Circuit Court for Howard County
Case No. C-13-CR-19-000337

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 690

September Term, 2020

DENNIS EDMONDS

v.

STATE OF MARYLAND

Beachley,
Shaw Geter,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Beachley, J.

Filed: December 17, 2021

On April 13, 2019, appellant Dennis Edmonds was sitting in the driver's seat of his parked vehicle when he was approached by a police officer. During the ensuing encounter, Edmonds admitted that he had cocaine in the vehicle. A subsequent search of the vehicle and Edmonds's person revealed cocaine and other contraband. Edmonds was arrested and charged, in the Circuit Court for Howard County, with possession with intent to distribute cocaine. Prior to trial, Edmonds filed a motion to suppress the evidence seized from his vehicle and person and to suppress his statements regarding the cocaine. Following a hearing, the suppression court denied the motion.[1] A jury later convicted Edmonds of the charge, and the circuit court sentenced him to a term of fifteen years' imprisonment, with all but five years suspended.

In this appeal, Edmonds presents three questions, which we have rephrased as follows[2]:

[1] The suppression court did suppress a different statement that Edmonds made after the initial statements regarding the cocaine in his vehicle. The propriety of that ruling is not at issue here.

[2] Edmonds phrased the questions as:

1. Did the motions court err in denying Appellant's motion to suppress his pre-*Miranda* statements?

2. Did the motions court err in denying Appellant's motion to suppress contraband seized from his vehicle and person where, absent Appellant's admission to having drugs in his vehicle, the police lacked probable cause to search the vehicle and arrest him?

3. Was the discovery of contraband in the vehicle not inevitable where police lacked reasonable articulable suspicion that there was a weapon in the vehicle?

1. Did the suppression court err in denying Edmonds's motion to suppress the statements he made prior to his arrest?

2. Did the suppression court err in denying Edmonds's motion to suppress the cocaine and other contraband?

3. Did the doctrine of "inevitable discovery" apply to the police's discovery of the cocaine and other contraband?

We hold that the suppression court did not err in denying Edmonds's motion to suppress his pre-arrest statements. Although not immediately apparent from the questions presented, Edmonds's second and third questions presume that the suppression court erred in denying his motion to suppress the statements he made prior to his arrest. Because we conclude that the suppression court did not so err, we summarily reject those allegations of error.

SUPPRESSION HEARING

On September 19, 2019, the circuit court held a suppression hearing. At the hearing, Howard County Police Officer Luke Buchanan testified that, at approximately 4:00 p.m. on April 13, 2019, he was on duty and driving a marked patrol vehicle "doing routine checks of the back parking lot of the Walmart" off North Ridge Road in Howard County. Officer Buchanan testified that that area was known for "drugs and loitering" and that it was "mostly people in cars in that back parking lot either using or selling drugs." Officer Buchanan added that he had previously responded to that back parking lot "probably thirty to forty" times due to people either using or selling drugs.

Officer Buchanan testified that, on the day in question, he observed a silver Chevy Cruz parked in the Walmart back parking lot in the "very, very back corner." Officer

Buchanan testified that the parking area surrounding the vehicle was virtually empty and that the vehicle was parked "pretty much the absolute furthest you can park from the main entrance to the Walmart." Officer Buchanan added that, of the thirty to forty investigations he had been involved in regarding drug activity in that area, "every single one of them" had occurred in the back parking lot where the vehicle was parked.

Upon observing the parked vehicle, Officer Buchanan drove into the parking lot and parked some distance away, where he waited and continued to observe the parked vehicle. During that time, Officer Buchanan saw that the vehicle contained two occupants: a driver, later identified as Edmonds, and an unidentified female passenger. Officer Buchanan could see that the occupants were "kind of in a crouched position hovering over something in the middle of the front of the vehicle in the center console area." Officer Buchanan testified that the occupants' behavior indicated "that they were attempting to hide something from sight that was in the center console towards the seat area of the driver's seat." Officer Buchanan added that what he observed was "consistent with pretty much all drug arrests involving approaching vehicles that are involved in CDS activities."

