose it.

Here they needed to testify to facts for the initial stop. They didn't do it. There are not sufficient facts in evidence to prove that there was a – that there was a traffic violation and therefore, the evidence is inadmissible at this trial.

The court then denied the motion to suppress:

All right. Based upon the testimony and the arguments of counsels, I am going to deny the motion. That Officer Caver's [sic] did testify that he

[2] *See Charity v. State*, 132 Md. App. 598, 601, *cert. denied*, 360 Md. 487 (2000).

> pulled the vehicle over based upon almost being collided with, with the defendant's vehicle.
>
> That he did have a specific reason for pulling the vehicle over that would give him probable cause to do so. That once the vehicle was pulled over, both officers testified that they smelled marijuana. Based upon the smell of marijuana, a K9 unit was brought in, the testimony was, within about five minutes of the initial stop.
>
> And at that point, there was – the K9 did indicate certain hits. The vehicle was further searched and marijuana was found. And based upon those facts and the testimony, I am going to deny the motion.

DISCUSSION

Appellant contends that the motion to suppress should have been granted because the officer lacked reasonable articulable suspicion to stop his vehicle. The State disagrees, asserting that "[a]t the time he 'almost' hit a police car, [appellant] was making an illegal left turn and forcing the driver of the police car to swerve to avoid a collision."

The Court of Appeals has described the standard of review to be applied in motions to suppress:

> When we review a trial court's grant or denial of a motion to suppress evidence alleged to have been seized in contravention of the Fourth Amendment, we view the evidence adduced at the suppression hearing, and the inferences fairly deducible therefrom, in the light most favorable to the party that prevailed on the motion. We defer to the trial court's fact-finding at the suppression hearing, unless the trial court's findings were clearly erroneous. Nevertheless, we review the ultimate question of constitutionality *de novo* and must make our own independent constitutional appraisal by reviewing the law and applying it to the facts of the case.

Corbin v. State, 428 Md. 488, 497-98 (2012) (Citation and internal quotation omitted).

In evaluating a traffic stop under the Fourth Amendment of the United States Constitution:

> Where the police have probable cause to believe that a traffic violation has occurred, a traffic stop and the resultant temporary detention may be reasonable. *See Whren v. United States*, 517 U.S. 806, 810, 116 S.Ct. 1769, 1772, 135 L.Ed.2d 89, 95 (1996). A traffic stop may also be constitutionally permissible where the officer has a reasonable belief that "criminal activity is afoot." *Terry v. Ohio*, 392 U.S. 1, 30, 88 S.Ct. 1868, 20 L.Ed.2d 889, 911 (1968). Whether probable cause or a reasonable articulable suspicion exists to justify a stop depends on the totality of the circumstances. *See United States v. Cortez*, 449 U.S. 411, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981).

Rowe v. State, 363 Md. 424, 433 (2001); *see also State v. Williams*, 401 Md. 676, 687 (2007) (A traffic stop may be justified under reasonable articulable suspicion standard).

And, the Supreme Court has recently reaffirmed:

> The Fourth Amendment permits brief investigative stops – such as the traffic stop in this case – when a law enforcement officer has "a particularized and objective basis for suspecting the particular person stopped of criminal activity." *United States v. Cortez*, 449 U.S. 411, 417-418, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981); *see also Terry v. Ohio*, 392 U.S. 1, 21-22, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). The "reasonable suspicion" necessary to justify such a stop "is dependent upon both the content of information possessed by police and its degree of reliability." *Alabama v. White*, 496 U.S. 325, 330, 110 S.Ct. 2412, 110 L.Ed.2d 301 (1990). The standard takes into account "the totality of the circumstances – the whole picture." *Cortez, supra*, at 417, 101 S.Ct. 690. Although a mere "'hunch'" does not create reasonable suspicion, *Terry, supra*, at 27, 88 S.Ct. 1868, the level of suspicion the standard requires is "considerably less than proof of wrongdoing by a preponderance of the evidence," and "obviously less" than is necessary for probable cause, *United States v. Sokolow*, 490 U.S. 1, 7, 109 S.Ct. 1581, 104 L.Ed.2d 1 (1989).

Navarette v. California, 572 U.S. __, 134 S. Ct. 1683, 1687 (2014).

