Circuit Court for Anne Arundel County
Case No. C-02-CR-18-001572

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 627

September Term, 2019

JAMES CARETON

v.

STATE OF MARYLAND

Gould,
Berger,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: July 31, 2020

A jury, sitting in the Circuit Court for Anne Arundel County, convicted James Careton, the appellant, of an array of offenses arising from his having participated in a gang-orchestrated conspiracy to distribute contraband in the prison in which he was incarcerated. The jury convicted Careton of the following crimes: (i) participation in a criminal gang; (ii) conspiracy to deliver contraband in a place of confinement; (iii) conspiracy to distribute controlled dangerous substances ("CDS"); (iv) two counts of possession with intent to distribute CDS; (v) two counts of possession or receipt of CDS while in a place of confinement; and (vi) three counts of possession or receipt of a telecommunication device while in a place of confinement. The jury acquitted him of: (i) attempted first-degree murder; (ii) attempted second-degree murder; (iii) first-degree assault; (iv) second-degree assault; (v) commission of a hate crime; and (vi) related conspiracy charges. The court sentenced Careton to fifteen years' incarceration for participation in a criminal gang. For each of the remaining convictions, the court sentenced him to terms of five years, to run concurrent to one another but consecutive to the fifteen-year sentence. Careton timely appealed, and presents four issues for our review:

> I. Whether the evidence is insufficient to sustain a conviction for possession with intent to distribute a controlled dangerous substance and possession of a controlled dangerous substance in a place of confinement.
>
> II. Whether the trial court erred in admitting irrelevant and prejudicial handgun evidence when [Careton] was not charged with any handgun offenses.

III. Whether the trial court abused its discretion in permitting police witnesses to offer lay opinion testimony.

IV. Whether the trial court erred in refusing to ask the venire three of the *voir dire* questions requested by defense counsel.

We answer Careton's questions in the negative, and shall, therefore, affirm the judgments of the circuit court.

BACKGROUND

In January 2017, the Drug Enforcement Administration ("DEA") received a tip from the Maryland Department of Public Safety and Correctional Services ("DPSCS"). According to that tip a correctional officer employed by the DPSCS was a high-ranking member of the "Crips," a criminal gang, and had been engaged in smuggling contraband. Antoine Fordham was the initial subject of the investigation, which ultimately led to 27 arrests. Working in concert with Detective Patrick McLhinney, a detective with the DPSCS, DEA agents tapped Fordham's telephones and recorded telephone calls made to him by prison inmates. This telephonic surveillance revealed that Careton had called Fordham on numerous occasions from the Jessup Correctional Institution where he was incarcerated.

On January 24, 2017, Lieutenant David Roman, an Intelligence Supervisor with the DPSCS who was assigned to the Jessup Correctional Institution, conducted a targeted search of the prison cell occupied by Careton and his cellmate, Jamal Brown, after having received information that they were in possession of a cell phone. That search revealed two

cell phones and suspected suboxone strips. Subsequent chemical analyses confirmed that the strips contained naloxone and buprenorphine—Schedule II and Schedule III substances respectively. The following day, Lieutenant Roman intercepted letters that Careton and Brown had attempted to send in the prison's outgoing mail. In his letter, Careton wrote: "I got my homeboy to call you and let you know somebody put the police on us. They got both our phones and 70 butes."[1] He then provided the recipient with instructions for sending him additional "butes" via priority mail.

On June 20, 2017, Lieutenant Roman conducted another targeted search of Careton's prison cell, which revealed suspected synthetic marijuana. Careton claimed responsibility for the apparent CDS and provided Lieutenant Roman a written statement to that effect.

We shall include additional facts as necessary to our resolution of the issues.

DISCUSSION

I.

