

SUPREME COURT OF NORTH CAROLINA

State v. Rowdy

No. 300PA24 (N.C. May 22, 2026) · No. 300PA24 · Decided May 22, 2026

SUMMARY

The Supreme Court of North Carolina held that, under the totality of the circumstances, officers had reasonable suspicion to frisk Terrel Rowdy and probable cause to conduct a warrantless search of his automobile during a traffic stop. The court considered the odor of marijuana together with Rowdy’s failure to stop promptly, the location’s reported crime history, his prior convictions, evasive behavior, and the discovery of a suspected marijuana blunt. The court modified and affirmed the Court of Appeals’ judgment upholding the denial of Rowdy’s motion to suppress.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Justice Allison Riggs
JURISDICTION	Supreme Court of North Carolina
DECIDED	May 22, 2026
DOCKET	300PA24
DISPOSITION	other
PROCEDURAL POSTURE	On discretionary review of the Court of Appeals' decision affirming the denial of defendant's motion to suppress evidence obtained during a Terry frisk and a warrantless automobile search.
STANDARD OF REVIEW	Findings of fact underlying a suppression ruling are binding if supported by competent evidence, while conclusions of law are reviewed de novo. Because defendant did not renew his suppression objection when the evidence was admitted at trial, the admission issue was subject to plain-error review.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Terrel Dawayne Rowdy v. State of North Carolina

TOPICS

- fourth amendment
- search and seizure
- probable cause
- suppression of evidence
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

appellate procedure

QUESTIONS PRESENTED

1. Whether the totality of the circumstances, including the odor of marijuana, provided reasonable suspicion to conduct a Terry search of Rowdy's person.
2. Whether the totality of the circumstances, including the discovery of a suspected marijuana blunt during the frisk, provided probable cause for the warrantless search of Rowdy's automobile.
3. Whether the trial court properly denied Rowdy's motion to suppress and whether the Court of Appeals' judgment should be affirmed under the clarified legal test.

HOLDINGS

1. Under the totality of the circumstances, the odor of marijuana, Rowdy's failure to stop promptly for the traffic stop, his presence in a high-crime area, his prior narcotics and weapons convictions, and his evasive behavior provided reasonable suspicion to conduct a Terry search of his person.
2. Under the totality of the circumstances, the officers had probable cause to conduct a warrantless search of Rowdy's automobile.
3. Even though industrial hemp is legal and may be indistinguishable from marijuana by sight or smell, the odor of marijuana remains a factor that officers and courts may consider in the totality-of-the-circumstances analysis; it is not necessarily sufficient by itself.

KEY QUOTATIONS

“The totality of the circumstances is the proper legal test for assessing whether law enforcement had reasonable suspicion or probable cause of the commission of a crime.” (at 7)

“Even with the legalization of industrial hemp, the odor of marijuana may still be considered as a factor in the totality of the circumstances inquiry.” (at 11)

“Taken together, the odor of marijuana, Mr. Rowdy’s failure to pull over, the location in a “high crime area,” Mr. Rowdy’s prior convictions for narcotics offenses and carrying a concealed gun, and Mr. Rowdy’s evasive behavior when questioned, under the totality of the circumstances, provided reasonable suspicion for the Terry search.” (at 14)

“Because the trial court properly concluded that the officers had reasonable suspicion to conduct a Terry search and probable cause to conduct a warrantless search of Mr. Rowdy’s automobile, the court did not err in denying Mr. Rowdy’s motion to suppress.” (at 16)

FACTUAL BACKGROUND

During a traffic stop, Terrel Rowdy twice failed to stop immediately after Deputy Brandon Baugus activated his lights and siren and instead drove into an apartment complex described as a high-crime, high-narcotics area. Officers smelled marijuana coming from the vehicle, learned that Rowdy had prior narcotics and weapons

convictions, and observed evasive behavior when questioning him about the odor. During a frisk, officers found what they believed to be a marijuana blunt in Rowdy's pocket; while Rowdy was detained, an officer searched the vehicle without a warrant and found a firearm.

