Circuit Court for Baltimore County
Case No. K-16-2671

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0981

September Term, 2016

JUDY LYNN HADDIX

v.

STATE OF MARYLAND

Berger,
Shaw Geter,
*Krauser,

JJ.

Opinion by Krauser, J.

Filed: September 18, 2017

*Krauser, Peter B., J., now retired, participated in the hearing of this case while an active member of this Court, and as its Chief Judge; after being recalled pursuant to the Constitution, Article IV, Section 3A, he also participated in the decision and the preparation of this opinion.

Charged with possession of cocaine, appellant, Judy Lynn Haddix, moved to suppress, in the Circuit Court for Baltimore County, the statements she had made to police and the drugs found on her person, when the vehicle in which she was traveling was the subject of a traffic stop. Following the denial of that motion, appellant was tried on an agreed statement of facts and convicted of possession of cocaine.[1]

On appeal, she contends that the circuit court erred in denying her motion to suppress. For the reasons that follow, we disagree and affirm.

SUPRESSION HEARING

On March 9, 2015, the Baltimore County Police Department received a citizen complaint that the residents of a townhouse at 2945 Liberty Parkway were selling drugs at that address. Detective Mark Vasold of the Department's Vice Narcotic Section then drove to that location, in an unmarked police vehicle, to conduct a covert surveillance. Upon arriving at that location, the detective observed a silver minivan pull up to the townhouse. He then saw appellant leave the rear passenger side of that vehicle and enter the front door of the Liberty Parkway townhouse. Two to three minutes later, appellant exited the townhouse and returned to the minivan. Based on his "training, knowledge, and experience," appellant's actions, according to Detective Vasold, were "consistent with that of drug transactions."

Moments later, Detective Vasold requested that a "marked patrol vehicle" respond to the area. When the responding patrol officer arrived at the scene and observed the

[1] Appellant was sentenced to a term of three years' imprisonment. That sentence was suspended and she was placed on two years of supervised probation.

minivan make a turn without activating its turn signal, he initiated a traffic stop, after which Detective Vasold pulled his vehicle up behind the patrol car. After the two officers exited their respective vehicles, Detective Vasold walked to the passenger's side of the minivan, and the uniformed officer walked to the driver's side. After identifying himself as a police officer to the occupants of the minivan, Detective Vasold informed the driver of the reason for the stop and asked appellant to step out of the rear passenger seat of the minivan so that he could speak with her. Appellant complied with that request while the driver stayed seated in the vehicle.

Once outside of the minivan, appellant informed Detective Vasold that she was coming from a friend's house on Liberty Parkway. Detective Vasold then asked appellant if she had anything illegal on her person or in the vehicle. She responded that she did not. But, when the detective then advised her that he was going to call a female officer to the scene to conduct a pat-down search,[2] appellant stated "all right, I got it, I'll give it to you." Then, after informing the detective that she had "crack down her pants," she reached down into the front of her pants and pulled out a clear plastic bag, containing six smaller green baggies; each contained a "white chunk-like substance," which later tested positive for cocaine.

During the foregoing verbal exchange, the uniformed patrol officer remained at the minivan, getting license and registration information from the driver.

[2] Detective Vasold testified that it was his practice to request a female officer to respond to search any females he detained.

DISCUSSION

Appellant contends that her statements to police and the seizure of the cocaine at issue were "the product of an illegal detention and hence should have been suppressed." Specifically, in her brief, she contends that the traffic stop of the minivan had, in effect, ended, and that a second detention had commenced. That detention, she maintains, was not supported by "reasonable articulable suspicion that [she] was engaged in criminal activity," and it was during that detention, she claims, that she admitted to having, in her possession, drugs, and subsequently retrieved those drugs from her pants. Thus, the circuit court erred, she asserts, in denying her motion to supress her statements to police and the drugs recovered from her person.

The State first responds that, because appellant did not raise this issue below, she has waived the right to do so on appeal. The State next points out that, even if the issue were preserved for appeal, the traffic stop "was continuing in parallel to Detective Vasold's questioning of [appellant]." Consequently, an "independent reasonable articulable suspicion that [appellant] had drugs was unnecessary." We disagree with the State that the issue was waived. But, the evidence adduced at the suppression hearing, and the inferences that can be fairly drawn therefrom, when viewed in a light most favorable to the State, *see Crosby v. State*, 408 Md. 490, 504-05 (2009) (quotations omitted), establish, as the State claims, that the traffic stop had not concluded, but was "continuing," when appellant informed the detective of the drugs in her possession and then retrieved them from her pants.

The Fourth Amendment to the United States Constitution guarantees the "right of

the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Although a traffic stop and the detention of its occupants is a "seizure" within the meaning of the Fourth Amendment, *Delaware v. Prouse*, 440 U.S. 648, 653 (1979), such a stop "does not initially violate the federal Constitution if the police have probable cause to believe that the driver has committed a traffic violation." *Ferris v. State*, 355 Md. 356, 369 (1999). And, because "a records check of a driver's license, registration, and outstanding warrants is an integral part of any traffic stop," *Byndloss v. State*, 391 Md. 462, 489 (2006), the purpose of a traffic stop is not fulfilled until that information is obtained.

When appellant admitted to Detective Vasold that she had contraband in her pants, the traffic stop, according to Detective Vasold, had lasted only "a couple [of] minutes," and was still going on at the time of the foregoing admission, as the patrol officer had not yet completed the process of obtaining the driver's "license and registration information." And, there is nothing in the record to suggest that the process was at any point delayed. Since such "records checks" are "an integral part of any traffic stop," *Byndloss, supra*, 391 Md. at 489, appellant's detention, at the time she admitted to having drugs in her possession, was part of a lawful traffic stop.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.