Careton contends that the evidence adduced at trial was legally insufficient to sustain convictions for either possession with intent to distribute synthetic marijuana or possession of synthetic marijuana while in a place of confinement. He argues that the substance discovered in his prison cell was a mere analogue of a Schedule I substance, to wit, AB-FUBINACA, and was not among those substances specifically enumerated in CR § 5–402, Schedule I. As the State rightly rejoins, however, Careton's argument does not

[1] Lieutenant Roman testified that "butes" refers to "Buprenorphine."

account for CR § 5–402(h)(2), which provides that a Schedule I CDS analogue "*intended for human consumption*" is, *ipso facto*, "a substance listed in Schedule I." (Emphasis added).

A.

In its case-in-chief, the State called Erica Derk, a senior forensic chemist with the DEA, whom the court accepted as an expert in the analysis of CDS. Ms. Derk testified that she had analyzed the suspected synthetic marijuana. Upon doing so, she determined that one of the samples contained two substances, which she identified by their common names: FUB-AMB and ADB-FUBINACA, while another sample consisted solely of FUB-AMB.

The State subsequently called Dr. Andrew Coop, a chemist and professor at the University of Maryland School of Pharmacy, whom the court qualified as an expert in both chemistry and pharmacology as they relate to CDS analogues. Dr. Coop testified that FUB-AMB and ADB-FUBINACA are substantially chemically and pharmacologically similar to AB-FUBINACA—a Schedule I substance. He explained that the only difference between ADB-FUBINACA and AB-FUBINACA is that the former contains an additional methyl group that the latter lacks. The only distinction between AB-FUBINACA and FUB-AMB, on the other hand, is that one contains an amide, which is replaced with an ester in the other. Otherwise, Dr. Coop testified, the two substances are molecularly identical and would have the same pharmacological effect. All three compounds, he concluded, are analogues of synthetic marijuana.

B.

"[W]e review a challenge to the sufficiency of the evidence in a jury trial by determining whether the evidence, viewed in a light most favorable to the prosecution, supported the conviction ..., such that any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Allen v. State*, 402 Md. 59, 76–77 (2007) (citations omitted). It is not, however, in our purview to retry a case or to reweigh the evidence adduced therein. *Fuentes v. State*, 454 Md. 296, 307–08 (2017). We shall, therefore, defer to the jury's resolution of conflicting evidence and its assessment of witness credibility. *Riley v. State*, 227 Md. App. 249, 256 ("[W]e defer to the fact finder's 'resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.'" (Citation omitted)), *cert. denied*, 448 Md. 726 (2016). "Such deference is accorded, in part, because it is the trier of fact, and not the appellate court, that possesses a better opportunity to view the evidence presented first-hand, including the demeanor-based evidence of the witnesses, which weighs on their credibility." *State v. Manion*, 442 Md. 419, 431 (2015) (citing *Walker v. State*, 432 Md. 587, 614 (2013)).

Maryland Code (2002, 2012 Repl. Vol.), § 5–101(g) of the Criminal Law Article ("CR") defines a "controlled dangerous substance" as, *inter alia*, "a drug or substance listed in Schedule I through Schedule V[.]" Schedule I, in turn, provides, in pertinent part:

> (h)(1) In this subsection:
>
> (i) "[C]ontrolled dangerous substance analogue" means a substance:

> 1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance listed in Schedule I or Schedule II; and
>
> 2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance listed in Schedule I or Schedule II[.]
>
> * * *
>
> (2) *To the extent intended for human consumption, each controlled dangerous substance analogue is a substance listed in Schedule I.*

CR § 5–402(h) (emphasis added).

Viewed in the light most favorable to the State, a jury could readily have concluded that ADB-FUBINACA and FUB-AMB are analogues of a Schedule I substance, to wit, AB-FUBINACA. Dr. Coop testified that ADB-FUBINACA and FUB-AMB are substantially chemically and pharmacologically similar to AB-FUBINACA. He further testified that ADB-FUBINACA and FUB-AMB "would have the same activation of cannabinoid receptors," leading him to determine that they would have the same hallucinogenic effects on the central nervous system as does AB-FUBINACA. Based on these facts, he concluded, ADB-FUBINACA and FUB-AMB are analogues of synthetic marijuana.

