Circuit Court for Harford County
Case No. 12-K-16-001179

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 388

September Term, 2017

REGINALD S. ARTIS

v.

STATE OF MARYLAND

Nazarian,
Shaw Geter,
Davis, Arrie W.,
(Senior Judge, Specially Assigned)

JJ.

Opinion by Davis, J.

Filed: November 21, 2017

Appellant, Reginald S. Artis, was tried and convicted in the Circuit Court for Harford County (Waldron, J.) of possession with intent to distribute cocaine. The court imposed a sentence of twenty years' imprisonment, all but nine years suspended, and four years' probation upon his release. Appellant filed the instant appeal in which he posits the following question for our review:

> Did the circuit court err in denying Appellant's Motion to Suppress evidence seized pursuant to a search warrant?

FACTS AND LEGAL PROCEEDINGS

Appellant, Reginald S. Artis, charged with drug violations in the Circuit Court for Harford County, filed a Motion to Suppress evidence against him on April 10, 2017, which was heard and denied by the Honorable Thomas E. Marshall. After a bench trial pursuant to a not guilty plea and an agreed Statement of Facts, on April 10, 2017, the Honorable Stephen Waldron convicted Appellant of possession with intent to distribute cocaine.

On July 12, 2016, Detective Bradford Sives, Harford County Sheriff's Office, applied for a search warrant for a townhome at 2964 Raking Leaf Drive, Abingdon, Maryland and for passenger cars registered to Brionne Nacole Presbury and Lonnie Anglin Talbert, respectively. The following facts are taken from Detective Sives' "Application and Affidavit for Search and Seizure Warrant."

During June 2016, Detective Sives received information from a Confidential Informant ("C.I.") concerning a drug dealer operating in Harford County, Maryland, i.e., Appellant. Detective Sives confirmed that Appellant was known to drive various vehicles including, but not limited to, "a silver Jaguar sedan" and "a white Buick Lucerne sedan."

Detective Sives was familiar with Appellant from a 2013 arrest "for the possession of a controlled dangerous substance with the intent to distribute/crack cocaine as well as fleeing and eluding."

The Detective confirmed that he conducted a Maryland Motor Vehicle Administration ("MVA") check of Appellant and discovered Appellant's driver's license. Both Detective Sives and the C.I. selected Appellant's photograph from the array in the MVA database.

Appellant was believed to be a resident of the Four Seasons Neighborhood in Abingdon, Maryland. Detective Sives went there and "located a 2008 White Buick Lucerne sedan" parked in front of 2964 Raking Leaf Drive, Abingdon, Maryland 21009. The sedan was located in a "marked parking spot assigned to the residence."

The Detective determined that the sedan was registered to Brionne Nacole Presbury, with a different listed address on Meadowood Drive. During the previous arrest of Appellant in 2013, Appellant was driving a vehicle registered to Presbury. Presbury's Facebook page contained numerous recent photographs of herself with her son in front of a residence on Meadowood Drive. It was Detective Sives' belief that Presbury still resided on Meadowood Drive.

Detective Sives explicated: "[I]t was common for drug dealers to utilize vehicles registered to different people to avoid detection by law enforcement. Drug dealers often utilized vehicles owned by their customers in exchange for providing them with drugs."

During late June 2016, a purchase of controlled dangerous substances was arranged

between Appellant and the C.I. Another detective, Detective McDougal, observed Appellant leave the Raking Leaf address, enter the white Buick Lucerne sedan and meet with the C.I. at the arranged location, wherein Appellant sold the predetermined amount of controlled dangerous substances to the C.I. Detective Sives took possession of the contraband from the C.I. and field tested it, yielding a positive reaction for the presence of controlled dangerous substances.

Another sale of controlled dangerous substances was arranged between Appellant and the C.I. in July 2016. Prior to the sale, Detective Sives checked the Raking Leaf address and there was "a silver Nissan 4 door sedan" in the marked parking spot assigned to the residence. This was the same Nissan sedan that the Detective had observed Appellant operating on prior occasions. Appellant arrived at the predetermined location in the Nissan sedan and sold the controlled dangerous substances to the C.I., which were again recovered by Detective Sives and tested positive for the presence of controlled dangerous substances.

Detective Sives researched Appellant's criminal record and discovered that Appellant had previously used several aliases, social security numbers and dates of birth in his encounters with the law enforcement in both Maryland and New Jersey.