PROCEDURAL HISTORY

The Forsyth County Superior Court denied Rowdy's motion to suppress, concluding that the officers had reasonable suspicion to frisk him and probable cause to search his automobile. A jury convicted Rowdy of carrying a concealed gun and acquitted him of possession of a stolen firearm; he received a suspended sentence and supervised probation. The Court of Appeals found no error and affirmed. The Supreme Court allowed discretionary review and modified and affirmed the Court of Appeals' decision to clarify that the totality-of-the-circumstances test governs the probable-cause analysis.

DISPOSITION

other

CASES CITED

- State v. Dobson, No. 190PA24 (N.C. May 22, 2026)
- State v. Cooke, 306 N.C. 132, 134 (1982)
- State v. Biber, 365 N.C. 162, 168 (2011)
- State v. Watkins, 337 N.C. 437, 438, 441-42 (1994)
- State v. Julius, 385 N.C. 331, 336 (2023)
- State v. Jackson, 368 N.C. 75, 77-80 (2015)
- Terry v. Ohio, 392 U.S. 1, 9, 19, 21-22, 27, 30-31 (1968)
- Union Pac. Ry. Co. v. Botsford, 141 U.S. 250, 251 (1891)
- State v. Otto, 366 N.C. 134, 136 (2012)
- Collins v. Virginia, 584 U.S. 586, 592 (2018)
- Maryland v. Pringle, 540 U.S. 366, 371 (2003)
- Illinois v. Gates, 462 U.S. 213, 231-32 (1983)
- Brinegar v. United States, 338 U.S. 160, 175-76 (1949)
- Florida v. Harris, 568 U.S. 237, 243-44 (2013)
- State v. Harris, 279 N.C. 307, 311 (1971)
- State v. Terrell, 372 N.C. 657, 665 (2019)
- United States v. Karo, 468 U.S. 705, 717 (1984)
- United States v. Cortez, 449 U.S. 411, 417 (1981)
- United States v. Sokolow, 490 U.S. 1, 7 (1989)
- State v. Barnard, 362 N.C. 244, 247 (2008)
- Illinois v. Wardlow, 528 U.S. 119, 124 (2000)
- State v. Mitchell, 358 N.C. 63, 69 (2004)

- State v. Johnson, 378 N.C. 236, 245-46 (2021)
- Florida v. Rodriguez, 469 U.S. 1, 6 (1984) (per curiam)

OPINION

State v. Rowdy

JUSTICE ALLISON RIGGS, J.

IN THE SUPREME COURT OF NORTH CAROLINA

No. 300PA24 Filed 22 May 2026

STATE OF NORTH CAROLINA

v.

TERREL DAWAYNE ROWDY

On discretionary review pursuant to N.C.G.S. § 7A-31 from the decision of the Court of Appeals, 296 N.C. App. 272 (2024), finding no error in the trial court’s judgment entered on 7 June 2023 by Judge Eric C. Morgan in Superior Court, Forsyth County. Heard in the Supreme Court on 9 September 2025. Jeff Jackson, Attorney General, by Alan D. McInnes, Special Deputy Attorney General, for the State-appellee. Stephen D. Fuller for defendant-appellant. RIGGS, Justice. This is a companion case to today’s decision in State v. Dobson, No. 190PA24 (N.C. May 22, 2026), which reiterates that the odor of marijuana is a factor to be considered when analyzing the totality of the circumstances to determine whether an officer had probable cause to conduct a search. Terrel Rowdy was subject to two searches in connection with a traffic stop: a search of his person and a warrantless search of his automobile. The searches were only proper if officers had reasonable suspicion to conduct the search of Mr. Rowdy’s person and probable cause to conduct the warrantless automobile search. The

