

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2120

September Term, 2015

SETH THOMAS HUGHES

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: June 22, 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 conviction for wearing, carrying, or transporting a handgun in a vehicle in the Circuit Court of Worcester County, Seth Thomas Hughes, appellant, appeals raising a single issue: whether the trial court erred in denying his motion to suppress. Specifically, appellant contends the deputy who stopped the vehicle in which he was a passenger unreasonably prolonged the stop and thus, that a subsequent canine search of the vehicle violated his constitutional rights. Because the record establishes the traffic stop was not so extended, we affirm.

In carrying out the traffic stop, the officer was entitled to investigate whether the driver was lawfully operating the vehicle and whether the vehicle was properly registered. *See Rodriguez v. United States*, 135 S.Ct. 1609, 1611 (2015) (“Beyond determining whether to issue a traffic ticket, an officer’s mission during a traffic stop typically includes checking the driver’s license, determining whether there are outstanding warrants against the driver, and inspecting the automobile’s registration and proof of insurance.”). Additionally, no evidence in the record indicates the deputy extended the stop beyond the time that was necessary to complete those investigations and issue an appropriate citation.

Although the deputy’s attempts to communicate with the dispatcher were delayed several times as a result of the deputy exiting his vehicle to speak with appellant, each of those instances was reasonable under the circumstances and directly related to the purpose of the stop. Appellant concedes, and we agree, that two of the delays were attributable to appellant’s own actions, specifically his (1) summoning the deputy to provide his driver’s license and (2) violating the deputy’s lawful order to remain outside the vehicle. *See Maryland v. Wilson*, 519 U.S. 408, 413–415 (1997) (holding that officer may order a

passenger to exit a vehicle stopped for traffic violation until the completion of the stop). Moreover, we are persuaded the deputy’s brief request for appellant to hang up his cell phone was based on a legitimate safety concern in light of the isolated location of the stop, appellant’s prior nervous and “abnormal” behavior, appellant’s inability to provide identification up to that point, and the fact that the driver, with whom appellant could have been communicating, was still inside the vehicle. *See Rodriguez*, 135 S.Ct. at 1611 (noting the “tolerable duration [of a traffic stop] is determined by the seizure’s ‘mission,’ which is to address the traffic violation that warranted the stop *and attend to related safety concerns*” (internal citation omitted) (emphasis added)).

Based on the foregoing, the deputy had not legitimately completed the traffic stop when the K–9 unit arrived on the scene and conducted the scan of vehicle. Accordingly, the trial court did not err in denying appellant’s motion to suppress. *See Wilkes v. State*, 364 Md. 554, 570 (2001) (upholding a K–9 scan where the “K–9 unit arrived on the scene and conducted the scan of petitioner’s [vehicle] prior to [the trooper] receiving radio verification of the validity of petitioner’s driver’s license, vehicle registration card, and warrants check”); *McKoy v. State*, 127 Md.App. 89, 101 (1999) (holding that, because the trooper had not completed writing the citation and had not yet received a response to his request regarding the validity of appellant’s license at the time of the positive alert by the K–9 unit, the trooper did not impermissibly detain appellant or violate his rights).

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