

Circuit Court for Baltimore City
Case No.: 121277016

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 245

September Term, 2023

ROBERT EDWARDS

v.

STATE OF MARYLAND

Friedman,
Zic,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 8, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Following a jury trial in the Circuit Court for Baltimore City, Robert Edwards, appellant, was convicted of voluntary manslaughter. The case stemmed from a stabbing outside an apartment complex in Baltimore City. At trial, the State’s evidence consisted partly of photographs and videos of the incident and its aftermath. On appeal, Edwards’s sole claim is that the trial court erred in admitting some of this photographic and video evidence depicting the crime scene because it was “graphic and unduly prejudicial.”

“The requirements for the admissibility of photographic evidence and video evidence are essentially the same.” *Covel v. State*, 258 Md. App. 308, 323, *cert. denied*, 486 Md. 157 (2023). In either case, the test is two parts: “[F]irst, the judge must decide whether the [evidence] is relevant, and second, the judge must balance its probative value against its prejudicial effect.” *State v. Broberg*, 342 Md. 544, 555 (1996). Here, Edwards does not dispute that the evidence was relevant, so the only issue before us is whether it was unduly prejudicial.

When photographic or video evidence is relevant, its admissibility “is determined by a balancing of the probative value against the potential for improper prejudice to the defendant.” *Bedford v. State*, 317 Md. 659, 676 (1989). This balancing “falls within the very broad discretion of the trial judge.” *Thompson v. State*, 181 Md. App. 74, 95 (2008) (cleaned up). We will not disturb their determination “unless plainly arbitrary.” *Grandison v. State*, 305 Md. 685, 729 (1986). As our Supreme Court has observed previously: “The very few cases finding reversible error [in this context] are ones where the trial courts admitted photographs [that] did not accurately represent the person or scene or were otherwise not properly verified.” *Mason v. Lynch*, 388 Md. 37, 52 (2005) (collecting cases).

The evidence here consisted of bodycam footage showing the victim’s body lying on the ground captured by two officers when they arrived at the scene. The State first sought to admit both videos in their entirety, but the trial court expressed concern that doing so had little probative value and would be unduly prejudicial to Edwards. The record reflects that, after further argument from the parties, the court carefully weighed the probative value of the proffered evidence against its prejudicial effect. The court ultimately admitted a photo still from one officer’s bodycam footage and “several seconds” of video from the other officer’s footage. Regarding the photo still, the court reasoned that it was “probative of the severity of the injury,” which “outweigh[ed] any prejudicial effect of showing [it] to the jury.” As for the video, the court reasoned “that there [was] probative value to viewing [the officer’s] approach to the scene [because] [i]t will give some context to his testimony [and] some understanding of the . . . overall picture of the scene.”

Edwards does not contend that either the photo still or video clip failed to “accurately represent the . . . scene or were otherwise not properly verified.” *Mason*, 388 Md. at 52. The balancing of probative value against prejudicial effect was within the trial court’s “very broad” discretion, and nothing in the record shows any abuse of that discretion. Accordingly, the court did not err in admitting the photo still or video clip, and we shall affirm its judgment.

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