UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1442

September Term, 2016

DOMINIQUE A. PRATT

v.

STATE OF MARYLAND

Woodward, C.J.,
Kehoe,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 1, 2017

Dominique Pratt, appellant, was convicted of possession of cocaine and possession with intent to distribute marijuana following a not guilty plea upon an agreed statement of facts. His sole contention on appeal is that the trial court erred in denying his motion to suppress. Although Pratt concedes that the officer who searched him was conducting a lawful *Terry* frisk, he claims that the officer exceeded the scope of that frisk when he removed narcotics from his waistband because it was not readily apparent that they were contraband. 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).

"If a police officer lawfully pats down a suspect's outer clothing and feels an object whose contour or mass makes its identity [as contraband] immediately apparent, there has been no invasion of the suspect's privacy beyond that already authorized by the officer's search for weapons[.]" *Minnesota v. Dickerson*, 508 U.S. 366, 375-76 (1993); *accord McCracken v. State*, 429 Md. 507, 510-11 (2012). The term "immediately apparent" does not mean "that the officer must be nearly certain as to the criminal nature of the item," but instead means "that an officer must have probable cause to associate the object with criminal activity." *In re David S.*, 367 Md. 523, 545-46 (2002) (citation omitted).

Here, the officer who searched Pratt testified that he felt a "medium-sized squishy object," containing "other, smaller objects" in appellant's waistband and that, based on his six years of training and experience, during which he had recovered narcotics hundreds of times, he immediately recognized the object as a bag of marijuana. Moreover, he testified that he conducted the search using the "palm of his hand" and that he did not have to manipulate the bag to recognize that it contained marijuana. Viewing this testimony in the light most favorable to the State, the evidence supports the motions court's finding that the contraband nature of the concealed objects was immediately apparent to the officer. Consequently, the circuit court did not err in finding that the officer had probable cause to seize the narcotics from Pratt's waistband.

Finally, contrary to Pratt's claim, there is no indication that the circuit court applied an incorrect legal standard in ruling on his motion. The court specifically stated that it had reviewed *Wilson v. State*, 150 Md. App. 658 (2003), which sets forth the correct legal standard and, in any event, courts are presumed to know the law and apply it correctly. *See State v. Chaney*, 375 Md. 168, 181 (2003).

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.