After approximately five to ten minutes, Officer Buchanan moved his patrol vehicle to a spot "about three parking spots away from the suspect vehicle." Officer Buchanan testified that he did not activate his emergency equipment. Officer Buchanan then exited his patrol vehicle and approached the suspect vehicle on foot. Officer Buchanan testified that he was in uniform and had his weapon holstered.

Edmonds saw Officer Buchanan as the officer approached the vehicle, at which

point Edmonds "quickly sat up and started moving around in his seat area." Officer Buchanan testified that he did not give any verbal commands as he approached the vehicle. When Officer Buchanan reached the vehicle, he observed that the vehicle's fuse box cover had been removed and was lying on the driver's side floorboard and partially on top of Edmonds's foot. Officer Buchanan testified that a vehicle's fuse box was "a very common spot for concealment for drugs and weapons." Officer Buchanan also observed a small plastic baggie in the handgrip of the driver's side door. Officer Buchanan indicated that the baggie was very small, approximately an inch by a half-inch, and that such baggies were "commonly used for . . . harder drugs such as crack cocaine and heroin."

Upon making those observations, Officer Buchanan asked Edmonds and the passenger "how they were doing and what they were doing over there in that back parking lot." Officer Buchanan testified that he used "as polite and non-enforcement [a] voice as possible" and that he "was trying to keep [Edmonds] as calm as possible." According to Officer Buchanan, Edmonds was "extremely nervous," the vein on the side of Edmonds's head was "throbbing extremely . . . hard" and "his chest was pumping up and down from his heartbeat[.]" Officer Buchanan noted that Edmonds's nervousness was "extreme to the point that it made [him] know that there was something going on there immediately."

Eventually, Edmonds responded that he had gone to the Walmart "to do shopping" and that he had parked in the back lot "so that he didn't get any damage and dents and dings on his vehicle." Officer Buchanan then observed that Edmonds's vehicle "was extremely dirty" and had "numerous dents and dings all over the car[.]" Using a "comical"

tone, Officer Buchanan asked Edmonds about the state of his vehicle. At no time during that exchange did Officer Buchanan touch Edmonds or his vehicle.

Following that exchange, Officer Buchanan asked Edmonds "if there was anything illegal in the vehicle[,]" and Edmonds responded in the negative. Officer Buchanan then asked Edmonds "how long it had been since there had been any drugs in the vehicle," and Edmonds responded that "it had been approximately a year."

Around that time, Officer Buchanan observed the female passenger "getting extremely nervous" and holding her fists "clenched on her lap." Worried that the female passenger was "in trouble," Officer Buchanan "asked if she would be willing to step out of the vehicle and talk . . . privately." The female passenger agreed, and she and Officer Buchanan walked to the rear of the vehicle and talked. During that discussion, Officer Buchanan asked if there was anything illegal in the vehicle or if anything illegal had previously been in the vehicle. The female passenger responded that there had not been anything illegal in the vehicle for "a year."

After speaking with the female passenger for "approximately 45 seconds," Officer Buchanan told her that she was "welcome to have a seat back in the car" or could "stay out here[.]" The female passenger indicated that she wanted to get back in the vehicle, which she eventually did.

Officer Buchanan then walked back to the driver's side door and informed Edmonds "that a canine dog was en route" and encouraged Edmonds to answer his questions truthfully so as not to "waste a bunch of time with the dog." According to Officer

Buchanan, Edmonds "completely slumped his head" and "his whole body went in a downward position." Edmonds then stated that "he did have something in the vehicle." Officer Buchanan asked "if it was just a little bit of weed," and Edmonds responded in the negative. Officer Buchanan then asked "if it was cocaine," and Edmonds stated, "yes." When Officer Buchanan asked "how much cocaine is it," Edmonds "just shook his head and said, ['']it's federal.['']" We pause to note that it is this verbal exchange that constitutes the pre-arrest statement Edmonds sought to suppress.

