

Circuit Court for Baltimore City  
Case No. 119105011

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 32

September Term, 2022

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KEITH SMITH

v.

STATE OF MARYLAND

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Nazarian,  
Ripken,  
Zarnoch, Robert A.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 27, 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.

Keith Smith, appellant, was convicted by a jury in the Circuit Court for Baltimore City of first-degree murder and carrying a weapon openly with intent to injure. Mr. Smith presents for our review a single issue, which he initially frames as a challenge to the court’s “allowing” of a detective “to identify the voice on several intercepted phone calls,” but subsequently amends to challenge the court’s admission of recordings of the calls into evidence. For the reasons that follow, we shall affirm the judgments of the circuit court.

The victim was Mr. Smith’s wife, Jacquelyn Smith (“Jacquelyn”).<sup>1</sup> At trial, Valeria Smith (“Valeria”), who is Mr. Smith’s daughter and Jacquelyn’s step-daughter, testified that on November 30, 2018, Mr. Smith drove Jacquelyn and Valeria to the “VFW,” where Valeria “danced, . . . drank[,] and . . . ate.” When the three left the VFW, Mr. Smith “was driving,” Jacquelyn “was in the passenger seat,” and Valeria “was behind her in the back seat.” Mr. Smith drove to Druid Hill Park, where he stabbed Jacquelyn.<sup>2</sup> Mr. Smith then told Valeria that they were going to tell the police that Jacquelyn had been stabbed by a “panhandler.” Mr. Smith subsequently disposed of the knife, and Valeria assisted him in disposing of Jacquelyn’s wallets. When Valeria asked Mr. Smith “why he killed Jacquelyn,” he replied that “he didn’t want to go to Seattle, or something like that.” Mr. Smith and Valeria later attempted to drive to Mexico, but were apprehended *en route*.

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<sup>1</sup>Throughout the record, the victim is identified as “Jacquelyn,” “Jacqueline” or “Jaquelyn.” For consistency, we shall identify her as “Jacquelyn.”

<sup>2</sup>The State produced evidence that Jacquelyn died of multiple stab wounds to her chest.

Mr. Smith contends that the court erred in admitting evidence regarding five intercepted and recorded phone calls. At trial, the State called Baltimore City Police Detective Jill Beauregard, who testified that she was one of three detectives that investigated Jacquelyn's death. During the investigation, Detective Beauregard executed a warrant for a "T3 wiretap," which "monitors the interception of," among other things, "phone calls." The detective stated that the "numbers [that] were associated with the T3 wire warrant" were Mr. Smith and Valeria's cell phone numbers.

Detective Beauregard testified that while she and other officers "monitored the calls," she obtained approximately six calls "that [were] relevant to [the] investigation."

The following colloquy then occurred:

[PROSECUTOR: T]hrough the course of this investigation, did you have any – did there come a point in time, or did you have a point in time where you actually spoke to [Mr. Smith] yourself?

[DEFENSE COUNSEL]: Objection, Your Honor. Leading.

THE COURT: Overruled. Without telling us anything he said, have you talked to him?

[DET. BEAUREGARD]: Yes.

[PROSECUTOR:] And based on your conversations with [Mr. Smith], would you say you are familiar with his voice?

[DET. BEAUREGARD:] Yes.

[PROSECUTOR:] Did there come a point in time where you spoke with Valeria Smith in this case?

[DET. BEAUREGARD:] Yes.

[PROSECUTOR:] And based upon your conversations with her, would you say you are familiar with her voice as well?

[DET. BEAUREGARD:] Yes.

[PROSECUTOR:] And upon reviewing these calls on the wire for the T3 warrants, did there come a point in time where you heard [Mr.] Smith's voice?

[DEFENSE COUNSEL]: Objection, Your Honor.

THE COURT: Overruled.

[DET. BEAUREGARD:] Yes.

The State subsequently entered into evidence, over Mr. Smith's objections, recordings of two calls between Mr. Smith and Valeria, two calls from Mr. Smith to a flight reservation service, and a call between Mr. Smith and a man named "Will." During Mr. Smith's calls to the flight reservation service, he inquired about purchasing one-way transportation from Orlando to Cuba, Canada, or the "Virgin Islands."

Mr. Smith contends that "the [S]tate should not have been permitted to introduce any evidence regarding the phone calls," because "[t]here was no evidence of how many times [Detective] Beauregard allegedly spoke to Mr. Smith, when she spoke with him, [or] whether there was anything distinctive about his voice that would permit her to recognize it," and hence, the "male voice" on the calls "was not adequately authenticated to be that of Mr. Smith." But, Mr. Smith does not cite any authority that required the State to produce evidence of how many times the detectives spoke to Mr. Smith or when their conversations occurred, and we have stated that the failure of a witness to "comment on distinct characteristics about [a person's] voice does not render the [witness's] identification [of the voice] unreliable." *Donati v. State*, 215 Md. App. 686, 741 (2014). On the contrary,

Rule 5-901 states that the “requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims,” and offers as an “example[] of authentication or identification conforming with the requirements of [the] Rule” the “[i]dentification of a voice, whether heard firsthand or through mechanical or electronic transmission or recording, based upon the witness having heard the voice at any time under circumstances connecting it with the alleged speaker.” Rule 5-901(b)(5). Here, Detective Beauregard testified that she had engaged in firsthand conversations with Mr. Smith and Valeria and was familiar with their voices. This evidence was sufficient for the detective to identify the voices on the recordings as those of Mr. Smith and Valeria, and hence, the court did not err in admitting the recordings.

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