The Detective affirmed that he was "trained formally and on the job, and experienced in drug law enforcement" and that he was "aware that drug dealers have certain habitual practices[.]" In one specific respect, the affiant averred:

> Through his training, knowledge, and experience he has learned that it is a common practice for persons involved in drug trafficking, to utilize cellular phones to arrange drug transactions. Also to have contacts saved, text messages saved, and

> photographs saved, that are evidence of drug trafficking. Your affiant has conducted undercover purchases of controlled dangerous substances from drug dealers where cellular telephone calls and text messages were utilized to arrange the deals.

In pertinent part, the Application specifically requested a search warrant authorizing police to "Seize and examine, whether at the time of seizure and/or in a laboratory setting, by persons qualified to conduct said examinations and in a laboratory setting any and all electronic data processing and storage devices," and "cellular telephones," "which may contain evidence related to controlled dangerous substances violations . . . ."

The search warrant was issued by the circuit court and executed on July 13, 2016 at the 2964 Raking Leaf Drive address for the residence and two vehicles. In the warrant, the police were authorized and ordered, "by command E," to seize and examine the contents of, inter alia, all cellular telephones recovered. The police recovered "several cell phones."

Motion to Suppress

On April 10, 2017, trial counsel for Appellant filed a pretrial Motion to Suppress and Request for Hearing. In pertinent part, the written defense Motion to Suppress the evidence seized alleged:

> 4. During the course of a narcotics investigation, a Search and Seizure Warrant was executed at 2964 Raking Leaf Drive, Abingdon, Maryland 21009.
>
> 5. Defendant Artis lives at that location with his girlfriend and minor children.
>
> 6. According to the application for the warrant, a confidential informant had purchased narcotics from the co-defendant [sic].
>
> 7. Following the execution of the warrant, Defendant's cell phone was seized and evaluated by law enforcement. Information gained from the cell phone download lead to potential evidence against the Defendant.

8. There was not a separate Search and Seizure Warrant for the cell phone of the Defendant Artis—law enforcement relied on the original warrant to justify the search of the phone.

9. Without articulating any specific probable cause for the seizing and searching of [the] cell phone, the affiant simply includes a general request for seizing and evaluating all cell phones seized from the location.

10. It is clear that law enforcement officers must secure a warrant in order to search the contents of a cell phone. *Riley v. California*, 134 S. Ct. 2473 (2014); *Moats v. State*, 230 Md. App. 374 (2016).[1] In the instant case, the application for the warrant includes nine requests in the "boilerplate" language of the application.

12. The fifth request is a request to seize and examine any and all cell phones recovered from the target location.

13. The Affidavit of Probable Cause is silent as to any probable cause that Defendant was engaged in criminal activity, nor is there any probable cause suggesting a nexus between residents in the home, criminal activity and their respective cell phones.

Suppression Hearing

On April 10, 2017, the above-quoted defense Motion to Suppress was heard. Appellant's trial counsel tendered an oral argument that "there needs to be individualized particularized probable cause individual to a cell phone"; under the Fourth Amendment cases, a "cell phone" is "this very unique item," as to which there must be "[s]pecific probable cause as to why the cell phone should be searched"; and "[y]ou just can't" search a cell phone, "automatically anymore."

In addition, Appellant's counsel argued that, if the State wanted to show "good faith," it needs to produce "some testimony as to the affiant" about "what he knew about

[1] *Aff'd*, 455 Md. 682 (2017).

Riley," and "what kind of training and experience he has."

The State argued that *Riley* requires that police obtain a warrant before searching a cell phone, but that under this Court's decision in *Moats*, the Application established probable cause to seize and search Appellant's cell phones. The State also argued that, pursuant to *Moats*, the exclusionary rule was inapplicable because Detective Sives reasonably relied on the warrant in good faith.

In response to the State's assertion of a good-faith argument, Appellant's counsel argued that testimony from Detective Sives was required in support thereof.

Circuit Court's Ruling

The court denied Appellant's Motion to Suppress, concluding that there was a substantial basis for the warrant-issuing judge to find probable cause to search and seize Appellant's cell phones. The court explained that *Moats* "stands for the proposition that, in conjunction with all the other facts and circumstances stated in the application for the search warrant, . . . the officer's training, knowledge and experience as to what would likely be found on a cell phone [is] appropriate for the subject matter of a search warrant."

