

Circuit Court for Queen Anne's County  
Case No. C-17-CR-23-000228

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1716

September Term, 2023

---

BRADLEY J. COLLINS

v.

STATE OF MARYLAND

---

Berger,  
Shaw,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: June 28, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by the Circuit Court for Queen Anne’s County of conspiracy to possess fentanyl with intent to distribute, Bradley J. Collins, appellant, presents for our review a single issue: whether the court erred in denying his motion to suppress. For the reasons that follow, we shall reverse the judgment of the circuit court and remand the case for further proceedings.

Prior to trial, Mr. Collins filed a motion to suppress “all objects or items seized from” him on the ground, among others, “[t]hat all physical evidence seized from [his] person was seized without probable cause.” At a hearing on the motion, the State called Maryland State Police Corporal Mazet,<sup>1</sup> who testified that “weeks to a month . . . or two” prior to April 5, 2023, he “was provided criminal information” of Mr. Collins’s “involvement in the distribution of drugs,” and “[t]hat Mr. Collins would travel to the Baltimore City area for the purposes of purchasing narcotics.” On that date, Cpl. Mazet observed Mr. Collins in “a dark blue Ford Fusion passenger vehicle” in “the Baltimore area.” While “the vehicle [was] parked on a side street,” the corporal observed Mr. Collins “exit the vehicle” and “have a brief interaction with a gentleman.” A “short time later,” Mr. Collins “returned to the vehicle.” At that “time[,] it appeared that the people in the vehicle may have passed out,” so Cpl. Mazet and other officers “contacted Baltimore City to conduct a welfare check.” A “short time later,” the vehicle “left the area.”

Believing that Mr. Collins had engaged in a “drug transaction,” Cpl. Mazet “continue[d] observation of this vehicle and the individuals,” including Mr. Collins,

---

<sup>1</sup>As best we can determine, the record does not contain Cpl. Mazet’s first name.

“inside.” In “the area of eastbound Route 50 and Sportsman Neck Road” in Queen Anne’s County, the “vehicle was stopped for speed, 70 miles per hour in a 55 mile per hour zone, as well as following a vehicle too closely.” Mr. Collins was located in “[t]he rear passenger seat” of the vehicle, which also held “three other people.” Cpl. Mazet “requested a K-9 scan of the vehicle, at which time” Maryland State Police Corporal Dana Orndorff “responded to the scene and conducted a free air sniff of the vehicle.” Mr. Collins “appeared nervous, but . . . was cooperative.” The “K-9” subsequently gave “a positive alert on the vehicle.” Cpl. Mazet “[c]onducted a search of the vehicle,” but found “[n]othing of evidentiary value.” The corporal then “conducted a search of each occupant’s person.” Defense counsel objected to testimony as to “[w]hat, if anything, was located,” but conceded that “something of evidentiary value was found on” Mr. Collins. During recross-examination, Cpl. Mazet confirmed that he “could have” received “the information in regards to Mr. Collins traveling to Baltimore” months before April 5, 2023.

Following the close of the evidence, the prosecutor argued, in pertinent part:

. . . I would note for the [c]ourt that this is based off of a totality of the circumstances analysis. This is not a case where you have just a traffic stop for speeding and then there’s a K-9 scan, positive alert and then we search passenger [sic]. This is a case where there had been an ongoing investigation of the defendant for drug distribution; that coupled with that, the officer had received information from a confidential informant that it is known that the defendant goes to the Baltimore area and takes part in purchasing controlled substances; that they follow a vehicle knowing that the defendant is in the vehicle and identified the defendant in the vehicle, taking part in what – regardless of whether it is true or not, the officer believed, based on his training, knowledge, and experience to be the purchasing of narcotics in Baltimore City.

They then remain in view of the vehicle and the individuals in the vehicle, conduct a lawful traffic stop here in Queen Anne’s County. There

is a positive K-9 scan, which does give them a right to search the vehicle, as case law indicates. They search the vehicle, there is nothing in it. Based on that, as well as the positive scan, as well as the totality of all the other information the officers have, the State does believe that gives you a substantial additional nexus to indicate a valid search of a defendant because the State believes that that is enough to give you that extra step, to permit the probable cause to search the defendant and for those reasons, Your Honor, the State believes that that search should not be suppressed, either.

Defense counsel responded that for numerous reasons, “the State [fell] well short of their argument for finding probable cause that the K-9 scan then allow[ed] them to search the passengers.”

Denying the motion, the court stated, in pertinent part:

[T]he [c]ourt finds that based on the variety of information that Corporal Mazet had regarding Mr. Collins, the observations made during that day, what he believed to be an exchange of illegal substances in Baltimore, the behavior of those that were involved in the car, the fact that he contacted Baltimore City to do a welfare check, whether or not Baltimore City took that information with any seriousness or not, I’m not going to – I don’t deal with Baltimore City Police, so we all know they have questionable activities – but the fact that he was concerned that they were passed out and made the phone call, gives a sense of reliability that his belief that it was a drug purchase and then the use of that in the car, based on them on the stop, and then the search of the car with the indication. I don’t believe they could have searched him as soon as they made the stop.