As to Careton's first contention, the only remaining issue is whether the evidence supported an inference that the ADB-FUBINACA and FUB-AMB had been intended for ingestion. Testifying as an expert in contraband, Detective McLhinney opined that the way

in which the ADB-FUBINACA and FUB-AMB had been packaged indicated that they had, in fact, been so-intended. Detective McLhinney's testimony was corroborated by a text message exchange that had been extracted from one of the phones found in Careton's prison cell. During that exchange, a person identified as "Little Man" discussed the quality and duration of the high associated with the synthetic marijuana analogue that Careton had purchased. A text message sent from Careton's phone described the high as being fifteen minutes in duration, "cool," but "nothing like that shit from downtown." Based on the foregoing, the jury could have reasonably inferred that the synthetic marijuana analogues found in Careton's prison cell had been intended for consumption. We shall, therefore, hold that the convictions at issue were adequately supported by the evidence.

II.

Next, Careton claims that the court abused its discretion by admitting evidence of a handgun, a rifle, and ammunition that DEA agents had discovered in a house owned by Fordham's girlfriend ("the House"), which Fordham frequented. Careton argues that this evidence was both irrelevant to the crimes with which he was charged and was unduly prejudicial. The State responds that Careton waived appellate review of this issue. Alternatively, it argues that the evidence was relevant to the violent crimes with which Careton was charged in so far as it tended to prove that Careton and his alleged co-conspirators "had the ability to carry out the planned conspiracy."

Maryland Rule 4–323(a) governs objections to the admissibility of evidence, and provides, in pertinent part: "An objection to the admission of evidence *shall* be made at the

time the evidence is offered or as soon thereafter as the grounds for objection become apparent." (Emphasis added). By failing to timely object, a party waives his or her objection unless he or she has made "a continuing objection to a line of questions by an opposing party" pursuant to Maryland Rule 4–323(b).

In support of its claim that Careton waived appellate review of the firearms evidence, the State cites our opinion in *Brown v. State*, 90 Md. App. 220, *cert. denied*, 326 Md. 661 (1992). The defendant in that case was charged with and convicted of voluntary manslaughter and the use of a handgun in the commission of a felony. During its case-in-chief, the State sought to introduce the handgun into evidence, and the defense timely objected, which objection the court overruled. The defense did not object, however, when the State proceeded to question the defendant about the firearm. We held that by failing to except to the State's line of question, the defense waived appellate review of the issue. We reasoned: "For his objections to be timely made and thus preserved for our review, defense counsel either would have had to object each time a question concerning the gun was posed or to request a continuing objection to the entire line of questioning." *Id*. at 225. *See also Klauenberg v. State*, 355 Md. 528, 545 (1999) ("[T]he party opposing the admission of evidence [must] object each time the evidence is offered by its proponent." (Citations omitted)).

Here, the firearms and ammunition were admitted through the testimony of DEA Agent Robert Grob, who had been present when the search warrant for the House was executed. He testified that the handgun produced at trial was "the weapon that we seized

from the top dresser drawer in the left front bedroom of [the House]." He further confirmed that the weapon was "essentially in the same condition as it had been when [he] recovered it that day." The defense did not object to that testimony. Agent Grob proceeded to confirm that the ammunition had been discovered in the handgun. Again, defense counsel failed to note an objection to this testimony. When the State then proceeded to offer the handgun and ammunition into evidence, defense counsel responded, "I don't object subject to cross examination and whether that gun works." Agent Grob then testified that the rifle had been recovered from the House's shed. Absent a continuing objection, Careton's failure to object to Agent Grob's testimony amounted to a waiver of his later request to have the firearms and ammunition removed from evidence.

III.

Careton next contends that "the trial court abused its discretion in permitting police witnesses to offer impermissible lay opinion [testimony]." The State counters that two of the police officers were qualified as expert witnesses, and that the court properly limited the scope of their testimony to their respective fields of expertise. As to the third police witness, the State argues, Careton failed to preserve his current objection for appellate review, and, in the alternative, that any error in the court's permitting that testimony was harmless beyond a reasonable doubt.