STATE V. ROWDY

Opinion of the Court reasonable suspicion and probable cause analyses examine whether the totality of the circumstances, including the odor of marijuana, justifies a stop, search, or seizure. Under the totality of the circumstances, the search of Mr. Rowdy’s person was justified by his refusal to pull over for the traffic stop, his presence in a “high crime area,” his prior convictions for narcotics and weapons offenses, the odor of marijuana, and his evasive behavior during questioning. The warrantless search of his automobile was justified by the above factors and the additional discovery of what officers “believed to be a marijuana blunt” during the search of his person. We hold that the search of Mr. Rowdy’s person met the reasonable suspicion standard and the warrantless search of his automobile met the probable cause standard, so the trial court did not err in denying his motion to suppress evidence. I. Factual and Procedural Background On 26 July 2020, Deputy Brandon Baugus witnessed Terrel Rowdy commit a traffic violation and initiated a traffic stop. Mr. Rowdy failed to stop in response to the blue lights and sirens on Deputy Baugus’s police vehicle, and instead drove into the parking lot of the West Wall Street Apartments, which Deputy Baugus testified was a high crime and “high narcotic” area. Deputy Baugus followed Mr.

Rowdy into the parking lot, where he again activated his siren and Mr. Rowdy again did not stop. Instead, Mr. Rowdy reversed his car as if to back into a parking space and did not stop until Deputy Baugus pulled his police vehicle behind Mr. Rowdy's car. Once stopped, Deputy Baugus approached Mr. Rowdy's vehicle. Mr. Rowdy, -2-

STATE V. ROWDY

Opinion of the Court who was sitting in the driver's seat, rolled down the passenger's side window to hand Deputy Baugus his license and registration. At that point, Deputy Baugus observed a faint odor of marijuana coming from the interior of Mr. Rowdy's car. Deputy Baugus went back to his vehicle and checked whether there were any outstanding warrants for Mr. Rowdy. The check revealed that Mr. Rowdy had prior convictions for narcotics offenses and carrying a concealed gun. Another officer, Deputy M.D. Mitchell, arrived to assist Deputy Baugus. Deputy Mitchell testified that he also observed a marijuana odor coming from Mr. Rowdy's vehicle. Deputy Baugus asked Mr. Rowdy to step out of his vehicle. Once Mr. Rowdy was out of the car, Deputy Baugus asked him questions about the odor of marijuana. Mr. Rowdy said that he had not been around anyone who smoked marijuana, nor had he smoked it himself, and that he did not have any marijuana. Mr. Rowdy then began to speak on his cell phone, stopped answering Deputy Baugus's questions, and "bladed" his body away from Deputy Baugus. Deputy Baugus testified that "blading" occurs when a person turns away from the officer towards the inside of their vehicle and indicates that a person is becoming confrontational or attempting to avoid conversation. At that point, Deputy Baugus decided to detain Mr. Rowdy. While detaining Mr. Rowdy, Deputy Mitchell conducted a frisk to ensure Mr. Rowdy did not have a weapon on his person. During the frisk, Deputy Mitchell found what he "believed to be a marijuana blunt" in Mr. Rowdy's left front pants pocket. -3-

STATE V. ROWDY

Opinion of the Court When he retrieved the blunt, Deputy Mitchell informed Mr. Rowdy that it was "marijuana" and Mr. Rowdy did not object or claim that it was legal industrial hemp. While Mr. Rowdy was detained, Deputy Baugus searched Mr. Rowdy's car and found a firearm. Mr. Rowdy was indicted on charges of carrying a concealed weapon under N.C.G.S. § 14-269(a1), carrying a concealed weapon under N.C.G.S. § 14-269(c), and possession of a stolen firearm under N.C.G.S. § 14-71.1. His trial began on 5 June 2023 in Forsyth County. Mr. Rowdy filed a motion to suppress evidence obtained as a result of the searches. He argued that, because illegal marijuana is indistinguishable from legal hemp without laboratory testing, "the sight or odor of Cannabis sativa does not indicate with any certainty that the defendant was engaged in, or about to engage in any illegal activity." Because of this, Mr. Rowdy argued the officers did not have probable cause to stop, search, and seize evidence from him. The motion to suppress was heard on the first day of Mr. Rowdy's trial, before jury selection. At the hearing, Deputy Baugus testified that he was not aware of a difference between marijuana and legal hemp, which he conceded smell and look the same and can only be differentiated by a laboratory test. Nonetheless, he did not

perform a field or laboratory test on the blunt found in Mr. Rowdy's pocket. Further, Deputy Mitchell testified to the following: he had received training to identify marijuana, marijuana and legal hemp look and smell similar, the blunt could have been legal -4-