At that point, Officer Buchanan got on his radio and asked for more units to respond to the scene. Approximately one minute later, additional units arrived and both Edmonds and the female passenger were removed from the vehicle and detained. The vehicle was searched, and a plastic bag of cocaine and two digital scales were discovered under the driver's seat. Upon making that discovery, Officer Buchanan informed Edmonds that he was under arrest. Incident to that arrest, Officer Buchanan searched Edmonds's person and recovered four individual baggies of cocaine and a folded-up wad of $385.00 in U.S. currency.

Edmonds also testified at the suppression hearing. He claimed that, on the day in question, he was in the Walmart parking lot with his son's mother and that the two had parked in that location to discuss where they were going to eat. Edmonds testified that the two were "attempting to exit the vehicle" when Officer Buchanan "pulled up directly behind" their vehicle and told them "to get back in." Edmonds testified that he re-entered the car because he was scared. Edmonds testified that Officer Buchanan then proceeded

to question him about drugs, and that he eventually told the officer about the cocaine because "he wasn't going to let us leave" and "the dogs were coming."

The suppression court denied Edmonds's motion to suppress the statement he made to Officer Buchanan prior to his arrest, and determined that subsequent searches of Edmonds's person and vehicle were lawful. In doing so, the court found Officer Buchanan's testimony to be "credible" and "consistent with that of a police officer who's been around and knows . . . very well what he can and cannot do." The court noted Officer Buchanan's testimony that Edmonds was parked in the corner of an uncrowded parking lot in an area that was known for "CDS use and distribution." The court also noted that Officer Buchanan observed Edmonds and his passenger "crouched over the center console," which the court concluded was "not inconsistent with people who might be using drugs." The court found Officer Buchanan's "testimony truthful that he parked three spaces away" and that he "did not block in the Defendant." The court found that Officer Buchanan "approached on foot with his weapon holstered, made no verbal commands but engaged the Defendant in conversation." The court also noted Edmonds's nervous behavior and Officer Buchanan's observations regarding the fuse box and the small plastic baggie. The court concluded:

> With the packaging, the panel to the fuse box being removed, the furtive gestures, the high degree of nervousness, I certainly think that there was reasonable, articulable circumstances to justify a *Terry*[3] stop. And when [Officer Buchanan] asks again whether there's any drugs in the car and says that there's a canine en route, and encourages the Defendant to be honest, it's at that point in time that the Defendant puts his head down and

[3] *Terry v. Ohio*, 392 U.S. 1 (1968).

says he did have . . . cocaine and it's a federal amount.

* * *

> [I]n terms of the cocaine that was ultimately found under the seat, there is no doubt but that having been told that there's cocaine in the car with all the other suspicious circumstances that the officer had probable cause to search the car[.]

Edmonds was later tried and convicted of possession with intent to distribute cocaine. This timely appeal followed.

STANDARD OF REVIEW

"Our review of a circuit court's denial of a motion to suppress evidence is 'limited to the record developed at the suppression hearing.'" *Pacheco v. State*, 465 Md. 311, 319 (2019) (quoting *Moats v. State*, 455 Md. 682, 694 (2017)). We view the record "in the light most favorable to the party who prevails on the issue that the defendant raises in the motion to suppress." *Id*. (quoting *Norman v. State*, 452 Md. 373, 386 (2017)). "We accept the trial court's factual findings unless they are clearly erroneous, but we review *de novo* the 'court's application of the law to its findings of fact.'" *Id*. (quoting *Norman*, 452 Md. at 386). Regarding constitutional challenges, we render "an 'independent constitutional evaluation by reviewing the relevant law and applying it to the unique facts and circumstances of the case.'" *Id*. (quoting *Grant v. State*, 449 Md. 1, 15 (2016)).

DISCUSSION

I.

