

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1413

September Term, 2022

MICHAEL ALFRED TYLER

v.

STATE OF MARYLAND

Nazarian,
Tang,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 27, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*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 a bench trial in the Circuit Court for Prince George’s County, Michael Alfred Tyler, appellant, was convicted of robbery, first-degree burglary, third-degree burglary, theft, trespass, second-degree assault, and two counts of fourth-degree burglary. His sole claim on appeal is that the circuit court violated his constitutional rights by failing to ensure that he knowingly waived his right to a jury trial. Specifically, he claims that, prior to accepting his jury trial waiver, the court failed to inform him that “a jury would need to be unanimous before it could convict;” that “should the State fail to carry [its] burden of convincing all twelve jurors beyond a reasonable doubt, the court would declare a mistrial;” and that “in a bench trial, the State had to convince the judge beyond a reasonable doubt of his guilt, whereas, in a jury trial, the State had to convince twelve minds beyond a reasonable doubt as to his guilt.” Because the record established that appellant knowingly relinquished his right to a jury trial, we shall affirm.

A defendant may elect to waive their constitutional right to a jury trial and instead be tried by the court. *Aguilera v. State*, 193 Md. App. 426, 431 (2010). To be effective, however, that waiver must be knowing and voluntary. *Id.* at 432. Appellant challenges only the knowledge requirement. “Knowledge,” in this context, means “acquaintance” with the principles of a jury, and “knowingly” means acting consciously or intentionally in waiving the right to a jury. *Walker v. State*, 406 Md. 369, 379 (2008). A defendant’s knowledge does not need to be “full,” “complete,” or “entire.” *Id.* Instead, a defendant must only have ““*some knowledge* of the jury trial right before being allowed to waive it.”” *State v. Bell*, 351 Md. 709, 725 (1998) (quoting *State v. Hall*, 321 Md. 178, 182-83

(1990)). Moreover, the failure to inform the defendant that the jury’s verdict must be unanimous does not vitiate a jury trial waiver. *Id.* at 730.

The record establishes that appellant relinquished his right to a jury trial knowingly. As an initial matter, prior to the court’s waiver colloquy, appellant indicated that he had “recently had a discussion” with his attorney about waiving his right to a jury. *See Walker*, 406 Md. at 382-83 (the fact that a defendant is represented by counsel is a factor supporting a determination that they had “some knowledge” of their jury trial rights). The court then explained to appellant that he had an absolute right to be tried by a jury; that if he did not waive his right to a jury trial he would be tried by a jury made up of 12 individuals; that he and his attorney had the right to assist the court in selecting those individuals; and that the jury “must be convinced beyond a reasonable doubt as to each and every element and each and every offense before you can be found guilty.”

Moreover, the court gave appellant the opportunity to ask any questions of the court, and he indicated that he did not have any. Only then did the court ask him whether he wanted to waive his jury trial right. Appellant confirmed that he did, and the court expressly found on the record that he had waived his constitutional right to a jury trial “freely, knowingly, voluntarily and understandingly” and “has counsel at his side waiving his right to a jury trial.” Under these circumstances we are persuaded that appellant had “some knowledge” of the jury-trial right before he was allowed to waive it. Consequently, the circuit court did not err by accepting appellant’s waiver.

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