STATE V. ROWDY

Opinion of the Court hemp, and the officers did not perform any testing on the blunt. The trial court denied Mr. Rowdy's motion to suppress because, in addition to the odor of marijuana, several factors gave the officers justification for their actions:

(1) Mr. Rowdy's failure to immediately stop and pull over when Deputy Baugus initiated the traffic stop; (2) the fact that, in the experience of Deputies Baugus and Mitchell, the West Wall Street Apartments were a "high crime area"; (3) Mr. Rowdy's prior convictions for narcotics offenses and carrying a concealed gun; and (4) Mr. Rowdy's blading, speaking on the phone during questioning, and refusing to answer questions. The trial court concluded that Mr. Rowdy's constitutional rights were not violated because it found that, based on the totality of the circumstances, the officers had reasonable suspicion to frisk Mr. Rowdy and probable cause to search his vehicle.¹ On 7 June 2023, the jury found Mr. Rowdy guilty of carrying a concealed gun and not guilty of possession of a stolen firearm. He was sentenced to eight to nineteen months of incarceration, suspended for thirty months of supervised probation. Mr. Rowdy orally entered a notice of appeal in open court. The Court of Appeals held that the trial court properly denied Mr. Rowdy's motion to suppress evidence and that he received a trial without error. State v. 1 Mr. Rowdy objected to the trial court's denial of his motion to suppress at the 5 June 2023 hearing, but he did not renew his objection to the admission of the evidence at trial, so whether the trial court erred by admitting evidence discovered during the searches must be reviewed under the plain error standard. See N.C. R. App. P. 10(a)(4). -5-

STATE V. ROWDY

Opinion of the Court Rowdy, 296 N.C. App. 272, 285 (2024). Judge Arrowood concurred in the outcome but wrote separately to ask this Court to clarify whether the odor of marijuana alone is sufficient to constitute probable cause, given the legalization of industrial hemp. Id. at 285–86 (Arrowood, J., concurring). Mr. Rowdy appealed, seeking this Court's review of the Court of Appeals' opinion. On 19 March 2025, this Court entered a special order allowing discretionary review of what the appropriate legal test is when assessing whether the odor of marijuana gives rise to reasonable suspicion or probable cause of the commission of a crime. II. Standard of Review Trial court decisions regarding motions to suppress are "strictly limited to determining whether the trial judge's underlying findings of fact are supported by competent evidence, in which event they are conclusively binding on appeal, and whether those factual findings in turn support the judge's ultimate conclusions of law." State v. Cooke, 306 N.C. 132, 134 (1982). Unchallenged findings of fact are "deemed to be supported by competent evidence and are binding on appeal." State v. Biber, 365 N.C. 162, 168 (2011); see also State v. Watkins, 337 N.C. 437, 438 (1994). The trial court's conclusions of law are reviewed de novo. State v. Julius, 385 N.C. 331,

336 (2023); see also Biber, 365 N.C. at 168; State v. Jackson, 368 N.C. 75, 78 (2015).

