

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1869

September Term, 2015

TROY JETER

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 by a jury, in the Circuit Court for Baltimore City, of first-degree assault and carrying a dangerous weapon with intent to injure, Troy Jeter, appellant, presents one question for our review: Did the trial court err in continuing his trial in his absence, when he was not present at the time the case was called on the second day of trial?

After a thorough review of the record, we conclude that appellant waived his right to appeal by acquiescing in the court’s ruling. *See Parker v. State*, 402 Md. 372, 405 (2007) (“A litigant who acquiesces in a ruling is completely deprived of the right to complain about that ruling[.]”) (citation and internal quotation marks omitted)). Defense counsel did not object to the court proceeding with trial in Jeter’s absence, nor did he challenge the court’s requisite finding that Jeter’s absence was “knowing and voluntary,”¹ nor did he request a postponement of the trial to await Jeter’s arrival, nor did he move for a mistrial.

Even if the issue had not been waived, Jeter would not be entitled to relief. At the conclusion of the first day of trial, he received a summons for the next day and was advised by defense counsel not to be late. By his own admission, Jeter arrived at court 48 minutes late, and 11 minutes after the court found him to be voluntarily absent. When the trial judge addressed Jeter directly regarding his “excessive lateness,” which she attributed to his disrespect for the proceedings and/or lack of proper planning, he did not dispute the court’s assertion, nor did he offer any explanation that would have established that his absence was anything but voluntary. *See Lewis v. State*, 91 Md. App. 763, 772 (1992) (no abuse of discretion in deciding to proceed with trial when “(1) a defendant, free on bond,

¹ *Pinkney v. State*, 350 Md. 201, 213 (1998)

failed to return to his trial at the appointed time; (2) defense counsel never objected to continuing with trial; and (3) neither defense counsel nor the defendant himself offered any suggestion that [the] absence was anything other than voluntary or that it in any way prejudiced his case.”)

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