

Circuit Court for Baltimore City
Case No.: 119035015

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 32

September Term, 2021

RODNEY LEE HARRIS, JR.

v.

STATE OF MARYLAND

Reed,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 17, 2021

*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.

On October 10, 2019, following trial in the Circuit Court for Baltimore City, a jury found Rodney Lee Harris, Jr., appellant, guilty of manslaughter and first-degree assault. On January 14, 2020, the court sentenced him to 10 years’ imprisonment for manslaughter and to 25 consecutive years’ imprisonment for first-degree assault. Appellant noted an appeal, and this Court reversed his convictions in light of the Court of Appeals’ decision in *Kazadi v. State*, 467 Md. 1 (2020) and remanded the case to the circuit court for a new trial. *Harris v. State*, No. 2383, Sept. Term 2019 (filed unreported June 3, 2021).

On February 3, 2021, eleven months after his sentencing proceeding, and while his aforementioned appeal to this Court was still pending, appellant, acting *pro se*, filed a motion in the circuit court seeking the return of a cell phone and accessories that he claims were seized by the Baltimore City Police.¹ Appellant appears to have claimed that the seizure of the phone was somehow illegal, and that therefore, he is entitled to its return. On February 16, 2021, the circuit court denied that motion and appellant thereafter noted this appeal.

Based on the available record, we cannot ascertain any error on the part of the circuit court in denying appellant’s motion. The motion contained nothing more than bald allegations unsupported by any evidence. He did not offer any documentation establishing his ownership interest in the phone. He did not explain the circumstances under which the phone was taken from him. In short, there is not a sufficient factual record available to us to determine that the circuit court erred. *Mora v. State*, 355 Md. 639, 650 (1999).

¹ In the alternative, appellant seeks compensation for the phone.

Moreover, the burden was on appellant to prove that the seizure of the phone was illegal, and, in our view, he did not meet that burden. *In re Special Investigation No. 228*, 54 Md. App. 149, 195–96 (1983).

Consequently, we affirm the judgment of the circuit court.

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