-6-

STATE V. ROWDY

Opinion of the Court III. Analysis “No right is held more sacred, or is more carefully guarded, . . . than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.” Terry v. Ohio, 392 U.S. 1, 9 (1968) (quoting Union Pac. Ry. Co. v. Botsford, 141 U.S. 250, 251 (1891)). Both the Fourth Amendment to the United States Constitution and Article I, Section 20 of the North Carolina Constitution protect against unreasonable searches and seizures. State v. Otto, 366 N.C. 134, 136 (2012) (citing U.S. Const. amend. IV; N.C. Const. art. I, § 20). The “central inquiry under the Fourth Amendment” is “the reasonableness in all the circumstances of the particular governmental invasion of a citizen’s personal security.” Terry, 392 U.S. at 19. At issue is whether the officers had reasonable suspicion to conduct the search of Mr. Rowdy’s person and probable cause to conduct the warrantless search of his automobile. We hold that, considered under the totality of the circumstances, the officers had reasonable suspicion and probable cause to conduct the searches. A. The totality of the circumstances is the proper legal test for assessing whether law enforcement had reasonable suspicion or probable cause of the commission of a crime. This case involves both an investigatory Terry search and a warrantless search of an automobile. Terry searches are subject to the reasonable suspicion standard, Terry, 392 U.S. at 30–31, while warrantless searches of automobiles require probable cause, Collins v. Virginia, 584 U.S. 586, 592 (2018). Consistent with our longstanding -7-

STATE V. ROWDY

Opinion of the Court approach, we consider the totality of the circumstances in deciding whether law enforcement had reasonable suspicion and probable cause for searches and seizures. See Watkins, 337 N.C. at 441; Maryland v. Pringle, 540 U.S. 366, 371 (2003) (first citing Illinois v. Gates, 462 U.S. 213, 232 (1983); and then citing Brinegar v. United States, 338 U.S. 160, 175 (1949)); Florida v. Harris, 568 U.S. 237, 244 (2013). The odor of marijuana is a factor to be considered under the totality of the circumstances. When an officer “has reason to believe that he is dealing with an armed and dangerous individual, regardless of whether he has probable cause to arrest the individual for a crime,” an officer may conduct a “reasonable search for weapons for the protection of the police officer.” Terry, 392 U.S. at 27. An officer is permitted to “conduct a brief investigatory stop of an individual based on reasonable suspicion that the individual is engaged in criminal activity.” Jackson, 368 N.C. at 77 (citing Terry, 392 U.S. at 30–31). In determining whether an officer has reasonable suspicion to conduct an investigatory Terry search, courts must consider “the totality of the circumstances—the whole picture.” Watkins, 337 N.C. at 441 (quoting United States v. Cortez, 449 U.S. 411, 417 (1981)). The reasonable suspicion required to justify a Terry search is a less demanding standard than probable cause or a preponderance of the evidence.

See *United States v. Sokolow*, 490 U.S. 1, 7 (1989); *State v. Barnard*, 362 N.C. 244, 247 (2008)). To meet the reasonable suspicion standard, the Terry search “must be based on specific and articulable facts, as well as the rational inferences from those facts, as viewed -8-

STATE V. ROWDY

Opinion of the Court through the eyes of a reasonable, cautious officer, guided by his experience and training.” *Watkins*, 337 N.C. at 441–42 (first citing *Terry*, 392 U.S. at 21–22; and then citing *State v. Thompson*, 296 N.C. 703, 706 (1979)). Mere “inchoate and unparticularized suspicion or ‘hunch’ ” is insufficient to meet the reasonable suspicion standard. *Terry*, 392 U.S. at 27; see also *Jackson*, 368 N.C. at 77–78. Warrantless searches, including of automobiles, require a higher standard than Terry searches and are “presumptively unreasonable, though the Court has recognized a few limited exceptions to this general rule.” *State v. Terrell*, 372 N.C. 657, 665 (2019) (quoting *United States v. Karo*, 468 U.S. 705, 717 (1984)). The warrantless search of an automobile can be reasonable if the officer has probable cause to search the vehicle. *Collins*, 584 U.S. at 592. Probable cause does not require “proof of guilt, or even . . . prima facie evidence of guilt, but it must be such as would actuate a reasonable man acting in good faith.” *State v. Harris*, 279 N.C. 307, 311 (1971) (quoting 5 Am. Jur. 2d Arrests § 44 (1962)). Probable cause requires “information of facts which, if submitted to a magistrate, would require the issuance of an arrest warrant.” *Id.* (quoting 5 Am. Jur. 2d Arrests § 44). The probable cause standard “depends on the totality of the circumstances.” *Pringle*, 540 U.S. at 371 (first citing *Gates*, 462 U.S. at 232; and then citing *Brinegar*, 338 U.S. at 175); see also *Harris*, 568 U.S. at 244. B. Under the totality of the circumstances, the officers had reasonable suspicion to conduct a Terry search. In the order denying Mr. Rowdy’s motion to suppress, the trial court found that -9-

