

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2766

September Term, 2014

JAYRELLE PRIDGETTE

v.

STATE OF MARYLAND

Krauser, C.J.,
Berger,
Reed,

JJ.

Opinion by Krauser, C.J.

Filed: February 4, 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 possession of heroin, Jaytrell Pridgette¹, appellant, presents one question for our review: “Did the circuit court abuse its discretion by permitting impermissible prosecutorial closing argument?” For the reasons that follow, we shall affirm the judgment of the circuit court.

BACKGROUND

On September 30, 2014, Detective Valentine Nagovich and Detective Keith Galeano of the Baltimore City Police were on patrol in an unmarked police vehicle on East Baltimore Street, when they observed Pridgette riding a bicycle on the sidewalk, in violation of a city ordinance. As they drove alongside Pridgette, they instructed Pridgette to stop so that they could advise him that riding a bicycle on the sidewalk was prohibited by law. Ignoring this order and the one that followed, Pridgette turned into an alley to which the officers’ car could not gain access. Consequently, Detective Nagovich, who was in the passenger seat, got out of the vehicle and ran after Pridgette, who responded to his approach by pedaling away faster.

Ultimately, Pridgette abandoned the bicycle and continued his flight on foot, which ended, moments later, upon his apprehension by Detective Galeano. But, before that apprehension could take place, Pridgette was observed, by Detective Nagovich, dropping a clear plastic bag. The bag was recovered by the detectives and inside of it were found 28 capsules containing heroin. Pridgette was subsequently charged with possession of a

¹ Appellant’s last name is spelled “Pridget” in the record below, but on the notice of appeal and in the parties’ briefs it is spelled “Pridgette.”

controlled dangerous substance and possession of a controlled dangerous substance with intent to distribute, although he was later only convicted of the first charge.

DISCUSSION

During defense counsel's cross-examination of Detective Galeano, the following exchange took place:

[DEFENSE COUNSEL]: Well, explain. At that point, why is there a need to further chase an individual on a bicycle, and call backup units for someone who is riding a bike in an alleyway?

DETECTIVE GALEANO: Well, in my approximate eight years, six of it has been in the Central District, which encompasses Downtown. And in those six years, I've handled numerous robberies in that area.

And if someone was just on a bike traveling with nothing to hide, they would just stop if police stopped them, or asked them to stop. But if they would try to avoid police, and continue peddling [sic] faster away, it would lead me to believe they were concealing something else.

Later, during closing argument, the prosecutor commented on this evidence, which elicited an objection from defense counsel:

[PROSECUTOR]: Because now, [Pridgette] has disobeyed a lawful order. And he was committing an illegal act, riding a bike on the sidewalk. Detective [sic] wanted to advise him not to do that. He takes off. Well, as Detective Galeano testified to, well, if he didn't have anything on him, if he wasn't doing anything illegal, he should have stopped.

But the fact that he kept going, and running away from the officers, indicated to him, based on his experience, that [Pridgette] may have done something or maybe had something illegal on him. So they - -

[DEFENSE COUNSEL]: Objection.

THE COURT: Overruled.

[PROSECUTOR]: - - so they continued to follow him.

Pridgette contends that the court committed reversible error by permitting the prosecutor to argue facts not in evidence, as he maintains that, “[a] fair reading of the detective’s testimony is that, at most, he believed Mr. Pridget[te] could have been ‘concealing’ something when he did not stop.” We disagree.

“During closing arguments, ‘[t]he prosecutor is allowed liberal freedom of speech and may make any comment that is warranted by the evidence or inferences reasonably drawn therefrom.’” *Jones v. State*, 217 Md. App. 676, 691, *cert. denied*, 440 Md. 227 (2014) (quoting *Lee v. State*, 405 Md. 148, 163 (2008) (in turn quoting *Degren v. State*, 352 Md. 400, 429-30 (1999)). But he or she may not argue facts not in evidence or materially misrepresent the evidence introduced at trial. *Whack v. State*, 433 Md. 728, 748-49 (2013). *See also Lee*, 405 Md. at 166 (observing that it is improper to make comments “that invite the jury to draw inferences from information that was not admitted at trial[.]”) “The determination of whether a portion of counsel’s argument is improper or prejudicial rests largely within the trial judge’s discretion because he or she is in the best position to determine the propriety of argument in relation to the evidence adduced in the case.” *Ingram v. State*, 427 Md. 717, 728 (2012) (citation omitted).

We reject Pridgette’s argument that the prosecutor’s comment “went far afield” of or misconstrued Detective Galeano’s testimony. The detective testified that he chased Pridgette into the alley after Pridgette failed to obey the officers’ orders to stop. He then went on to state that, based on his experience, he believed that an individual who runs from police instead of obeying an order to stop is “concealing something[.]” It is obvious that Detective Galeano was referring to concealment of criminal activity. Thus, the

prosecutor’s comment, during closing argument, that Pridgette ran away from the police, indicating to Detective Galeano that Pridgette “may have done something, or maybe had something illegal on him,” was a reasonable inference to be drawn from the detective’s testimony. Hence, the prosecutor’s comment was not improper, and the court did not abuse its discretion in permitting it.

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