UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 977

September Term, 2016

MONICA KELLY WOODHAMS

v.

STATE OF MARYLAND

Woodward, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 6, 2017

Monica Kelly Woodhams, appellant, was convicted of driving a motor vehicle while impaired by alcohol, and other related offenses, following a jury trial in the Circuit Court for Washington County. Her sole contention on appeal is that the trial court erred in denying her motion to suppress an inculpatory statement that she made to a Maryland State Trooper, who was investigating her possible involvement in a traffic accident, because, she claims, the statement was obtained in violation of her *Miranda* rights. For the reasons that follow, we affirm.

In reviewing the grant or denial of a motion to suppress, this Court views "the evidence and inferences that may be reasonably drawn therefrom in a light most favorable to the prevailing party on the motion, here the State." *Lindsey v. State*, 226 Md. App. 253, 262 (2015) (citation omitted). "The ultimate determination of whether there was a constitutional violation, however, is an independent determination that is made by the appellate court alone, applying the law to the facts found in each particular case." *Sinclair v. State*, 444 Md. 16, 27 (2015) (citation omitted).

"[B]efore a defendant can claim the benefit of *Miranda* warnings, the defendant must establish two things: (1) custody and (2) interrogation." *State v. Thomas*, 202 Md. App. 545, 565 (2011). "As used in our *Miranda* case law, 'custody' is a term of art that specifies circumstances that are thought generally to present a serious danger of coercion." *Howes v. Fields*, 565 U.S. 499, 5080-09 (2012). Thus, "[n]ot all restraints on freedom of movement amount to custody for the purposes of *Miranda*." *Id*. Instead, custody only exists "where there is a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest." *State v. Rucker*, 374 Md. 199, 211 (2003) (internal

quotation marks and citation omitted). When considering whether a reasonable person would have believed that he or she was under arrest or that his or her freedom of movement was restrained to the degree associated with a formal arrest, a court must consider the totality of the circumstances including: when and where the interview occurred; how the suspect got to the interview; how long it lasted; how many police officers were present; what the officers and the suspect said and did; the presence of any actual physical restraint on the suspect, or anything equivalent to actual restraint; and whether the defendant was being questioned as a suspect or as a witness. *Owens v. State*, 399 Md. 388, 429 (2007).

The testimony at the suppression hearing established: (1) that a witness observed a female with long hair walking away from a disabled vehicle that had been involved in an accident; (2) that the tags to the disabled vehicle were registered to a residential address approximately one-fourth of a mile from the accident; (3) that ten minutes after receiving a dispatch about the accident, Boonsboro Police Officer Martin Pittsnogle went to the residence where the vehicle was registered and observed Woodhams walking down the road; (4) that Officer Pittsnogle told Woodhams that she matched the description of a person who had been seen walking away from an accident and that he was going to take her back to the scene of the accident to speak to Trooper Brock Marquis, the investigating officer; (5) that Woodhams got into Officer Pittsnogle's police cruiser and he drove her back to the scene of the accident; (6) that Officer Pittsnogle did not handcuff or physically restrain Woodhams and did not activate his emergency lights; (7) that after he arrived at the scene of the accident, Officer Pittsnogle opened the door of his police cruiser and Woodhams "got out and walked back to the trooper's car and [the trooper] started to deal

with it;"(8) that when Woodhams approached Trooper Marquis, he introduced himself and asked her "what happened" or "what happened with the accident here;" and (9) that, in response, Woodhams stated that "her husband had taken her other vehicle from the house and that she had gotten into the vehicle – her other vehicle and drove after him and chased him . . . and that he had stopped suddenly and that she had [] wrecked into him."

Based on the foregoing facts, Woodhams was unquestionably seized at the time she was questioned by Trooper Marquis. But, her detention was the result of a lawful *Terry* stop to investigate her potential involvement in a traffic accident. And that stop did not evolve into a formal arrest, or the equivalent of a formal arrest before Woodhams made the statement at issue.

The time that Woodhams spent in the police cruiser prior to speaking with Trooper Marquis was extremely brief, no actual or constructive force was employed by either officer, appellant was not handcuffed, and appellant was never told that the detention would not be temporary. Moreover, after arriving at the scene of the accident, Officer Pittsnogle opened the door of his police cruiser and Woodhams was allowed to walk to Trooper Marquis's vehicle unattended. Woodhams was then asked a single, non-accusatory question on a public street, where she would have been visible to passing motorists. Under these circumstances, Woodhams was not in "custody" for *Miranda* purposes when she made the inculpatory statement to Trooper Marquis. *See generally Berkemer v. McCarty*, 468 U.S. 420, 441 (1984) ("[P]ersons temporarily detained pursuant to [*Terry* stops and ordinary traffic] stops are not 'in custody' for purposes of *Miranda*."); *see also State v. Rucker*, 374 Md. 199, 204 (2003) (finding that the defendant was not in custody for

Miranda purposes when officers detained him in a shopping center parking lot because, even though the officers were armed and had possession of the defendant's license and registration, the detention occurred in a public place, the detention was brief, there were only three officers present, and the defendant was only asked a single question); *Conboy v. State*, 155 Md. App. 353, 372-73 (2004) (finding that the defendant was not in custody for *Miranda* purposes, when he was stopped on suspicion of impaired driving, because he was detained on a busy public street, his detention lasted a short period of time, he was questioned by a single officer, and he was not handcuffed or physically restrained). Consequently, the trial court did not err in denying her motion to suppress.

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