STATE V. ROWDY

Opinion of the Court the officers had reasonable suspicion to conduct a Terry search because, “[i]n addition to the odor of marijuana,” (1) Mr. Rowdy failed to “immediately heed the blue lights and siren of Baugus and immediately pull over rather than driving into the West Wall Apartment complex”; (2) the apartment complex was a “high crime area”; (3) Deputy Baugus discovered Mr. Rowdy’s prior convictions for narcotics offenses and carrying a concealed gun while searching for any outstanding warrants; and (4) Mr. Rowdy bladed away from Deputy Baugus, remained on the phone, and stopped answering questions. These additional factors, when considered in the totality of the circumstances with the odor of marijuana, provided the officers with reasonable suspicion to conduct a Terry search. At the Court of Appeals, Mr. Rowdy challenged four factual findings that the officers smelled or saw marijuana:

9. As he received the license and registration from

Defendant, Deputy Baugus was only at the window of the Blue Mustang for a very short time, and he observed a faint odor of marijuana coming from the interior of the Blue Mustang.

16. Deputy Mitchell approached the Defendant, and asked

him to roll the window down. While he was speaking to the Defendant, Deputy Mitchell observed

a strong odor of marijuana coming from the Blue Mustang.

22. Defendant was frisked by Deputy Mitchell, and, during that frisk, Deputy Mitchell pulled a “blunt” out of the Defendant’s left front pants pocket, and placed it on the spoiler of the Blue Mustang. When Deputy Mitchell pulled the “blunt” out, he informed the Defendant that it was “marijuana.” The Defendant did not, at any point, claim that he possessed industrial hemp. -10-

STATE V. ROWDY

Opinion of the Court

23. The blunt removed from Defendant’s pocket appeared to be, in the training and experience of both Deputy Baugus and Deputy Mitchell, a marijuana “blunt.” Rowdy, 296 N.C. App. at 276 (emphasis omitted). If challenged factual findings are supported by competent evidence, they are binding on appeal, and appellate courts must determine whether they supported the trial court’s conclusions of law. Cooke, 306 N.C. at 134. The officers testified that they had experience and training in identifying marijuana and detected what seemed to be the odor of marijuana. Further, both officers testified that Deputy Mitchell found a blunt in Mr. Rowdy’s pocket during the search of his person that he “believed to be a marijuana blunt.” The officers did not testify that Mr. Rowdy claimed he possessed or used legal hemp. Therefore, the Court of Appeals correctly held that the challenged findings were supported by competent evidence. Marijuana is a Schedule VI controlled substance, which is illegal to manufacture, sell, deliver, or possess. N.C.G.S. § 90-94(b)(1) (2025); id. § 90-95(a), (b)(2) (2025). In 2015, the North Carolina General Assembly legalized industrial hemp by amending N.C.G.S. § 90-87(16), defining marijuana, to add that “marijuana” “does not include industrial hemp.” Industrial Hemp Act of 2015, S.L. 2015-299, § 2, 2015 N.C. Sess. Laws 1483, 1486–87. The North Carolina State Bureau of Investigation has written that “[t]here is no easy way for law enforcement to distinguish between industrial hemp and marijuana. There is currently no field test which distinguishes the difference.” N.C. State Bureau of Investigation, Industrial -11-

