

Circuit Court for Prince George's County
Case No. C-16-CR-23-000336

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1147

September Term, 2023

BRUCE EDWARD WALKER

v.

STATE OF MARYLAND

Graeff,
Albright,
Woodward, Patrick L.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Albright, J.

Filed: April 17, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Following the denial of his motion to suppress in the Circuit Court for Prince George’s County, Appellant, Bruce Edward Walker, entered a conditional guilty plea in the Circuit Court for Prince George’s County to wearing, carrying, or transporting a loaded handgun on his person. He raises one issue on appeal:¹

Did the circuit court err in denying Appellant’s motion to suppress?

For the reasons that follow, we shall affirm.

BACKGROUND

On December 13, 2022, at approximately 5:35 p.m., Officer Moss was on patrol at Gateway Drive and Auth Road in Suitland, Prince George’s County, when he observed a vehicle traveling with extremely dark window tinting. Officer Moss activated his emergency equipment and conducted a traffic stop. He approached the vehicle and asked the driver to roll down the window because the tint was so dark he could not see inside. Mr. Walker was the driver of the vehicle.

While speaking with Mr. Walker, Officer Moss noticed the odor of marijuana emanating from the vehicle. Based on that odor, Officer Moss searched the vehicle and located a gray bookbag in the rear passenger seat containing a “Polymer 80 .40 caliber handgun” loaded with three rounds and one in the chamber. Mr. Walker was placed into custody, and approximately five grams of marijuana were found in the outer pocket of a

¹ This appeal was one of several cases stayed by Order of this Court on October 1, 2025, pending the Supreme Court of Maryland disposition in *Cutchember v. State*, ___ Md. ___ Nos. 39 & 40, Sept. Term, 2025 (filed March 3, 2026), 2026 WL 591287. The stay was lifted after the Supreme Court issued its opinion on March 3, 2026.

black jacket inside the vehicle. Defense counsel noted, “the only reason the officer was searching the car was the odor of marijuana.”

On July 7, 2023, six days after Md. Code Ann., Criminal Procedure (“CP”) § 1-211 took effect, the circuit court held a hearing on Mr. Walker’s motion to suppress the evidence. Mr. Walker argued that CP § 1-211 applied retroactively to the December 2022 search because the statute was procedural in nature, and the court was obligated to apply the law in effect at the time of the hearing. The State countered that the statute operated prospectively only and that CP § 1-211 created a new substantive right rather than a merely procedural change.

The circuit court denied the motion to suppress. The court found that CP § 1-211 “affects a substantive right of an individual because it determines. . .whether the police have the authority even to conduct a search[.]” Because the court found “no indication of a clear legislative intent” for retroactive application, it denied the motion to suppress.

On August 3, 2023, Mr. Walker entered a conditional guilty plea to the charge of wearing, carrying, or transporting a loaded handgun on his person. The court sentenced him to two years of incarceration, all suspended, with three years of supervised probation and thirty days of home detention.

DISCUSSION

On appeal, Mr. Walker contends that the circuit court should have applied CP § 1-211 to suppress the evidence because the statute is remedial and procedural, his suppression hearing occurred after the statute’s effective date, and the court was required to apply the law in effect at the time of the hearing rather than the law at the time of the

search. Since Mr. Walker filed his brief in this Court, the Supreme Court of Maryland decided *Cutchember v. State*, __ Md. __ Nos. 39 & 40, Sept. Term, 2025 (filed March 3, 2026), 2026 WL 591287, which resolves this issue.

In *Cutchember*, the Supreme Court held that CP § 1-211(c)’s exclusionary remedy applies only to evidence discovered or obtained in violation of the statute’s substantive prohibitions in subsections (a) and (b). *Id.* at *7. Because those prohibitions did not take effect until July 1, 2023, no violation occurred during searches conducted before that date. *Id.* The Supreme Court determined that the statute contained a “right” prong and a “remedy” prong: subsection (a) creates a substantive right to be free from searches based on the odor of cannabis alone, and subsection (c) provides an exclusionary remedy triggered only by a violation of that right. *Id.* The Court concluded, “[b]ecause a violation of subsection (a) was legally impossible before July 1, 2023, the exclusionary remedy in subsection (c) is unavailable to these Petitioners.” *Id.*

The *Cutchember* Court rejected the same arguments that Mr. Walker advances here. The Court held that CP § 1-211(a) is not merely procedural. Instead, CP § 1-211(a) created a new substantive right, as “Marylanders did not have a specific right to be free from cannabis-odor searches” before the statute’s effective date. *Id.* at *8. The Court also rejected reliance on *Waker v. State*, 431 Md. 1 (2013), explaining that, “[i]n *Waker*, the sentencing court was required to look at the law ‘today’ to determine a penalty, but here, a suppression court looks at the law ‘yesterday’ to determine if an officer’s conduct was lawful when the search was conducted.” *Id.*

Cutchember controls here. Mr. Walker’s vehicle was searched on December 13, 2022, more than six months before CP § 1-211 took effect. At the time of the search, the odor of marijuana emanating from a vehicle provided probable cause to search under *Robinson v. State*, 451 Md. 94, 137 (2017). Because there was no right to be free from cannabis odor-based searches in December 2022, Officer Moss did not violate CP § 1-211 when he searched Mr. Walker’s vehicle. *Cutchember*, 2026 WL 591287 at *7. That Mr. Walker’s suppression hearing took place six days after the statute’s effective date does not alter the analysis. Indeed, “the ‘date of the search is the key event in determining whether the right created by the statute in fact existed and thus whether a violation of that right had occurred.’” *Id.* (quoting *Cutchember v. State*, 265 Md. App. 690, 701 (2025)).

The circuit court did not err in denying the motion to suppress.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**