Edmonds first contends that the suppression court erred in failing to suppress his statements to Officer Buchanan regarding the cocaine in his vehicle. Edmonds asserts that

the circumstances surrounding the stop suggest that he was "in custody" when he made the statements. He claims that the statements should have been suppressed because he had not been "*Mirandized*" prior to making the statements.

The State contends that, although Edmonds was "seized" pursuant to a *Terry* stop, the circumstances of the stop did not rise to a degree associated with a formal arrest. The State maintains, therefore, that *Miranda* did not apply and that Edmonds's statements were admissible.

In *Miranda v. Arizona*, 384 U.S. 436 (1966), the United States Supreme Court held that the police must "advise criminal suspects of their rights under the Fifth and Fourteenth Amendments before commencing custodial interrogation." *Florida v. Powell*, 559 U.S. 50, 59 (2010) (quoting *Duckworth v. Eagan*, 492 U.S. 195, 201 (1989)). . These "*Miranda* warnings" require that a person subjected to custodial interrogation be informed that "he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires." *Reynolds v. State*, 461 Md. 159, 178 (2018) (quoting *Miranda*, 384 U.S. at 479). "If the warnings are not given or the police officers fail to respect the person's proper invocation of their rights, 'the prosecution may not use statements, whether exculpatory or inculpatory, stemming from [the] custodial interrogation of the defendant.'" *Vargas-Salguero v. State*, 237 Md. App. 317, 336 (2018) (quoting *Miranda*, 384 U.S. at 474).

"[T]he the first issue in any *Miranda* violation case is 'whether the questioned party

was in custody.'" *Craig v. State*, 148 Md. App. 670, 686 (2002) (quoting *Hill v. State*, 89 Md. App. 428, 431 (1991)). "In analyzing whether an individual is in custody for *Miranda* purposes, we ask, under the 'totality of the circumstances' of the particular interrogation, 'would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave.'" *Thomas v. State*, 429 Md. 246, 259 (2012) (quoting *Thompson v. Keohane*, 516 U.S. 99, 112 (1995)). That test involves looking at the circumstances of the interrogation while focusing on the following non-exhaustive list of relevant factors:

> when and where [the interview] occurred, how long it lasted, how many police were present, what the officers and the defendant said and did, the presence of actual physical restraint on the defendant or things equivalent to actual restraint such as drawn weapons or a guard stationed at the door, and whether the defendant was being questioned as a suspect or as a witness. Facts pertaining to events before the interrogation are also relevant, especially how the defendant got to the place of questioning whether he came completely on his own, in response to a police request or escorted by police officers. Finally, what happened after the interrogation whether the defendant left freely, was detained or arrested may assist the court in determining whether the defendant, as a reasonable person, would have felt free to break off the questioning.

Id. at 260-61 (quoting *Owens v. State*, 399 Md. 388, 429 (2007)).

"Determining whether an individual's freedom of movement was curtailed, however, is simply the first step in the analysis, not the last." *Howes v. Fields*, 565 U.S. 499, 509 (2012). This is because "[n]ot all restraints on freedom of movement amount to custody for purposes of *Miranda*." *Id.* "[E]ven a legally authorized detention or seizure of the person in the context of a traffic stop or even a *Terry* stop [does] not amount to

custody within the contemplation of *Miranda*." *Craig*, 148 Md. App. at 686-87 (quoting *Reynolds v. State*, 88 Md. App. 197, 209 (1991)).

> Provided that the *Terry* stop is proper, . . . the officer who questions the person who has been detained is not required to recite the *Miranda* warnings before asking "a moderate number of questions to determine [the detained person's] identity and to try to obtain information confirming or dispelling the officer's suspicions."