A.

Special Agent Caitlin Cerundolo was among the witnesses called by the State. While she was on the stand, the State played excerpts of recorded telephone conversations. The

State played an excerpt of one such recording, and asked Agent Cerundolo what had been said therein. Agent Cerundolo answered, "What did you say, Gizzle?"[2] The State then presented Agent Cerundolo with a transcript of jail calls to which she had previously listened, and asked her what kind of things Fordham had discussed on those calls. Agent Cerundolo answered, "Gang stuff, contraband, violence." She further averred that, when listening to those calls, she had recognized the voices of Careton and Fordham. After listening to another recorded discussion, Agent Cerundolo interpreted Careton as having proclaimed that he was a member of a "criminal street gang."

The State subsequently called Detective McLhinney, who the court qualified as an expert witness "as it relates to contraband in Maryland correctional institutions." Detective McLhinney interpreted the speaker's use of the phrase "eat it." He explained:

> Jamal Brown said that one of us is going to eat it for the other, but most likely I'm going to come off[,] meaning that the administrative segregation ticket or the infraction would have been taken by the Defendant, the Defendant would have taken ownership of that administrative infraction ticket. And that Jamal Brown would have been coming off segregation because the Defendant took responsibility for the things that were seized in the cell.

The State then played an excerpt of a recorded three-way telephone call, and asked Detective McLhinney what request Careton had made of the other male to whom he was speaking. Detective McLhinney answered, "To get outfits. …. The same outfits as last time." He then explained that "outfits" was slang for suboxone, and that Careton had been

[2] At trial, both Agent Cerundolo and Detective McLhinney testified that Careton is known by the pseudonyms "Two-G," "B.G.." and "Gizzle."

requesting the same type and quantity of suboxone strips as had been previously delivered. On re-direct, the State played yet another telephone call and asked Detective McLhinney what he had heard. Detective McLhinney answered, "Jamal Brown said that he got charged with the cell phone and Suboxone and James Careton got the administrative ticket for just the cell phone." In another recorded conversation, Detective McLhinney interpreted the callers, whose voices he identified as having belonged to Fordham and Careton, as having discussed the April 21, 2017 stabbing of Kevon Wilson. After playing the first such discussion, the State asked Detective McLhinney: "[W]e just heard the term [']green light.['] Are you aware of whether [in] the course of your investigation there was a green light given that actually resulted in violence that we know about inside the facility?" The defense objected. The court sustained the defense objection, ruling that the question exceed the scope of the witness's expertise. After playing an excerpt of yet another call, Detective McLhinney testified that the parties, whom he identified as Fordham and Tavon Dishman, used the nicknames "Gizzle" and "Trig," the latter of which, he averred, referred to Wilson. In the final recording played before Detective McLhinney, he interpreted Careton as having told Fordham "I'm the one that got him cracked."

Detective Philip Smith was the last law enforcement officer to testify for the State regarding the content of the recordings. Having been accepted by the court as an expert witness in the field of "criminal street gangs," he interpreted the content of ten discussions. In the first, he testified that Fordham had claimed to have been the boss of "Eight Tray," a chapter of the "Crips." After listening to a wire-tapped call wherein a speaker referred to

"drop[ping] the flag," Detective Smith explained that the phrase referred to a gang member's "no longer wanted to be part of … the gang" with which he or she was affiliated. He also interpreted the term "owing," a word employed on yet another recorded call, as having referred to "dues." In another telephonic recording, he testified that one of the speakers referred to "re-up[ping]" an "ounce of K" for purposes of distribution so as to further the financial interests of the gang.