In denying Appellant's Motion, the court did not address the State's good-faith argument and, therefore, did not permit testimony from Detective Sives. Appellant's counsel repeated his objection "to not being able to have any live testimony." The Court summarized the allegations in the Application and ruled that the affiant had adequately averred that his training, knowledge and experience indicated that drug dealers use cell phones for calls and text messages about arranging drug deals.

Subsequent to the Court's ruling, the following colloquy transpired between Appellant's counsel and the court.

> [COUNSEL]: Your Honor, if I may just for the record. I would object to not being able to have any live testimony regards to this particular motion. Additionally I would argue—
>
> THE COURT: Why are you objecting, Mr. Mead?
>
> [COUNSEL]: Because I think that live testimony would be paramount.
>
> THE COURT: Didn't you hear me quote the case that said that the determination shall be made within the four corners of the application?
>
> [COUNSEL]: Your Honor, we are not arguing that the warrant is improper. We are not arguing that there is a lack of a substantial basis. I think there is some disconnect here as to what we're exactly….
>
> The instant appeal followed.

STANDARD OF REVIEW

> Our review of a ruling on a motion to suppress evidence is limited to the record developed at the suppression hearing. We view the evidence and inferences that may be drawn therefore in the light most favorable to the party who prevails on the motion . . . . We accept the suppression court's factual findings unless they are shown to be clearly erroneous.

Moats v. State, 455 Md. 682, 694 (2017) (citing *Raynor v. State*, 440 Md. 71, 81 (2014)).

"[W]e review legal questions de novo, and where, as here, a party has raised a constitutional challenge to a search or seizure, we must make an independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case." *Id.* (alterations in original) (quoting *Grant v. State*, 449 Md. 1, 14–15 (2016)).

Regarding review of a judicially-issued search warrant,

> [w]e determine first whether the issuing judge had a substantial basis to conclude that the warrant was supported by probable cause. We do so *not* by applying a de novo standard of review, but rather a deferential one. The task of the issuing judge is to reach a practical and common-sense decision, given all of the circumstances set forth in the affidavit, as to whether there exists a fair probability that contraband or evidence of a crime will be found in a particular search. The duty of a reviewing court is to ensure that the issuing judge had a "substantial basis for ... conclud[ing] that probable cause existed."

State v. Jenkins, 178 Md. App. 156, 163 (2008) (emphasis supplied) (quoting *Greenstreet v. State*, 392 Md. 652, 667–68 (2006)).

DISCUSSION

Appellant's sole contention on appeal is that the circuit court improperly denied his Motion to Suppress. Initially, Appellant argues that the warrant lacked the justification to seize and search "every cell phone recovered." According to Appellant, the police improperly seized his Samsung brand smartphone and his LG brand keypad style cell phone. Appellant maintains that the Samsung phone contained nothing of evidentiary value; however, the LG cell phone allegedly included numerous, recent, conversations and text messages related to drug-dealing. Appellant asserts that "[i]t is insufficient justification . . . that the police could 'come up with several reasons to suppose evidence of just about any crime could be found on a cell phone.'" Appellant further maintains that the lower court interpreted *Moats* "too broadly"; that it is unreasonable for police to assume "that a person suspected of any crime, whatsoever, will 'document all kinds of criminal behavior on a rather regular basis,' on his cell phone[.]" According to Appellant, "this erroneous

assumption, alone, permits police to obtain a search warrant" routinely for cell phones. Citing *Riley*, 134 S. Ct. at 2492, Appellant notes that

> [j]ust because virtually any police officer, no matter how "inexperienced or unimaginative," can articulate in an application for a search warrant "several reasons to suppose evidence of just about any crime could be found on a cell phone," does not mean that it is reasonable under the Fourth Amendment that every search warrant, routinely, gives "police officers unbridled discretion to rummage at will" through all the "sensitive personal information" on every aspect of a suspect's life that is in the "minicomputers" called "cell phones."

The State's initial response is that "there is no need to consider [Appellant's] claim because [his] conviction was not based on any evidence obtained from a cell phone." The State asserts that, "[a]t the suppression hearing, defense counsel requested suppression of the contents of a 'Samsung Smart Phone' belonging to Artis that was allegedly seized under the warrant." On appeal, however, the State notes that Appellant states, "without record citation, that 'the Samsung phone contained nothing of evidentiary value,' but that an 'LG cell phone' . . . 'allegedly included numerous, recent conversations and text messages related to drug-dealing.'" The State maintains that, "regardless of which cell phone Artis wants suppressed, his conviction was not based on any evidence obtained from a cell phone." The State notes that "[t]he agreed statement of facts upon which Artis's bench trial proceeded refers to the seizure of 'several cell phones,' but does not say what, if anything, of evidentiary value was found on those cell phones." Therefore, the State asserts that, "[b]ecause no cell-phone derived evidence was included in the agreed statement of facts upon which Artis's trial proceeded, appellate review of Artis's suppression claim is unwarranted." Alternatively, the State proffers that "there is no need to consider the issue

because Artis could not have been harmed by the failure to suppress evidence that was not used to convict him."