STATE V. ROWDY

Opinion of the Court Hemp/CBD Issues 2,
https://www.sog.unc.edu/sites/default/files/doc_warehouse/NC%20SBI%20-%20Issues%20with%20Hemp%20and%20CBD%20Full.pdf (last visited May 12, 2026). The SBI further stated that hemp and marijuana are indistinguishable because they “look the same and have the same odor, both unburned and burned.” Id. Even with the legalization of industrial hemp, the odor of marijuana may still be considered as a factor in the totality of the circumstances inquiry. See Dobson, No. 190PA24. The odor of marijuana is one factor in this case, but it is not the only factor that gave the officers reason to search Mr. Rowdy’s person and automobile. Officers must consider the entire situation to determine if they have adequate justification to conduct a search or seizure. We look to the totality of the circumstances when deciding whether law enforcement had reasonable suspicion or probable cause to conduct a search. In addition to the odor of marijuana,

the trial court's factual findings related to Mr. Rowdy's failure to stop, presence in a high-crime area, prior convictions, and evasive behavior support that, under the totality of the circumstances, Deputy Mitchell had reasonable suspicion to conduct a Terry search. After committing a traffic violation, Mr. Rowdy "did not immediately stop in response to the blue lights and sirens, but proceeded into the parking lot" of a local apartment complex. Mr. Rowdy continued not to stop once in the parking lot, even after Deputy Baugus activated his siren several times. When a defendant flees or -12-

STATE V. ROWDY

Opinion of the Court fails to stop when signaled to do so, it is "not necessarily indicative of wrongdoing, but it is certainly suggestive of such." *Wardlow*, 528 U.S. at 124. A defendant's failure to stop when an officer signals can contribute to the totality of the circumstances. See *id.*; *State v. Mitchell*, 358 N.C. 63, 69 (2004). The apartment complex was "an area with many police calls, and was a high crime area, with numerous reports of narcotics." The fact that the stop occurred in a high-crime area is "among the relevant contextual considerations in a Terry analysis." *Wardlow*, 528 U.S. at 124. Even if the location being a "high crime area" is insufficient standing alone to establish reasonable suspicion, see *Jackson*, 368 N.C. at 80; *State v. Johnson*, 378 N.C. 236, 245 (2021), "officers are not required to ignore the relevant characteristics of a location in determining whether the circumstances are sufficiently suspicious to warrant further investigation," *Wardlow*, 528 U.S. at 124. This Court has held that a defendant's "presence in a high crime and high drug area" may be considered as one of the factors under the totality of the circumstances test. See *Jackson*, 368 N.C. at 80. When Deputy Baugus checked whether Mr. Rowdy had any outstanding warrants, he learned that Mr. Rowdy had a prior record of narcotics offenses and a prior conviction for carrying a concealed gun. Mr. Rowdy's criminal record "for which [he] has already paid his debt to society" is not, alone, sufficient to prove reasonable suspicion, but it may be considered under the totality of the circumstances. See *Johnson*, 378 N.C. at 245. -13-

STATE V. ROWDY

Opinion of the Court While Deputy Baugus asked him questions about the odor of marijuana, Mr. Rowdy began speaking on his cell phone, refused to answer Deputy Baugus's questions, and bladed away from Deputy Baugus. While individuals have a right to ignore police officers and refuse to cooperate when a police officer approaches them without reasonable suspicion or probable cause, "nervous, evasive behavior is a pertinent factor in determining reasonable suspicion." *Wardlow*, 528 U.S. at 124; see also *Florida v. Rodriguez*, 469 U.S. 1, 6 (1984) (*per curiam*) (reasoning that the defendant's "strange movements in his attempt to evade the officers aroused further justifiable suspicion"). This Court has also considered a defendant's act of blading under the totality of the circumstances when conducting the reasonable suspicion analysis. See *Johnson*, 378 N.C. at 245. "[W]hen a criminal defendant files a motion to suppress challenging an initial investigatory stop, the trial court can deny that motion only if it concludes, after considering

the totality of the circumstances known to the officer, that the officer possessed reasonable suspicion to justify the challenged stop.” Jackson, 368 N.C. at