Further, "[i]n assessing the reasonableness of a traffic stop, the Supreme Court has adopted a 'dual inquiry,' examining 'whether the officer's action was justified at its inception, and whether it was reasonably related in scope to the circumstances which justified the interference in the first place.'" *Lewis v. State*, 398 Md. 349, 361 (2007)

(quoting *United States v. Sharpe*, 470 U.S. 675, 682 (1985)). Accordingly, the Fourth Amendment is violated:

> [W]here there is neither probable cause to believe nor reasonable suspicion that the car is being driven contrary to the laws governing the operation of motor vehicles or that either the car or any of its occupants is subject to seizure or detention in connection with the violation of any other applicable law.

Delaware v. Prouse, 440 U.S. 648, 650 (1979).

Here, both parties agree that *Lewis, supra*, guides our analysis. In *Lewis*, several Baltimore City police officers were on patrol, in a marked police vehicle, in an area described as an "open air drug market" and "known for violent crime and drug distribution activity." *Lewis*, 398 Md. at 353. The officers were looking for a rape suspect when they observed a sports utility vehicle ("SUV") parked on the side of a road with a man in the driver's seat and a woman in the front passenger seat. *Id.* Believing that the occupants were "acting nervously" and concerned that a rape could be in progress, the police officers stopped the patrol car in the street, slightly in front of the SUV. *Id.* At that point, the driver of SUV activated his left turn signal and started to pull into the street, "almost striking the back of the police cruiser." *Id.* at 355.

The driver, Lamont Lewis, stopped the SUV and the police officers exited their cruiser and detained the driver. *Lewis*, 398 Md. at 355. When the officers asked the driver to exit the SUV, a plastic bag containing marijuana fell to the ground. *Id.* At trial, defense counsel moved to suppress the marijuana, arguing that "almost" hitting the police car did not provide reasonable articulable suspicion to effectuate a stop because there was no traffic violation. *Id.* at 356.

The trial court denied the motion and Lewis was subsequently convicted of possession of a controlled dangerous substance. *Lewis*, 398 Md. at 357-58. Lewis appealed. Prior to any ruling by this Court, the Court of Appeals issued a writ of certiorari, on its own initiative. *Id.* at 358.

The Court of Appeals reversed the conviction, holding that the trial court erred in denying the motion to suppress "because the police did not have justification to conduct the investigatory traffic stop based upon the fact that Lewis 'almost' hit the police car." *Lewis*, 398 Md. at 358. The Court recognized that "the police have the right to stop and detain the operator of a vehicle when they witness a violation of a traffic law," *id.* at 363, but "'almost' committing a traffic violation," *id.* at 367, or "mere hunches that unlawful activity is afoot" are constitutionally insufficient to support a traffic stop. *Id.* at 364. The Court continued:

> What the State in the present case attempts to do, however, is "skirt" hunch, cruise past "almost" unlawful, and arrive at "almost" accident to permit investigatory traffic stops in situations in which a driver of a car is "almost" involved in a traffic accident. The State's attempt to do so runs afoul of Fourth Amendment jurisprudence because there is no basis for conducting an investigatory traffic stop when it is evident that the driver is lawfully operating his vehicle without any accompanying illegal activity. The State's proposed principle would permit the police to exercise unrestrained discretion when deciding to make a traffic stop, based upon a belief that the driver has "almost" been involved in a traffic accident. Such a standardless chimera practically destroys the objective basis of the reasonable suspicion requirement. Almost causing an accident could include driving less than the speed limit, passing another car appropriately or merely parallel parking.

> In the present case, Lewis was stopped on the road and pulled into the street, activating his left turn signal. That he "almost" hit the police car did not constitute a traffic infraction nor illegal activity.

Lewis, 398 Md. at 368-69.[3]

In this case, the testimony from Sergeant Caver was that appellant "almost" "sideswiped," "struck," or "hit" the officer's vehicle. Under *Lewis*, this is an insufficient basis to justify stopping appellant's vehicle.

The State attempts to distinguish *Lewis* by contending that appellant made an illegal left turn in this case. The pertinent statute provides:

> A person may not, if any other vehicle might be affected by the movement, turn a vehicle until he gives an appropriate signal in the manner required by this subtitle.

