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The good faith exception to the exclusionary rule applies where an arresting officer relies on mistaken information contained in records maintained by an outside agency, such as the Motor Vehicle Administration. The court must be convinced, however, that the agency maintaining the records has no interest in maintaining inaccurate or outdated records and that the officer's reliance on the information in the records is reasonable.

QUESTION: Does the good faith exception to the exclusionary rule apply where the arresting officer relies on information, later shown to be erroneous, in records maintained by an outside agency, such as the Motor Vehicle Administration?

ANSWER: Yes. There is a critical distinction between an arresting officer's reliance on records maintained by his or her agency's records department and reliance on records maintained by an outside agency. In Maryland, the good faith exception generally will apply when an arresting officer reasonably relies on erroneous information in records over which his or her department has no control. Otherwise, the erroneous information in the records will be imputed to the arresting officer and the good faith exception will not apply.

CASE: *Shelton McCain v. State of Maryland*, Court of Special Appeals
Decided September 3, 2010

In this case, the Court of Special Appeals considered the good faith exception to the exclusionary rule in the context of a vehicle stop and arrest based upon information, later shown to be mistaken, in records maintained by the Motor Vehicle Administration ("MVA"). The facts established that at 9:30 p.m. on October 11, 2007, Baltimore City Police Detectives Justin Stinnett and Stephan Robinson, together with Officer Dornsife, were patrolling in Baltimore City using their mobile workstation, an onboard computer that allowed them to access various databases, including vehicle registration information from the MVA's database. While the officers were running random tags through the workstation, the license tag on a Chevrolet Cavalier came back as unregistered, or vehicle tag record not found. The officers stopped the Cavalier. The driver, Shelton McCain ("McCain"), was asked to produce his license and registration. McCain said that he didn't have his license, but he provided his name and date of birth. Detective Stinnett ran McCain's name and birth date through the mobile workstation and discovered that McCain's driver's license had been suspended. McCain was ordered out of the vehicle and placed under arrest. While this was occurring, Detective Robinson and Officer Dornsife spoke with McCain's wife, Tara McCain, who was in the front passenger seat. She gave the officers a rental agreement for the vehicle that listed her as the only authorized driver. The officers then arrested her for permitting an unauthorized person to drive a rental vehicle in violation of MD. Code Ann., Transportation Article, § 18-106(a). Incident to the arrests, the

officers searched the Cavalier. They found a purse in the passenger compartment with a handgun inside. When the handgun was found, McCain blurted out that it was his and that he had placed it in his wife's purse without her knowledge. The McCains were charged with multiple offenses. McCain was also charged with possession of a regulated firearm by a convicted felon.

Prior to trial, the McCains moved to suppress. At the suppression hearing, the McCains introduced evidence from the MVA indicating that the registration for the rented Cavalier expired in February 2008 and that the registration was cancelled on December 12, 2007, two months after the traffic stop. From this evidence, the McCains argued that the MVA information obtained through the officers' mobile workstation was incorrect when it indicated that the tag was not registered to a vehicle on October 11, 2007. Detective Stinnett testified that the MVA's information was sometimes inaccurate, but that such inaccuracies were rare, occurring only about once a month. Detective Robinson also testified that such errors were uncommon. The court denied the motion to suppress, finding that the officers relied in good faith on the information obtained from the MVA database. This information led to the stop and arrests, and the arrests led to the search of the vehicle incident to the arrests during which the handgun was found. McCain was sentenced to five years without the possibility of parole. He appealed.

On appeal, the Court of Special Appeals considered both the validity of the stop and the search. The court ruled that the stop was valid because the officers had every right to rely on the information obtained from the MVA database. The court found that the Baltimore City Police Department had no control over the MVA records; that the MVA had no interest in maintaining inaccurate or outdated records; and that because mistakes in the records were rare, the officers reasonably relied on the information to make the stop and arrest. Since the stop and arrests were reasonable, that left the issue of the vehicle search incident to the arrests. The testimony at the suppression hearing established that the officers justified the search as being incident to the McCains' arrests. From the record, however, the court concluded that the search of the vehicle violated the holding in *Arizona v. Gant*, and, as such was unconstitutional. However, because *Arizona v. Gant* was not decided until *after* the McCains' arrests, and while their case was on appeal, the court again applied the good faith exception to the exclusionary rule, finding that the officers acted in accordance with existing law at the time of the vehicle search. Accordingly, McCain's convictions were upheld.

NOTE: What if *Arizona v. Gant* had been decided *before* the search of the McCains' rented vehicle? Based on the record, the court again would have ruled that the search was unconstitutional and, this time, both the handgun and McCain's blurt would have been suppressed. Why? Because *Arizona v. Gant* limits searches of vehicles incident to arrest only to those situations where the arrestee is unsecured and is within reaching distance of the passenger compartment at the time of the search *or* where it is reasonable to believe the vehicle contains evidence of the crime of arrest. Here, the record showed only that McCain had been placed on a curb subsequent to his arrest. There was no specific evidence as to whether McCain or his wife was secured or unsecured or exactly where they were at the time of the search. Consequently, the record was simply too weak to justify a valid search incident to arrest under *Arizona v. Gant*. A final question is how was McCain able to challenge the search of his wife's purse? Did he have standing under the Fourth Amendment? The simple answer in this case is that the prosecution failed to even argue, much less prove, at the suppression hearing that McCain had no reasonable expectation in his wife's purse or its contents. Consequently, the Court of Special Appeals refused to allow the State to raise the issue on appeal.

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