78. The reasonable suspicion standard requires “specific, articulable facts indicating present, ongoing criminal activity,” not “a mere inchoate suspicion or ‘hunch.’ ” Id. at 77–78. Even if some of the above factors are insufficient to prove reasonable suspicion on their own, “we do not assess each of these factors . . . in isolation.” Johnson, 378 N.C. at 245–46 (citing Jackson, 368 N.C. at 80). Instead, “[w]e examine the totality of the circumstances . . . in order to achieve a comprehensive analysis as -14-

STATE V. ROWDY

Opinion of the Court to whether the officer’s conclusion that defendant may have been armed and dangerous was reasonable.” Id. at 246. Taken together, the odor of marijuana, Mr. Rowdy’s failure to pull over, the location in a “high crime area,” Mr. Rowdy’s prior convictions for narcotics offenses and carrying a concealed gun, and Mr. Rowdy’s evasive behavior when questioned, under the totality of the circumstances, provided reasonable suspicion for the Terry search. The trial court did not err in denying Mr. Rowdy’s motion to dismiss as to the Terry search. C. Under the totality of the circumstances, the officers had probable cause to search Mr. Rowdy’s car. Deputy Baugus’s search of Mr. Rowdy’s vehicle was conducted without a warrant, so it was only reasonable under the Fourth Amendment if he had probable cause. See Collins, 584 U.S. at 592 (citing Carney, 471 U.S. at 392–93). An officer has probable cause to conduct a search when “the facts available to him would warrant a person of reasonable caution in the belief that contraband or evidence of a crime is present.” Harris, 568 U.S. at 243 (cleaned up). Probable cause requires “the kind of ‘fair probability’ on which ‘reasonable and prudent [people,] not legal technicians, act.’ ” Id. at 244 (alteration in original) (quoting Gates, 462 U.S. at 231). The probable cause standard “consistently look[s] to the totality of the circumstances.” Id. (first citing Pringle, 540 U.S. at 371; then citing Gates, 462 U.S. at 232; and then citing Brinegar, 338 U.S. at 176). When Deputy Mitchell conducted a Terry search of Mr. Rowdy’s person, he discovered what he “believed to be a marijuana blunt” in his left front pants pocket. -15-

STATE V. ROWDY

Opinion of the Court Deputy Mitchell informed Mr. Rowdy that it was “marijuana,” and Mr. Rowdy did not claim that it was legal hemp. A person of reasonable caution, when discovering a blunt that he believed to be illegal marijuana, could believe that it was contraband or evidence of a crime, particularly when the defendant does not claim it is legal hemp. All of the factors that created reasonable suspicion for Deputy Mitchell to conduct a Terry search contributed to probable cause for Deputy Baugus to conduct a warrantless search of Mr. Rowdy’s automobile. Mr. Rowdy refused to stop in response to police lights and sirens, he parked in a “high crime area,” Deputy Baugus discovered his prior convictions for drug and weapons charges, the officers smelled marijuana, and Mr. Rowdy bladed and refused to answer questions. The subsequent discovery of what officers “believed to be a marijuana blunt” only added to the reasonable suspicion the

officers had and satisfied the higher probable cause standard. When considered with the reasonable suspicion factors, the discovery of the blunt gave the officers probable cause to search Mr. Rowdy's car without a warrant. The trial court did not err in denying Mr. Rowdy's motion to suppress as to the warrantless search of his automobile. Because the trial court properly concluded that the officers had reasonable suspicion to conduct a Terry search and probable cause to conduct a warrantless search of Mr. Rowdy's automobile, the court did not err in denying Mr. Rowdy's motion to suppress. -16-

STATE V. ROWDY

Opinion of the Court IV. Conclusion The trial court properly denied Mr. Rowdy's motion to suppress, and he received a trial without error. Thus, we modify the Court of Appeals' decision consistent with the rule articulated in this opinion to apply a totality of the circumstances test for probable cause and affirm the Court of Appeals' judgment. MODIFIED AND AFFIRMED. -17-