The State, however, maintains that, if we review Appellant's claim regarding the denial of his Motion to Suppress, his claim fails based on the merits because "[t]he circuit court correctly relied on *Moats* to conclude that the warrant application here met the substantial-basis test." According to the State, "Detective Sives stated that he had learned, through his training, knowledge and experience, 'that it is common practice for persons involved in drug trafficking to utilize cellular phones to arrange drug transactions,' and 'to have contacts, 'text messages' and 'photographs saved that are evidence of drug trafficking.'" This, in addition to the "*Riley* Court's recognition that 'more than 90% of American adults who own a cell phone keep on their person a digital record of nearly every aspect of their lives," was sufficient to support a reasonable inference that Appellant's cell phones were likely to contain relevant evidence and, therefore, sufficient to provide a substantial basis for the probable cause undergirding the search warrant.

As a preliminary matter, we examine the State's assertion that we do not need to review Appellant's claim because his conviction was not based on any evidence from a cell phone. Although Appellant argues that the LG cell phone contained prejudicial evidence, the State asserts that the conviction was not based on any evidence from a cell phone, LG cell phone or otherwise.

> Defendants should not be able to avoid the harmless error rule and obtain appellate review of pretrial rulings admitting clearly insignificant or cumulative evidence. Nor should convictions, even convictions on stipulated testimony, be reversed when

> a judge properly denied a motion to suppress most of the incriminating evidence, but erred in failing to suppress relatively insignificant items.

Bruno v. State, 332 Md. 673, 692 (1993).

The State proffers the following in its brief: "The agreed statement of facts upon which Artis's bench trial proceeded refers to the seizure of 'several cell phones,' but does not say what, if anything, of evidentiary value was found on those cell phones." Although the State speculates that Appellant's convictions were not based on evidence from the cell phones, by the State's own admission, the agreed statement of facts did not indicate what evidence was derived from the cell phones. It could have been nothing, it could have been minimal, insignificant or it could have been substantial. To assert definitively that there was no evidentiary value is mere speculation. Furthermore, we are cognizant that it is always a "preferred alternative" to decide a case based on its merits. *Joseph v. Bozzuto Mgmt. Co.*, 173 Md. App. 305, 348 (2007). Therefore, we will review Appellant's claim on its merits.

The Fourth Amendment to the United States, made applicable to the States via the Fourteenth Amendment, permits the issuance of a warrant "upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. CONST. amend. IV. "As a predicate for the issuance of a search warrant, [probable cause] simply means 'a fair probability that contraband or evidence of a crime will be found in a particular place.'" *Holmes v. State*, 368 Md. 506, 519 (2002) (quoting *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). "In making that judgment,

the issuing court and any reviewing court looks at all of the relevant information lawfully included in the application and its attachments." *Id*.

"'Probable cause' is a term of art in Fourth Amendment jurisprudence and is defined as 'a practical, nontechnical conception that deals with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.'" *Stevenson v. State*, 455 Md. 709, 722 (2017) (quoting *Maryland v. Pringle*, 540 U.S. 366, 370 (2003)). "The Supreme Court has observed that probable cause may be based on 'common-sense conclusions about human behavior.'" *Id.* at 723 (quoting *Illinois v. Gates*, 462 U.S. 213, 235 (1983)). Furthermore,

> the Supreme Court has "concluded that the preference for warrants is most appropriately effectuated by according 'great deference' to a magistrate's determination." Thus, "in a doubtful or marginal case a search under a warrant may be sustainable where without one it would fall." "[S]o long as the magistrate had a 'substantial basis for . . . conclud[ing]' that a search would uncover evidence of wrongdoing, the Fourth Amendment requires no more."

Id. at 723–24 (citations omitted).