In his continued capacity as an expert in "criminal street gangs," Detective Smith interpreted the terminology employed in additional recorded telephone conversations. In the course of doing so, he explained that the phrase "green light" refers to "[a] hit," and "pulling on the set" denoted gang members' mustering "more respect." Based on additional audio recordings, he opined that the speakers had indicated that an individual known as either "Loco" or "Lobo Black" headed the East Coast Crips, while an individual known as "G-Loc" presided over the Maryland Crips. In another conversation between Careton and Fordham, conducted about ten days after Wilson had been stabbed, Detective Smith interpreted one of them as having indicated that he "would go all out," while the other expressed a desire to keep his distance in order to avoid getting in trouble. In the penultimate call at issue, Detective Smith interpreted a recorded speaker as having referred to the criminal gang "the Bloods." In the final call, one speaker referred to Wilson by a derogatory epithet when characterizing his sexual orientation, to which the other speaker, whom Detective Smith identified as "someone of rank," replied that he had been "the one who got him smashed**.**"

B.

We review a trial court's decision to admit opinion testimony for abuse of discretion. *See Raithel v. State*, 280 Md. 291, 301 (1977) ("[T]he admissibility of expert testimony is a matter largely within the discretion of the trial court[.]"); *Warren v. State*, 164 Md. App. 153, 166 (2005) ("The decision to admit lay opinion testimony is vested within the sound discretion of the trial judge."). A court abuses its discretion when "no reasonable person would take the view adopted by the [trial] court, or when the court acts without reference to any guiding rules or principles." *Cagle v. State*, 462 Md. 67, 75 (2018).

Maryland Rule 5–702 governs the admissibility of expert testimony, and provides:

> Expert testimony may be admitted, in the form of an opinion or otherwise, if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue. In making that determination, the court shall determine (1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education, (2) the appropriateness of the expert testimony on the particular subject, and (3) whether a sufficient factual basis exists to support the expert testimony.

The gang slang, prison parlance, and drug jargon featured in the recordings may well have been—and likely were—foreign to many, if not all, of the members of the jury. When such cryptic language is in evidence, a court could, therefore, reasonably determine that expert testimony interpreting that terminology would aid the jury in understanding the evidence. *See, e.g., United States v. Garrett*, 757 F.3d 560, 568–69 (7th Cir. 2014) ("[W]here the government was attempting to prove that [recorded conversations] concerned the

coordination of a drug deal, deciphering code words commonly used in the drug trade would undoubtedly 'help the trier of fact to understand the evidence or determine a fact in issue.'" (Citation omitted)).

In this case, the court qualified Detective Smith as an expert in criminal street gangs and accepted Detective McLhinney as an expert in contraband in Maryland correctional institutions, having found that they possessed sufficient specialized knowledge to assist the jurors in deciding the issues presented in the case. Careton does not challenge that ruling. It was in their capacity as experts in their respective fields that the detectives interpreted the slang and coded messages used in the recorded conversations introduced by the State. Given that the fields of "criminal street gangs" and "prison contraband" clearly encompass the parlance unique to each field, the court properly exercised its discretion in permitting the detectives to interpret the meaning of words relating thereto.

To the extent that Detective McLhinney's interpretation of the recordings strayed from his designated field of expertise, to wit, prison contraband, and addressed gang violence instead, that testimony was harmless beyond a reasonable doubt given that Careton was acquitted of all of the violent crimes with which he was charged. Any error on the part of the court in permitting Agent Cerundolo to testify to the content of the calls was likewise harmless, as that testimony was cumulative of both the calls themselves and of the testimony of Detective McLhinney and Detective Smith.

IV.

Finally, Careton contends that the trial court abused its discretion by declining to ask the venire three *voir dire* questions requested by defense counsel. The State responds that the court properly exercised its discretion, arguing that "the substance of the questions at issue was covered by other questions the court asked during *voir dire*."

A.

Prior to jury selection in this case, the defense submitted a list of 48 questions that it requested the court to ask the venire during *voir dire*. The following were among the questions requested by the defense that the court declined to pose:

> 9. Does any prospective member of the jury panel have stronger feelings regarding Outlaw motorcycle gangs? Street gangs? Prison gangs?
>
> * * *
>
> 18. Does any prospective member of the jury panel have a strong feeling that a lack of appreciation for homosexuality is the same as hatred of homosexuals?
>
> * * *
>
> 24. Does any prospective member of the jury panel hold preconceived perceptions or thoughts regarding prison inmates?

