



# Roll Call Reporter

October 2018

LEGAL UPDATE FOR MARYLAND LAW ENFORCEMENT OFFICERS

## Traffic Stops Based Solely on Window-Tint Violations

**Question:** Can an officer make a traffic stop based solely on a suspected window-tint violation if the vehicle is not registered in Maryland?

**Answer:** Yes. Even if it appears the stopped vehicle is registered in another state, an officer still has reasonable suspicion to investigate the window tinting based on his or her belief that the tinting is in excess of the permissible tint in Maryland.

**Case:** *Ronald Baez v. State of Maryland*  
Court of Special Appeals of Maryland  
Decided August 31, 2018

### The Tint Violation, the Traffic Stop, and the Discovery of Marijuana

On May 29, 2016, at approximately 2300 hours, while on routine patrol near the intersection of Hybrid Avenue and Marlboro Pike, a Prince George's County police officer pulled over a black Dodge Charger driven by Ronald Baez for a tint violation (§ 22-406(i)(1) of the Transportation Article). Baez's vehicle was registered in Virginia. As the officer spoke to the occupants, he could smell an odor of marijuana emanating from inside the vehicle. The officer asked Baez if there was any marijuana in the vehicle and Baez said there was a

legal amount of about eight grams in the center console.

A search of the vehicle was conducted, and officers found, among other things, a black duffle bag containing approximately 747 grams of marijuana. Baez also had \$1,745 on his person.

### The Charges, Motion to Suppress, Conviction, and Appeal

Baez was charged with five offenses: possession of marijuana with intent to distribute, possession of marijuana, possession of methylenedioxymethamphetamine (MDMA), and two counts of possession of drug paraphernalia. He conceded the window-tint violation, but moved to suppress the evidence against him, arguing that the police did not have reasonable suspicion to stop his vehicle solely for a tint violation. Baez argued that because his vehicle was registered in Virginia, he could not be stopped in Maryland solely for a tint violation; only vehicles registered in Maryland could be stopped solely for a tint violation. The State argued that it did not matter that the vehicle was registered in another state because that fact does not impact an officer's reasonable suspicion to make the traffic stop.

The motion to suppress was denied, and, pursuant to an agreement with the State, Baez faced only the

charge of marijuana possession. He was found guilty and sentenced. Baez appealed.

### The Outcome on Appeal

The Court of Special Appeals upheld Baez's conviction, finding that the stop by the officer was reasonable under the totality of the circumstances. That the vehicle appeared to be registered in Virginia did not preclude the officer from stopping Baez's car to investigate further and to ascertain where the vehicle was actually registered.

**Note:** In situations where the officer determines through examination of the driver's license and automobile registration that the stopped vehicle is registered in another state, then the traffic stop must come to an end, absent other circumstances.

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