"The particularity requirement 'ensures that the search will be carefully tailored to its justifications, and will not take on the character of the wide-ranging exploratory searches the Framers intended to prohibit.'" *Peters v. State*, 224 Md. App. 306, 342–43 (2015), *cert. denied*, 445 Md. 127 (2015) (quoting *Maryland v. Garrison*, 480 U.S. 79, 84 (1987)).

"A general warrant, broadly defined, is one which fails to sufficiently specify the place or person to be searched or the things to be seized, and is illegal since, in effect, it

authorizes a random or blanket search in the discretion of the police in violation of the Fourth Amendment[.]" *Frey v. State*, 3 Md. App. 38, 46 (1968).

In the instant case, the main thrust of Appellant's argument is that the lower court was overly broad in its interpretation of *Moats*, rendering it reasonable for police to routinely secure search warrants for cell phones, based on the "insufficient justification" that the police "could come up with several reasons to suppose evidence of just about any crime could be found on a cell phone." According to Appellant, this unreasonably permits the police to "rummage at will" though the "sensitive personal information" on people's cell phone which store nearly "every aspect of a suspect's life[.]" Although we agree that the police should not be permitted to routinely rummage through people's sensitive personal information, via cell phone or any other method, we disagree that the circuit court's ruling gives the police such permission.

In its ruling, the circuit court specifically highlighted that the type of crime at issue was drug trafficking and that the affiant swore, based on years of training, knowledge and experience, that cell phones are particularly important implements of the drug trade. The court noted the following:

> As the Court of Appeals has made clear, however, direct evidence that contraband exists in the place to be searched is not required for a search warrant. Probable cause may be inferred from the *types of crimes*, the *nature of the items* sought, the opportunity for concealment and *reasonable inferences* about where the defendant may hide the incriminating items.
>
> So, in *Moats*, the totality of the circumstances averred provided a substantial basis to reasonably infer that evidence of criminal activity was likely to be found in a place in a search of his home and the court found the facts upon which that is based

is that, number one, it was his cell phone; number two, he confessed to the crimes and they were the types of crimes that in the officer's training and experience that are likely to be found on a cell phone.

The same considerations apply in this case. In this particular case the warrant or the application for the warrant contained *very strong evidence of the defendant's drug dealing* based on two hand-to-hand personal buys by a C.I. that was verified by the Sheriff's Department, that all the information provided by the C.I. turned out to be correct and verified, that prior to the sales being made, the defendant had been associated with the 2964 Raking Leaf Drive residence using vehicles that were previously identified and parked in the parking space reserved for the 2964 residence, and on one occasion he was seen directly leaving the residence and on the other occasion the car, the Nissan, was noted to be there at the residence parked in the reserve spot just prior to the drug deal.

So, on that basis, that is that there was a *strong positive indication that drug transactions* were occurring out of the residence, Detective Bradford Sives averred, number one, through his training, knowledge and experience that person's involved in the distribution of controlled dangerous substances will often store more controlled dangerous substances, paraphernalia and proceeds at their residence and he knows that it is likely that evidence related to the possession of controlled dangerous substance, possession with intent to distribute and possession of controlled dangerous substance paraphernalia will be located within the 2964 Raking Leaf Drive, Edgewood, Maryland area.

He also averred, based on his training, knowledge and experience, on page 7 in paragraph three, that he avers further that, through his training, knowledge and experience he has learned that it is *common practice for persons involved in drug trafficking to use cellular phones to arrange drug transactions, also to have contacts saved, text messages saved and photographs saved that are evidence of drug trafficking, your affiant has conducted undercover purchases of controlled dangerous substances from drug dealers where cellular telephones and text messages were utilized to arrange the deals.*

I believe that *Moats* stands for the proposition that, in conjunction with all of the other facts and circumstances stated in the application for the search warrant, that the officer's training, knowledge and experience as to what would be likely found on a cell phone would be appropriate for the subject matter of a search warrant and I believe that the warrant was properly issued and properly relied upon by the Sheriff's Department in this regard.

(Emphasis supplied).

As the foregoing illustrates, the circuit court did not blanketly interpret *Moats* to permit the police to obtain warrants to search cell phones because they may be related to "any" criminal activity, "whatsoever." The court reiterated that probable cause may be inferred from the "types of crimes," the "nature of the items sought" and "reasonable inferences" about where incriminating evidence may be concealed, i.e., on a cell phone. The court specifically noted that the instant case involved "strong positive indications" of "drug transactions" and that the Detective, via his "training, knowledge and experience," affirmed that cell phones are often commonly utilized, specific to drug-related criminal activity, as a means to "arrange drug transactions" and save and store contact information, text messages and photographs related to the criminal activity of "drug trafficking."

