

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0355

September Term, 2015

RONALD SONNY ISHMAL GARDNER

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed: June 21, 2016

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following his conviction, in the Circuit Court for Howard County, for possession of PCP; possession of PCP with intent to distribute; and obstructing and hindering a police officer, Ronald Sonny Ishmal Gardner, appellant, appeals, raising a single issue: whether the circuit court erred in overruling defense counsel’s *Batson* challenge.¹ Upon our thorough review of the record, we conclude that the challenge was waived when defense counsel indicated, without qualification, that the jury as comprised was acceptable. As the Court of Appeals has stated:

[w]hen a party complains about the exclusion of someone from or the inclusion of someone in a particular jury, and thereafter states without qualification that the same jury as ultimately chosen is satisfactory or acceptable, the party is clearly waiving or abandoning the earlier complaint about the jury. The party’s final position is directly inconsistent with his or her earlier complaint.

Gilchrist v. State, 340 Md. 606, 618 (1995).

**JUDGMENTS OF THE CIRCUIT COURT
FOR HOWARD COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

¹ *Batson v. Kentucky*, 476 U.S. 79 (1986).