Md. Code (2002, 2012 Repl. Vol.), § 21-604 (c) of the Transportation Article ("T.A.").

In *Best v. State*, 79 Md. App. 241, *cert. denied*, 317 Md. 70 (1989), this Court was asked to decide whether the police officer lawfully stopped the vehicle for failing to signal pursuant to Section 21-604 (c). The underlying facts there were that "appellant made a right-hand turn from 55th Avenue onto Quincy Street without giving any

[3] The Court noted:

> An officer may, of course, initiate a stop upon observation of reckless or negligent driving that almost causes an accident, but the stop, in such case, is for reckless or negligent driving, not "almost" causing an accident. Neither officer ever suggested reckless or negligent driving as the basis for the stop.

Lewis, 398 Md. at 369 n. 9.

The State recognizes that appellant was not cited for negligent driving but maintains that the officer could have charged appellant with that offense.

directional signal. There is, moreover, some evidence that the police car was travelling on 55th Avenue behind the appellant's vehicle at the time the appellant made the turn." *Best*, 79 Md. App. at 247. Best made the argument, virtually on point with Aughtry's argument here, that the "State failed to show that the police car might have been affected by the movement," and that the State did not show that "another vehicle is actually following the turning vehicle and following closely enough to be adversely affected by the absence of the signal . . ." *Id*. This Court rejected Best's argument:

> Such is far too narrow a reading of the traffic law, which deals with left-hand turns and right-hand turns alike and which is intended to alert other vehicles in the vicinity coming in from all points of the compass. Judge Levin ruled, quite properly we hold, that the requirement to signal a turn is intended to benefit all other vehicles in the area, whether such vehicles are following the turning vehicle, approaching the turning vehicle from the front, or moving in upon the turning vehicle from an intersecting highway.

Id. See also Stokeling v. State, 189 Md. App. 653, 664 (2009) (noting that there was no dispute that there was probable cause to stop a vehicle for making a turn without using a turn signal), *cert. denied*, 414 Md. 332 (2010).

Although appellant was cited for failing to signal a left turn, the officer arguably affected by this failure, Sergeant Caver, never articulated this as a reason for the traffic stop. Recognizing this, the State asks us to consider the motion court's ruling in light of Officer Allen's hearsay testimony that she was told by Sergeant Caver that appellant made an illegal left turn.

The Court of Appeals has held that a motions court has the discretion not to strictly apply the rules of evidence during a suppression hearing. *See Matoumba v. State*, 390 Md. 544, 551-52 (2006) ("Because suppression hearings involve the determination of

preliminary questions concerning the admissibility of evidence, the language of Rule 5-101(c)(1) grants the court broad discretion to decline to strictly apply the Rules of Evidence"). Moreover, case law suggests that a traffic stop sometimes may be legal under the Fourth Amendment when it is based on the collective knowledge of law enforcement. *See, e.g., United States v. Hensley*, 469 U.S. 221, 232 (1985) (holding that "if a flyer or bulletin has been issued on the basis of articulable facts supporting a reasonable suspicion that the wanted person has committed an offense, then reliance on that flyer or bulletin justifies a stop to check identification, to pose questions to the person, or to detain the person briefly while attempting to obtain further information") (Internal citation omitted); *Ott v. State*, 325 Md. 206, 215 ("In Maryland, probable cause may be based on information within the collective knowledge of the police") (citing cases), *cert. denied*, 506 U.S. 904 (1992).

However, even accepting Officer Allen's hearsay testimony that Sergeant Caver told her that appellant made an illegal left turn without signaling, there are no facts in the record supporting that conclusion. A similar lack of supporting evidence was presented in *Crosby v. State*, 408 Md. 490 (2009). In that case, during the early morning hours of August 16, 2007, a Harford County Deputy Sheriff was on patrol in an unmarked car in an area of Edgewood, Maryland known as a "hot spot" for criminal activity. There had been a homicide in this same area five days earlier during daylight hours. *Crosby*, 408 Md. at 495.