Accordingly, we hold that the circuit court properly interpreted *Moats* and properly concluded, in the instant case, that the warrant application satisfied the substantial-basis test.

Finally, as part of his assertion that it was error to deny his Motion to Suppress, Appellant also contends that, "if the State wanted to show that the 'good faith' exception applied, as in *Moats*, it needed to produce 'some testimony as to the affiant,' about 'what he knew about *Riley*,' and 'what kind of training and experience he has.'"

The State responds that, "although the circuit court did not address the State's good-faith argument," testimony was not required to support the exception. The State notes that the good-faith exception argument is "objective" and "asks whether officers, exercising

professional judgment, could have reasonably believed that the averments of their affidavit related to a present and continuing violation of law, not remote from the date of their affidavit, and that the evidence sought would be likely found at the place identified in the affidavit." Therefore, the State maintains, Detective Sives testimony as to what he "personally 'knew about *Riley*,' is irrelevant."

In the instant appeal, we can decide the case based on the substantial-basis test and that the search warrant was valid. Although the circuit court did not address the good-faith exception, "[t]he ultimate question of good faith, vel non, is a legal issue. *** [Therefore,] because the standard is objective good faith, and not subjective good faith, where record is adequate, it is proper to address the issue for first time on appeal." *McDonald v. State*, 347 Md. 452, 470 n. 10 (1997) (citations omitted). Accordingly, it would be permissible to review a good-faith exception for the first time on appeal.

However, Appellant does not request a review of the good-faith exception; rather, he contends that it was error for Appellant's trial counsel to be denied the ability to call testimony from the Detective regarding what he "knew about *Riley*."

The good-faith exception applies "[w]here the defect in the warrant is not readily apparent to a well-trained officer, or, where the warrant is based on 'evidence sufficient to create disagreement among thoughtful and competent judges as to the existence of probable cause[.]" *Greenstreet*, 392 Md. at 679 (quoting *United States v. Leon*, 468 U.S. 897, 926 (1984)). "A reviewing court confines its good-faith inquiry 'to the objectively ascertainable question whether a reasonably well-trained officer would have known that the search was

illegal despite the magistrate's authorization.'" *Id.* at 680 (quoting *Leon*, 468 U.S. at 922 n. 23). "To determine whether the officer held an objective reasonable belief that the search conducted was authorized, we review the warrant and its application." *Id.* (citing *Connelly v. State*, 322 Md. 719, 735 (1991)).

The Supreme Court "eschew[ed] inquiries into the subjective beliefs of law enforcement officers . . . . The Court 'believe[d] that sending state and federal courts on an expedition into the minds of police officers would produce a grave and fruitless misallocation of judicial resources.'" *Greenstreet*, 392 Md. at 680 n. 4 (citations omitted).

An exception to the purely objective standard takes shape in the form of a *Franks*[2] hearing. The Supreme Court has concluded "that there is 'a presumption of validity with respect to the affidavit supporting the search warrant'" but that, if there are "allegations of deliberate falsehood or of reckless disregard for the truth," accompanied by the appropriate "offer of proof," then an evidentiary hearing may be held. *Connelly*, 322 Md. at 727 (quoting *Franks*, 438 U.S. at 171). However, these allegations "must be more than conclusory and must be supported by more than a mere desire to cross-examine.'" *Id.* (quoting *Franks*, 438 U.S. at 171). Furthermore, these allegations "should point out specifically the portion of the warrant affidavit that is claimed to be false; and they should be accompanied by a statement of supporting reasons.'" *Id.* (quoting *Franks,* 438 U.S. at 174).

[2] *Franks v. Delaware*, 438 U.S. 154 (1978).

In the instant appeal, Appellant's contention that "the State should have put on some testimony to satisfy its burden on the question of 'good faith'" is without merit. The standard is objective and, as such, if the court examined the good-faith exception, it was not required to delve into the subjective mind of the Detective, i.e., require testimony. Appellant did not allege, before the motions court, that a *Franks* hearing was warranted. Appellant did not allege that the warrant contains "deliberate falsehood or of reckless disregard for the truth," nor did Appellant point to specific portions of the warrant or accompany his demand for testimony with an accompanying statement of supporting reasons.

Therefore, for the foregoing reasons, we hold that testimony was not required to support the good-faith exception.

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