

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 672

September Term, 2016

MICHAEL F. DOBBINS

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: March 6, 2017

*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.

Convicted of transporting a handgun in a vehicle, following a conditional guilty plea, in the Circuit Court for St. Mary's County, Michael F. Dobbins, appellant, raises a single issue on appeal: whether the trial court erred in denying his motion to suppress evidence that was seized during a search of his vehicle, where the search was based on the officer smelling the odor of burnt marijuana emanating from inside the vehicle. Specifically, Dobbins claims that, because the possession of less than ten grams of marijuana was decriminalized by the Legislature, the odor of marijuana, without more, can no longer furnish probable cause to search a vehicle. We affirm.

The Court of Appeals recently addressed the exact issue raised by Dobbins, holding:

A law enforcement officer has probable cause to search a vehicle where the law enforcement officer detects an odor of marijuana emanating from the vehicle, as marijuana in any amount remains contraband, notwithstanding the decriminalization of possession of less than ten grams of marijuana; and the odor of marijuana gives rise to probable cause to believe that the vehicle contains contraband or evidence of a crime.

Robinson, Williams, & Spriggs v. State, ___ Md. ___, slip op. at 19 (2017) (Nos. 37, 39 & 46, September Term 2016) (filed January 20, 2017). Applying *Robinson* to the instant case, we conclude that probable cause existed to search Dobbins's vehicle, based upon the officer having detected the odor of marijuana emanating from the vehicle. Consequently, the circuit court did not err in denying Dobbins's motion to suppress.

**JUDGMENT OF THE CIRCUIT
COURT FOR ST. MARY'S COUNTY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT**