

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1410

September Term, 2015

THOMAS REDMOND

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: July 22, 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 of first-degree murder, carrying a dangerous or deadly weapon openly with intent to injure, robbery, and theft, in Circuit Court for Baltimore City, Thomas Redmond, appellant, raises a single issue on appeal: whether the trial court erred in denying his motion to suppress his confession because, as he claims, it was involuntary and obtained in violation of his *Miranda* rights.

In reviewing the grant or denial of a motion to suppress, this Court must view the evidence “in the light most favorable to the prevailing party, and the trial court’s fact findings are accepted unless clearly erroneous.” *Williamson v. State*, 413 Md. 521, 531 (2010). “The ultimate determination of whether there was a constitutional violation, however, is an independent determination that is made by the appellate court alone, applying the law to the facts found in each particular case.” *Belote v. State*, 411 Md. 104, 120 (2009) (citations omitted).

The testimony of Detective Damon Talley, along with the other evidence introduced by the State at the suppression hearing, established that Redmond (1) was advised of his *Miranda* rights on two separate occasions; (2) stated he understood those rights; (3) waived those rights orally and in writing; (4) did not request an attorney during either interrogation; and (5) was not threatened or promised anything in exchange for his cooperation. Based on those facts, the trial court did not err in finding that Redmond’s confession was both voluntary and elicited in conformance with the requirements of *Miranda v. Arizona*, 384 U.S. 436 (1966). *See generally Jackson v. State*, 141 Md. App. 175, 186 (2001) (noting that for a defendant’s confession to be admissible in Maryland it must be (1) voluntary under Maryland non-constitutional law; (2) voluntary under the Due Process Clause of the

Fourteenth Amendment; and (3) elicited in conformance with the mandates of *Miranda*). Redmond's arguments, to the contrary, are premised entirely on his testimony at the suppression hearing, which the trial court rejected. Based on our review of the record we cannot say that the trial court's credibility findings were "clearly erroneous."

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**