

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2677

September Term, 2015

JAMEL R. RAMSEY

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: February 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, by a jury, in the Circuit Court for Montgomery County, of possession with intent to distribute cocaine and playing dice for money, Jamel R. Ramsey raises a single question on appeal: whether the trial court erred in denying his motion to suppress. Ramsey contends that his arrest for the offense of playing dice for money was not supported by probable cause, and, therefore, any evidence recovered as a result of that arrest should have been suppressed. Because the evidence presented at the suppression hearing establishes that Ramsey’s arrest was supported by probable cause, we affirm.

“Our review of a motion to suppress is limited to the record of the suppression hearing. We review the findings of fact for clear error and do not engage in *de novo* fact-finding.” *Moulden v. State*, 212 Md. App. 331, 344 (2013) (citation omitted). But, we do “review *de novo* the question whether, based on the facts presented at the suppression hearing, probable cause existed to support a warrantless arrest.” *Id.* (citation omitted). In doing so, “[w]e consider the facts in the light most favorable to the State as the prevailing party and independently apply the law to those facts to determine if the evidence at issue was obtained in violation of the law.” *Id.* (citation omitted).

The testimony of the police officers, at the suppression hearing, established that, while on plainclothes patrol, as part of a Community Action Team, in a neighborhood where the police had received complaints of gambling, the officers observed a group of men “crouched” in a circle on the sidewalk. The police observed money on the ground, in the middle of the circle of men, and saw “dice being thrown back and forth” by them. The police then saw Ramsey holding money in one hand and throwing dice with the other, though they did not see Ramsey put money down or pick it up.

After watching the men for about a minute, the officers approached them, at which time they dispersed, each man walking quickly in different directions. The police stopped Ramsey, and saw that he had a “large amount of cash” “bulging out” of his pocket. At that point, the police placed him under arrest for violating Md. Code (2002, 2012 Repl. Vol.), Criminal Law Article, §12-103(a)(3), which prohibits playing dice “[f]or money or any other thing or consideration of value[,]” and designating that crime a misdemeanor.

Then, pursuant to a search of his person incident to the arrest, approximately \$20,000 in cash was recovered from Ramsey’s pocket. Ramsey, however, resisted police efforts to search his rear waistband by “pulling away from [the officer] aggressively” and sitting down. He was then transported to the police station for a strip search. During transport to the police station, Ramsey was observed “digging in his rear waistband” and “digging in his seat.” As soon as Ramsey was taken out of the transport vehicle, the police recovered, from a crack in the seat where Ramsey had been sitting, a brown plastic bag containing a substance that was later determined to be cocaine.

Specifically, Ramsey contends that because the police did not see him put money down or pick money up from the ground, what police observed was insufficient to establish probable cause that he was playing dice for money. Therefore, Ramsey asserts, any evidence recovered following his arrest should have been suppressed.

“Probable cause exists where the facts and circumstances within the knowledge of the officer at the time of the arrest, or of which the officer has reasonably trustworthy information, are sufficient to warrant a prudent person in believing that the suspect had committed or was committing a criminal offense.” *Moulden*, 212 Md. App. at 344 (citation

omitted). “A finding of probable cause requires less evidence than is necessary to sustain a conviction, but more evidence than would merely arouse suspicion.” *Id.* (citation omitted). “[T]o justify a warrantless arrest the police must point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warranted the intrusion.” *Bailey v. State*, 412 Md. 349, 375 (2010). “It is not necessary that all innocent explanations for a person’s actions be absent before those actions can provide probable cause for an arrest.” *Williams v. State*, 188 Md. App. 78, 96-97, *cert. denied*, 411 Md. 742 (2009) (citation omitted).

Given that police officers observed Ramsey, on a public sidewalk, in a neighborhood where police had received complaints of gambling, “crouched” in a circle of men, throwing dice and holding money in his hand, and then, as the police approached, walking away quickly with a “large amount of cash” “bulging out” of his pocket, we conclude that the police had probable cause to arrest Ramsey for playing dice for money. Accordingly, the court did not err in denying the motion to suppress the evidence recovered in the search incident to his arrest.

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