

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1499

September Term, 2022

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DOMINIC ANGELO ROSSI

v.

STATE OF MARYLAND

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Nazarian,  
Tang,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: April 27, 2023

\*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

\*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.

Following a not guilty plea on an agreed statement of facts in the Circuit Court for Cecil County, Dominic Angelo Rossi, appellant, was convicted of possession of a controlled dangerous substance and driving without a license. His sole contention on appeal is that the circuit court erred in denying his motion to suppress. For the reasons that follow, we shall affirm.

At the suppression hearing, Maryland State Police Trooper Jered Arment testified that he was conducting stationary traffic patrol and “observed multiple subjects moving around in and out of [a] vehicle.” When the vehicle drove by him, he “conducted a query of [the] vehicle registration” through a “law enforcement database,” and a “confidential law enforcement database[.]” Those searches revealed that appellant was a known operator of that vehicle. He then ran a search of appellant’s name through the Motor Vehicle Administration (MVA) database and learned that appellant “did not have a license and had a potential warrant through Baltimore County.” The MVA query also revealed a photograph of appellant. Trooper Arment believed appellant was the person who he had just seen driving the vehicle and initiated a traffic stop.

During the stop, appellant gave his name and date of birth to Trooper Arment, who then provided that information to “Barrack dispatch.” After Barrack dispatch confirmed that appellant had a suspended license and an outstanding warrant for his arrest, Trooper Arment placed him under arrest. Thereafter, appellant admitted that he had two oxycodone pills on his person, which were later recovered by the police. Trooper Arment acknowledged that he did not tell Barrack dispatch that he believed appellant had an outstanding warrant, and that he waited for Barrack dispatch to confirm the warrant and

license suspension before he placed appellant under arrest. He testified, however, that he would not typically provide that information to Barrack dispatch and that when he does “checks like that” he “wait[s] for them to tell me, rather than tell them I’m out with someone who has a warrant. Typically, I wait for the Barrack to let me know.”

On cross-examination, Trooper Arment also agreed that his affidavit of probable cause, which accompanied the statement of charges, stated that the query of the vehicle’s registration had revealed appellant to be the “registered owner” of the vehicle. This was inconsistent with Trooper Arment’s subsequently filed incident report regarding the stop, and his testimony at the suppression hearing, wherein he stated that the registration query had only revealed that appellant was a known operator of the vehicle. Trooper Arment testified that the information provided in the affidavit of probable cause “may just have been an error, a mistake between me writing that he was the owner, registered owner/operator.” After hearing arguments from counsel, the court found Trooper Arment’s testimony regarding the reasons for the stop to be credible and denied the motion to suppress.

On appeal, appellant does not contest the fact that a police officer may lawfully stop a vehicle if he or she determines that the person driving the vehicle has a suspended license. Rather, his sole contention is that the suppression court “erred when it credited Arment’s testimony regarding the timeline of the stop, given the discrepancies in his report and the testimony about the dash camera footage and his calls into barracks dispatch.” We disagree.

“In reviewing a trial court’s ruling on a motion to suppress, an appellate court reviews for clear error the trial court’s findings of fact, and reviews without deference the trial court’s application of the law to its findings of fact.” *Hailes v. State*, 442 Md. 488, 499 (2015) (citing *Raynor v. State*, 440 Md. 71, 81 (2014)). “If there is any competent evidence to support the factual findings of the trial court, those findings cannot be held to be clearly erroneous.” *Goff v. State*, 387 Md. 327, 338 (2005) (quotation marks and citations omitted). Moreover, “[t]he credibility of the witnesses and the weight to be given to the evidence fall within the province of the suppression court.” *Barnes v. State*, 437 Md. 375, 389 (2014). (citing *Gonzalez v. State*, 429 Md. 632, 647-48 (2012)).

Here, there is nothing in the record that adequately demonstrates that the trial court’s credibility finding with respect to Trooper Arment’s testimony was clearly erroneous. Although there was an admitted inconsistency between Trooper Arment’s incident report and affidavit of probable cause, he ultimately testified consistently with the incident report and indicated that the information in the affidavit “may just have been an error, a mistake.” Moreover, the fact that Trooper Arment “left out his claimed suspicion that [appellant] had an active warrant” in his call to Barrack dispatch does not necessarily conflict with his testimony that he knew about the possible warrant before the stop. In fact, he explained that in such a situation he “[t]ypically . . . wait[s] for the Barrack to let [him] know” rather than informing the Barrack dispatch himself.

Appellant nevertheless asserts that Trooper Arment’s explanations with respect to these issue “rang hollow.” However, it is ultimately the province of the suppression court, as the finder-of-fact, to assess credibility and resolve any inconsistencies in the evidence.

Under the circumstances we cannot say that the court’s decision to credit Trooper Arment’s testimony regarding the timeline of events was clearly erroneous. Consequently, the court did not err in denying appellant’s motion to suppress.

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