

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)

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