I think the K-9 scan gave them the extra connection to what was going on, the history of Mr. Collins going to Baltimore to purchase drugs. The fact that they had followed them and believed that what they had observed was the purchase of drugs and then the use of the drugs and then the stop on the way back. But if you take the whole motion of what occurred from the traffic stop, really, the whole day when they started their observations of Mr. Collins, probable cause existed, so I will deny the motion to suppress.

Following the hearing, Mr. Collins submitted a plea of not guilty to the aforementioned offense on an agreed statement of facts. The court subsequently convicted

Mr. Collins of the offense and sentenced him to a term of imprisonment of fifteen years, all but six months suspended.

Mr. Collins contends that for the following reasons, Cpl. Mazet “lacked probable cause to search” him, and hence, the court erred in denying the motion to suppress:

- The State “offered absolutely no evidence about the identity of the confidential informant” and “failed to [e]stablish the reliability of the informant[] and the basis of his or her knowledge,” and “the officers never corroborated the tip.”
- Cpl. Mazet “could not say when he received the information,” and “could not have reasonably believed that Mr. Collins had just committed a crime simply because an informant told him, possibly ‘months’ earlier, [that] Mr. Collins ‘would travel to the Baltimore City area for the purpose of purchasing narcotics.’”
- Cpl. Mazet, “did not actually observe any transaction,” “did not see anything in Mr. Collins’s hands or in the hands of ‘the other individuals,’” and gave “absolutely no information pertaining to the person with whom Mr. Collins purportedly had the ‘brief discussion.’” Also, “there is nothing in the record to support [an] assumption that Mr. Collins and his friends passed out from drug consumption.”
- Although the “alert by the drug-sniffing dog gave [Cpl.] Mazet probable cause to conduct a warrantless search of the car,” it “did not . . . give him probable cause to search Mr. Collins.”
- “[T]he facts known to [Cpl.] Mazet at the time he searched Mr. Collins, whether considered individually or in the aggregate, did not give him probable cause to believe that Mr. Collins had drugs on his person.”

The State concurs, stating:

- “[T]he objective facts were too scant to supply a ‘substantial chance’ that [Mr.] Collins was engaged in criminal wrongdoing,” and hence, “probable cause did not exist to arrest” him.
- “The State cannot endorse [the] reasoning” of the “prosecutor and . . . court . . . that the additional fact of the positive canine alert changed the calculus, putting the record facts into a whole new light.”

- For numerous reasons, the “two points that characterize the case[,] the informant’s tip and Corporal Mazet’s assertion that he believed he witnessed a drug transaction,” were “fatally unadorned by supporting facts.”
- “The tip . . . predicted readily observable driving behavior that did not inherently demonstrate familiarity with [Mr.] Collins’s intimate affairs” and “was . . . unsupported by meaningful corroboration,” and “[a]ll that Corporal Mazet corroborated – that [Mr.] Collins drove to Baltimore – was a mundane, innocent fact easily available to any motorist.”
- “Corporal Mazet’s claim to have witnessed a drug transaction . . . lacked any significant factual description, except that it was ‘brief’ and ‘out of view.’ To the extent additional facts were known, they undercut, or at least failed to advance, a finding of probable cause: the ‘brief interaction’ was with an ‘unknown’ person, in an unknown neighborhood of Baltimore, where there was no evidence of any exchange of physical objects. The corporal could not say where, precisely, the transaction took place (for example, in another car, in an alleyway, in an alcove, etc.), only that it was ‘away from’ the car in which [Mr.] Collins had arrived. That is to say, the corporal could not claim that [Mr.] Collins met with a known drug dealer, or that the precise location indicated a desire to be covert, or that the neighborhood in which the transaction occurred was a ‘high crime’ area; or even that [Mr.] Collins did anything physical that might imply the receipt of drugs. No furtive handshake or physical contact of any kind; no repair to a seeming stash house; no runners planting small objects in strange places. When [Mr.] Collins returned to the car, moreover, there was no apparent movement on the part of its occupants, who fell asleep that ‘early morning’ for about 30 minutes before resuming an hour-long drive home.”
- The “State sees no inference of wrongdoing arising from the interrelationship of the record facts considered as a whole, even with the positive canine alert, which could point to [Mr.] Collins specifically.”

We agree with the parties. For the reasons described in the briefs of the parties, we conclude that Cpl. Mazet did not have probable cause to search and arrest Mr. Collins. We further note that the court erred in concluding that “the K-9 scan gave [the corporal] the extra connection to” search Mr. Collins, because a “canine alert on the exterior of a vehicle does not support the proposition that the drugs potentially in the car are concealed on a *particular* occupant of that vehicle.” *State v. Wallace*, 372 Md. 137, 159 (2002)

(emphasis in original). *See also Norman v. State*, 452 Md. 373, 413 (2017) (“*Wallace* remains good law”). Hence, the court erred in denying the motion to suppress, and accordingly, we reverse the judgment of the circuit court and remand for further proceedings. *See* Rule 4-242(d)(3) (a “defendant who prevails on appeal with respect to an issue reserved in the plea may withdraw the plea”).

**JUDGMENT OF THE CIRCUIT COURT  
FOR QUEEN ANNE’S COUNTY  
REVERSED. CASE REMANDED TO  
THAT COURT FOR FURTHER  
PROCEEDINGS CONSISTENT WITH  
THIS OPINION. COSTS TO BE PAID BY  
QUEEN ANNE’S COUNTY.**