

COURT OF APPEALS OF MARYLAND

State v. Raines, 383 Md. 1

857 A.2d 19 (2004) · No. No. 129, Sept. Term, 2003 · Decided August 26, 2004

SUMMARY

The Maryland Court of Appeals held that the Maryland DNA Collection Act was constitutional under the Fourth Amendment and did not violate the federal or Maryland Ex Post Facto Clauses. The court concluded that collecting a buccal DNA sample from an incarcerated convicted felon was a reasonable search despite the absence of individualized suspicion, and it reversed the suppression court's order excluding the DNA evidence.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Cathell, J.; Bell, C.J.; Raker, J.; Wilner, J.; Harrell, J.; Battaglia, J.; Greene, J.
JURISDICTION	Maryland
DECIDED	August 26, 2004
DOCKET	No. 129, Sept. Term, 2003
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the Circuit Court for Montgomery County's order suppressing DNA evidence obtained pursuant to the Maryland DNA Collection Act. Raines filed a conditional cross-petition challenging the Act under the federal and state Ex Post Facto Clauses.
STANDARD OF REVIEW	De novo review of the constitutional validity of the Maryland DNA Collection Act and the suppression court's legal conclusions.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Maryland v. Charles Raines

TOPICS

- fourth amendment
- search and seizure
- suppression of evidence
- ex post facto
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether the Maryland DNA Collection Act violates the Fourth Amendment by authorizing collection and storage of DNA samples from specified convicted persons without individualized suspicion.
2. Whether applying the Maryland DNA Collection Act to a person convicted before the Act's effective date violates the Ex Post Facto Clauses of the United States Constitution and the Maryland Declaration of Rights.

HOLDINGS

1. The Maryland DNA Collection Act, including its authorization of a buccal swab from an incarcerated convicted person without individualized suspicion, is reasonable under the Fourth Amendment.
2. The Maryland DNA Collection Act is civil and regulatory rather than punitive and therefore does not violate the Ex Post Facto Clauses of the United States Constitution or the Maryland Declaration of Rights when applied to qualifying convictions predating the Act.

KEY QUOTATIONS

“We hold that the Maryland DNA Collection Act (hereinafter, “the Act”) is constitutional and does not violate the Fourth Amendment or the Ex Post Facto Clauses of the United States and Maryland Constitutions.” (383 Md. at 5)

“The Act’s provisions allowing the State to obtain the DNA profile of a certain group of convicted persons to store in a DNA data base is reasonable, because the minimal physical intrusion on the inmate, a person with a diminished expectation of privacy, is outweighed by the legitimate governmental interest in identifying persons involved with crimes, including vindicating those falsely convicted.” (383 Md. at 41-43)

“The suppression court was correct, however, in finding that the Act did not violate the Ex Post Facto Clauses of the United States Constitution and the Maryland Declaration of Rights.” (383 Md. at 43)

FACTUAL BACKGROUND

A 1996 rape and robbery investigation produced semen evidence and a DNA profile, but police initially could not identify the perpetrator. While incarcerated, Raines provided a cheek swab in 1999 pursuant to the Maryland DNA Collection Act; in 2002, his profile matched the DNA profile from the crime. The match supplied probable cause for a warrant authorizing a second DNA sample in February 2003, which produced another match, and Raines was subsequently indicted.

PROCEDURAL HISTORY

Raines was indicted for first-degree rape, second-degree rape, and robbery. The Circuit Court for Montgomery County granted his motion to suppress physical evidence, finding the Maryland DNA Collection Act unconstitutional under the Fourth Amendment, while rejecting his ex post facto challenge. The State appealed and sought certiorari; the Court of Appeals granted both the State's petitions and Raines's conditional cross-petition, reversed the suppression order, and issued its explanatory opinion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The suppression court's order granting the motion to suppress was reversed; the motion to suppress should have been denied.

CASES CITED

- City of Indianapolis v. Edmond, 531 U.S. 32 (2000)
- Ferguson v. City of Charleston, 532 U.S. 67 (2001)
- United States v. Knights, 534 U.S. 112 (2001)
- Jones v. Murray, 962 F.2d 302 (4th Cir. 1992)
- State v. Raines, 380 Md. 230, 844 A.2d 427 (2004)
- Mapp v. Ohio, 367 U.S. 643 (1961)
- Smith v. Doe, 538 U.S. 84 (2003)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963)
- Frost v. State, 336 Md. 125, 647 A.2d 106 (1994)
- United States v. Kincade, 345 F.3d 1095 (9th Cir. 2003)
- United States v. Kincade, 354 F.3d 1000 (9th Cir. 2004)
- Illinois v. Lidster, 540 U.S. 419 (2004)
- Wyoming v. Houghton, 526 U.S. 295 (1999)
- Mapp v. Ohio, 367 U.S. 643, 655 (1961)

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