Brown v. State, 168 Md. App. 400, 410 (2006) (citing *Berkemer v. McCarty*, 468 U.S. 420, 441 (1984)), *aff'd*, 397 Md. 89 (2007). The temporary and relatively nonthreatening detention of a traffic or *Terry* stop does not constitute "*Miranda* custody" because "such detention does not 'sufficiently impair [the detained person's] free exercise of his privilege against self-incrimination to require that he be warned of his constitutional rights.'" *Howes*, 565 U.S. at 510 (quoting *Berkemer*, 468 U.S. at 437). In the context of *Miranda* caselaw, the term "'custody' is a term of art that specifies circumstances that are thought generally to present a serious danger of coercion." *Id.* at 508-09. In this context, the "ultimate inquiry . . . [is whether there was] a formal arrest *or restraint on freedom of movement of the degree associated with a formal arrest*." *Brown v. State*, 452 Md. 196, 211 (2017) (citing *Thompson*, 516 U.S. at 112).

We find *Conboy v. State*, 155 Md. App. 353 (2004) instructive. There, Trooper Grinnan responded to a single vehicle accident in Worcester County. *Id.* at 359. The officer found an unoccupied Ford van, badly damaged and resting in a ditch. *Id.* Trooper Grinnan observed numerous alcohol containers in the van as well as a stereo and construction tools and equipment. *Id.* The officer then "ran the registration" on the license

plates and learned that the license plates did not belong to the Ford van but rather to a 1985 Chevrolet registered to a Mr. Wolf. *Id*. The trooper contacted Wolf at his address, who explained that he had removed the license plates from the 1985 Chevrolet and given them to his brother. *Id*. Wolf further advised Trooper Grinnan that a "David Conboy," who was staying with his brother, "had taken the license plates and placed them on the Ford van in question." *Id*.

Trooper Grinnan then returned to the accident scene. *Id*. at 359-60. He noticed that the stereo and construction tools and equipment had been removed from the van, leading him to conclude that the driver was still in the area. *Id*. at 360.

The trooper indicated that his attention was drawn to a taxicab that "roll[ed] up" to a nearby stop sign. *Id*. Although the taxi driver looked at the trooper, the passenger, later identified as Mr. Conboy, refused to acknowledge the trooper. *Id*. The trooper asked the passenger, "Mr. Conboy?" to which he responded "I'm not David Conboy." *Id*.

After detecting a strong odor of alcohol on Conboy and observing a bottle of vodka on the back seat, the officer requested Conboy to exit the cab. *Id.* The trooper then conducted a pat down and retrieved a key from Conboy's pocket. *Id*. at 361. The trooper directed Conboy to "sit on the ground" while the officer proceeded to determine whether the key would start the Ford van. *Id.* The trooper then returned to Conboy, remarking, "it's funny, the key fits." *Id*. In response, Conboy "shrugged" and said, "what would you do?" *Id.* Conboy then told the trooper that he had been driving the van when it went into the ditch and fled the scene because he was drunk. *Id*.

On appeal, Conboy contended that his statement that he crashed the van and fled the scene because he was drunk should have been suppressed. *Id.* at 369. In Conboy's view, the investigatory stop ended when the officer seized the key from his pocket and therefore he was entitled to *Miranda* warnings prior to any further conversation with the trooper. *Id.*

We held that Conboy was not subject to "custodial interrogation" at the time he admitted to being drunk:

> When Trooper Grinnan stopped the taxi, he executed a lawful *Terry* stop to investigate appellant's presence and unusual behavior at the accident scene. That investigatory stop had not evolved into a formal arrest or a "restraint on freedom of movement of the degree associated with a formal arrest" before appellant made the statement at issue. [*Stansbury v. California*, 511 U.S. 318, 322 (1994)]. Also, like [the defendant in *State v. Rucker*, 374 Md. 199 (2003)], appellant was detained on a busy public street during daylight hours, his detention lasted for a short period of time, and there was only one trooper at the scene conducting the investigation. And, finally, prior to the statement, appellant was not placed in handcuffs or otherwise physically restrained; he merely was asked to sit on the ground. That the trooper considered appellant a suspect and that he felt appellant was not "free to leave" have no bearing on the custody issue because the trooper did not communicate those views to appellant. Thus, the totality of the circumstances surrounding appellant's statement indicate that appellant was not in custody for *Miranda* purposes when he . . . made the statement at issue.

