

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0901

September Term, 2015

RENALDO JAMAL PERKINS

v.

STATE OF MARYLAND

Krauser, C.J.,
Nazarian,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 12, 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.

Convicted by a jury, in the Circuit Court for Prince George’s County, of robbery, conspiracy to commit robbery, second degree assault, and theft, Renaldo Jamal Perkins, appellant, presents one question for review: Did the trial court err in admitting as “other crimes” evidence, photographs, without engaging, on the record, in the requisite analysis? We shall affirm.

FACTS

On May 8, 2014, Adela Rivas was standing outside her vehicle at a gas station, pumping gas, when an individual, whom she later identified as Perkins, shattered the passenger-side window of her vehicle, reached into the vehicle, and took her purse. In an attempt to retrieve her purse, she followed Perkins as he got into the back seat of a small black car. When she tried to grab her purse from him, he pushed her, and she “ended up hanging from the door.” The car began to move, and she was dragged forward about 50 feet. When the car stopped for traffic, she was able to free herself from the door. She spoke to police at the gas station that same day.

The day after the robbery, a traffic stop of a black Volkswagen was initiated by Prince George’s County police. The Volkswagen did not pull over, but, instead, led the police on a high speed chase. Eventually, the Volkswagen came to a stop when the car hit a curb, whereupon three men exited the car and continued to flee on foot. Perkins was apprehended shortly thereafter and was identified by police, at trial, as the individual who had been driving the Volkswagen. After impoundment of the Volkswagen, police recovered eight purses from the trunk and the back seat of the vehicle, including a purse containing Rivas’s identification.

Advised by the police that her purse had been recovered, Rivas then went to the police station, where she identified her purse and Perkins, from a photographic array, as the person who had stolen it.

At trial, the State offered into evidence a series of 18 photographs of all eight of the purses that were found in the Volkswagen. Perkins objected, contending that photographs of purses other than the one belonging to Rivas was not relevant to proving whether he had robbed Rivas of her purse, and further claiming that the photographs were “possible other crimes evidence” and “incredibly prejudicial.” The trial court overruled the objection.

DISCUSSION

“Evidence of other crimes, wrongs, or acts including delinquent acts . . . is not admissible to prove the character of a person in order to show action in conformity therewith.” Maryland Rule 5-404(b). But it “may be admitted . . . if it is substantially relevant to some contested issue in the case and if it is not offered to prove the defendant’s guilt based on propensity to commit crime or his character as a criminal.” *State v. Faulkner*, 314 Md. 630, 634 (1989) (citations omitted). Specifically, it may be admitted as proof of motive, opportunity, intent, preparation, common scheme or plan, knowledge, identity, or absence of mistake or accident. Rule 5-404(b).

Before admitting “other crimes” evidence, however, the trial court must determine (1) that the evidence is relevant and falls within one of the Rule 5-404(b) exceptions; (2) that there is clear and convincing evidence of the defendant’s involvement in the crime; and (3) that the probative value of the evidence outweighs and undue prejudice to the defendant. *Id.* at 634-35.

Perkins contends that photographs of the purses recovered from the vehicle, other than the one belonging to Rivas, constituted “other crimes” evidence, and that, because the court admitted the photographs without applying the three-pronged test summarized in *State v. Faulkner*, 314 Md. 630, 633 (1989), his convictions must be reversed. We disagree.

Arguably, the photographs should not have been admitted because of their prejudicial value. We conclude, however, that any error in admitting them constituted harmless error beyond a reasonable doubt. *See Dorsey v. State*, 276 Md. 638, 659 (1976) (Error is harmless when the reviewing court, upon independent review, is able to declare a belief beyond a reasonable doubt that there is no reasonable possibility that the error contributed to the verdict). The evidence, introduced by the State, of Perkins’s guilt, was overwhelming and uncontradicted. It showed that, when police attempted to stop a vehicle that Perkins was driving, the day after Rivas was robbed of her purse, Perkins led the police on a high-speed car chase that culminated in Perkins fleeing on foot after his vehicle hit a curb. Then, after Perkins was apprehended, a purse containing Rivas’s identification was found in the car he had been driving. Rivas thereafter identified the purse as the one that had been stolen, and positively identified Perkins in a photographic array as the person who had stolen her purse. We believe, beyond a reasonable doubt, that there is no reasonable possibility that the admission of photographs of other purses found in the

vehicle contributed to the verdict and, therefore, if it was error to admit the photographs, it was harmless error.

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