At approximately 12:30 a.m., the deputy observed a gold-colored Cadillac driving in a parking lot of an apartment complex. Thinking that this was suspicious, the deputy

drove closer and observed the driver "slumped down" in the driver's seat in what the deputy thought was a way for the driver to "avoid identification." *Crosby*, 408 Md. at 495-96. After running the Cadillac's license tags, the deputy learned that the car was registered to a seventy-year-old woman and a forty-six-year-old man sharing the same address in Bel Air, Maryland. The records check did not reveal a stolen car report. *Id.* at 496.

After temporarily losing sight of the Cadillac, the deputy again saw it at a gas station. *Crosby*, 408 Md. at 496. The deputy then testified that, when the Cadillac left the gas station, the driver initially signaled a left turn onto Pulaski Highway towards Baltimore, then apparently changed his mind and signaled a right turn towards Aberdeen. *Id.* The deputy thought this was another indicator of suspicious activity, and proceeded to follow the Cadillac along several different routes until the vehicle came to a stop in front of a house on Pinefield Court. It was at this point that the deputy called for back up, approached the vehicle and asked for Crosby's license and registration. *Id.* at 497. After Crosby was removed from his vehicle, and after two unsuccessful K-9 scans, Crosby admitted that there was contraband in the vehicle and that he had a loaded handgun in his pocket. *Id.* at 497-99. Crosby eventually pleaded guilty to wearing, carrying and transporting a handgun on his person. *Id.* at 499.

Observing that "the ultimate determination of the reasonableness of Deputy Young's characterization of what he saw is a question of law for this Court to decide[,]" *Crosby*, 408 Md. at 510, the Court of Appeals said that reasonable articulable suspicion did not exist to justify the stop of Crosby's car:

> As several courts have observed, it is 'impossible for a combination of wholly innocent factors to combine into a suspicious conglomeration unless there are concrete reasons for such an interpretation.'" The facts that the stop at issue here occurred in the early morning hours in an area that was designated as a "hot spot," where a homicide recently occurred, and that the Cadillac was not registered to owners with an Edgewood address do not constitute ingredients that are sufficiently potent in this case to enrich the porridge to the constitutionally required consistency of reasonable suspicion. It remains a thin gruel. With regard specifically to the fact that the Cadillac was not registered to an Edgewood address, we fail to see how that adds anything to the analysis here. Deputy Young did not explain its significance.

Crosby, 408 Md. at 512-13 (Citations omitted).

Earlier in its opinion, the Court explained its rationale:

> [T]he reasonable suspicion standard carries limitations; it "does not allow [a] law enforcement official to simply assert that innocent conduct was suspicious to him or her." [*Bost v. State*, 406 Md. 341, 357 (2008)] (quoting *Ferris v. State*, 355 Md. 356, 391, 735 A.2d 491, 510 (1999)). Rather, the 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. *See id.*; *Derricott v. State*, 327 Md. 582, 591, 611 A.2d 592, 597 (1992); *see also* WAYNE R. LAFAVE ET AL., SEARCH & SEIZURE § 3.8(d) (Thompson/West 3d ed. 2007) ("The officer, based upon his training and experience, is allowed to make 'inferences and deductions that might well elude an untrained person,' but if his actions are later challenged he must be able to explain those inferences and deductions so as to show that there was 'a particularized and objective basis' for the stop."). As this Court observed previously, we shall not "'rubber stamp' conduct simply because the officer believed he had the right to engage in it." [*Ransome v. State*, 373 Md. 99, 111 (2003)]. In other words, there must be an "articulated logic to which this Court can defer." *United States v. Lester*, 148 F. Supp. 2d 597, 607 (D. Md. 2001).

Crosby, 408 Md. at 508-09.

Considering the totality of the circumstances in this case, under *Lewis*, the stop of appellant's vehicle was not justified on the theory that he "almost" collided with, sideswiped, or struck Sergeant Caver's vehicle. There also were no articulated facts in

the record supporting the officer's conclusion that appellant made an illegal left turn by failing to signal. Absent any "articulated logic to which this Court can defer," we are persuaded that the traffic stop was unreasonable under the Fourth Amendment and the court erred in denying the motion to suppress. We shall reverse the judgment and remand for further proceedings, including a new trial if the State has a sufficient evidentiary basis for such proceedings.

JUDGMENTS REVERSED AND CASE REMANDED TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THIS OPINION. COSTS TO BE PAID BY PRINCE GEORGE'S COUNTY.