Id. at 372–73. Thus, we held that the lawful *Terry* stop did not evolve into a "restraint on freedom of movement of the degree associated with a formal arrest" despite the fact that the officer instructed Conboy to remain at the scene while he checked whether the key started the van. *Id.* (quoting *Stansbury*, 511 U.S. at 322).

We further note that, as with traffic stops, officers are permitted to ask questions during *Terry* stops without violating *Miranda*. Analogizing routine traffic stops to *Terry* stops, the U.S. Supreme Court in *Berkemer* stated,

> Typically, this means that the officer may ask the detainee a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the officer's suspicions. But the detainee is not obliged to respond. And, unless the detainee's answers provide the officer with probable cause to arrest him, he must then be released. The comparatively nonthreatening character of detentions of this sort explains the absence of any suggestion in our opinions that Terry stops are subject to the dictates of Miranda. The similarly noncoercive aspect of ordinary traffic stops prompts us to hold that persons temporarily detained pursuant to such stops are not "in custody" for the purposes of Miranda.

468 U.S. at 439-40 (footnotes omitted); *see also Smith v. State*, 186 Md. App. 498, 532 (2009); *Brown*, 168 Md. App. at 410. Thus, a police officer is permitted to ask questions in order to confirm or dispel suspicions during a *Terry stop*, and such questioning does not trigger *Miranda* protections. *Id*. Only when a *Terry* stop morphs into a formal arrest or restraint on freedom of movement associated with a formal arrest are *Miranda* protections implicated. *Brown*, 452 Md. at 211-12.

As we shall explain, we hold that Edmonds was not formally arrested, nor was his freedom of movement restrained to the degree associated with a formal arrest, when he admitted to Officer Buchanan that he was in possession of cocaine. Rather, the facts of this case make clear that, as correctly determined by the suppression court, Edmonds was subjected to a *Terry* stop which was supported by reasonable articulable suspicion.

As in *Conboy*, Edmonds's interaction with Officer Buchanan occurred during daylight hours, only a single officer was on the scene conducting the investigation, and "prior to the statement, [Edmonds] was not placed in handcuffs or otherwise physically restrained[.]" 155 Md. App. at 372. Indeed, compared to the facts here, *Conboy* presents a more compelling case for a restraint on freedom of movement. Not only was Conboy

intoxicated during the encounter, but the officer there asked him to step out of the taxicab, took the key to Conboy's vehicle from Conboy's person, and then "direct[ed Conboy] to sit on the ground" so that the officer could determine whether that key could operate the damaged vehicle. *Id*. at 361. Nevertheless, this Court concluded that Conboy was "not in custody for *Miranda* purposes when he made the statement at issue." *Id*. at 372-73.

The facts here present even less coercive circumstances than those in *Conboy*. Officer Buchanan parked three spots away from Edmonds's vehicle and did not activate his vehicle's emergency lights immediately prior to the encounter. When he approached Edmonds's vehicle on foot, Officer Buchanan kept his weapon holstered and did not issue any commands. During the subsequent exchange with Edmonds, Officer Buchanan maintained a relaxed tone, and simply asked routine questions to confirm or dispel his suspicions regarding whether Edmonds was involved in drug activity. As noted above, asking questions during a *Terry* stop to confirm or dispel the officer's suspicions does not give rise to *Miranda* protections. *Berkemer*, 468 U.S. at 439-40. During the exchange with the female passenger, Officer Buchanan politely asked her to walk to the rear of the vehicle, which she did willingly, and he gave her the option to either return to the vehicle or remain outside. Officer Buchanan then went back to Edmonds and stated that a K-9 unit was on the way, at which point Edmonds admitted to having cocaine in the vehicle.

We conclude that these facts simply do not suggest that Edmonds's freedom of movement was restrained to a degree associated with a formal arrest. Thus, Edmonds was not in *Miranda* custody when he confessed to possessing cocaine.

Edmonds cites several factors as evidence that he was in *Miranda* custody when he made the statement. Specifically, he notes that he did not make himself available for questioning but rather was approached by Officer Buchanan and was questioned as a suspect; that the encounter occurred in an isolated area of the parking lot; that he could not have ended the interview and left the scene without moving Officer Buchanan away from his door; that Officer Buchanan stated that a K-9 unit was on the way; and, that he was arrested shortly after the interview. In support, Edmonds highlights several cases, namely, *Ferris v. State*, 355 Md. 356 (1999), *Pyon v. State*, 222 Md. App. 412 (2015), and *Longshore v. State*, 399 Md. 486 (2007).

We remain unpersuaded. In his brief, Edmonds acknowledges that, "Though *Pyon* and *Ferris* both consider the time and location of the encounter in the context of Fourth Amendment seizure analysis, the operative standard is the same here: whether a reasonable person would have felt free to leave." Edmonds misplaces his focus. In neither *Ferris* nor *Pyon* was the appellate court even tasked with determining whether the suspect's freedom of movement was so restrained as to constitute a formal arrest—the ultimate inquiry here. Rather, both of those cases simply concerned whether there was sufficient reasonable articulable suspicion to justify a *Terry* stop. *See Ferris*, 355 Md. at 361-62; *Pyon*, 222 Md. App. at 460. Additionally, we readily distinguish *Longshore*, where the suspect "was asked to step out of the car and placed in handcuffs" despite the fact that "*no special circumstances existed* that justified the police officers placing him in handcuffs." 399 Md. at 514. "[G]enerally, a display of force by a police officer, such as putting a person in

handcuffs, is considered an arrest." *Id*. at 502 (citing *Grier v. State*, 351 Md. 251, 252 (1998)).

We acknowledge that the specific factors Edmonds relies upon are supportive of his theory that he was not free to leave. Whether a person feels free to leave is relevant in determining *Miranda* custody, but it is not dispositive. *Howes*, 565 U.S. at 509; *Craig*, 148 Md. App. at 686-87. Both the United States Supreme Court and Maryland appellate courts have specifically held that *Terry*-level detentions do not implicate *Miranda*'s protections. *See Berkemer*, 468 U.S. at 440; *Craig*, 148 Md. App. at 686-87 ("[E]ven a legally authorized detention or seizure of the person in the context of a traffic stop or even a *Terry* stop [does] not amount to custody within the contemplation of *Miranda*."). Even assuming Edmonds was not free to leave, he has still failed to persuade us that, under the totality of circumstances, Officer Buchanan's conduct rose to the level of a formal arrest, or a restraint on freedom of movement to the degree associated with a formal arrest. We therefore conclude that Edmonds was not in *Miranda* custody when he admitted to possessing cocaine, and that the suppression court did not err in denying his motion to suppress.

II.

Finally, we summarily reject Edmonds's second and third questions presented. In his second question, Edmonds argues that the suppression court erred in denying his motion to suppress the contraband seized from his vehicle because, absent his confession, the police lacked probable cause to arrest him. As we explained in Part I of our opinion,

however, the confession was not obtained in violation of *Miranda*. Accordingly, the admission, coupled with the totality of the circumstances, provided the necessary probable cause to search the vehicle. Similarly, in his third question, Edmonds argues that the police "lacked any lawful basis even to do a protective sweep of the vehicle." Edmonds states, however, that, "had [Edmonds] not confessed, the drugs would not have been recovered because [Officer] Buchanan lacked reasonable suspicion to conduct a protective sweep of the vehicle." Thus, Edmonds acknowledges the significance of his confession to the viability of his third argument. Because Edmonds did admit to possessing cocaine, and because we hold that the confession was lawful, we reject the argument that the police had no basis to do a protective sweep of the vehicle.

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