Once the court had selected which proposed *voir dire* questions it would and would not ask, the following colloquy ensued:

> THE COURT: All right. [Assistant State's Attorney], [Defense Counsel], do you have objections to the Court's proposed *voir dire*?

> [DEFENSE COUNSEL]: Your Honor, Number 9, the Court indicated it would not ask. I do think the variance between maybe a motorcycle gang, a street gang, and a prison gang does or has the potential to reveal a bias, and so we would ask the Court to ask it. That is why we --
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> THE COURT: The Court is going to ask strong feelings about gangs, so I don't think I need to go any further.
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> [DEFENSE COUNSEL]: Will you note my objection as to not asking that question?
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> THE COURT: We have already filed your requested *voir dire* so if you make a general objection to every question I won't ask, it will cover it. And I will tell the appellate courts that I have considered every single one you have asked and I have rejected them and I am preserving your objection to all those additional questions.
>
> [DEFENSE COUNSEL]: The Court's indulgence. Again, as to l8 and 24, the Court indicated it will not ask.
>
> THE COURT: Right.
>
> [DEFENSE COUNSEL]: I think the State's theory with respect to this case, 18 is both relevant and important in terms of finding both fair and impartial jurors. So again, we would ask the Court to ask l8. And if the Court is not going to, ask the Court to note our objection. The same is true with Number 24 with respect to perceptions regarding prison inmates. General bias or disdain for prison inmates, then that is certainly a bias that needs to be disclosed because it certainly goes to the ability to be fair and impartial as a juror. So those are Defense --

The court then conducted a *voir dire* of the jury. When it had finished doing so, the court asked defense counsel whether she wished to incorporate her previous objections. Defense counsel answered in the affirmative and declined to note any additional objections to the *voir dire.*

B.

We review a trial court's decision as to whether to ask a proposed *voir dire* question for abuse of discretion. *Pearson v. State*, 437 Md. 350, 356 (2014). Maryland employs limited *voir dire*, the purpose of which is solely to "'ensure a fair and impartial jury by determining the existence of [specific] cause for disqualification[.]'" *Id*. (Quoting *Washington v. State*, 425 Md. 306, 312 (2003)). Accordingly, a trial court abuses its discretion when it refuses to ask a *voir dire* question that is "'reasonably likely to reveal [a] [specific] cause for disqualification[.]'" *Id*. at 357 (quoting *Moore v. State*, 412 Md. 635, 663 (2010)). In determining "whether a proposed inquiry is *reasonably* likely to reveal disqualifying partiality or bias" a trial court should weigh "'the expenditure of time and resources in the pursuit of the reason for the response to a proposed *voir dire* question against the likelihood that pursuing the reason for the response will reveal bias or partiality.'" *Id*. at 358–59 (quoting *Perry v. State*, 344 Md. 202, 220 (1996)). A court should, not, therefore, pose questions that are "argumentative, cumulative, or tangential." *Stewart v. State*, 399 Md. 146, 163 (2007), *overruled on other grounds by Kazadi v. State*, 467 Md. 1 (2020). *See also Burch v. State*, 346 Md. 253, 293 (1997) ("[T]he court need not ordinarily grant a particular requested instruction 'if the matter is fairly covered by instructions actually given.'" (Citations omitted)). A court does not, moreover, abuse its discretion by declining to pose "[q]uestions which are speculative, inquisitorial, catechizing, or 'fishing,' asked in the aid of deciding on peremptory challenges[.]"

Washington v. State, 425 Md. 306, 325 (2012) (quoting *Dingle v. State*, 361 Md. 1, 13–14 (2000)).

Though the court did not pose the specific questions requested by the defense, it did ask the venire questions that were substantially similar thereto, and were, therefore, reasonably likely to reveal the potential biases the defense ostensibly sought to uncover. In place of Question 9, the court asked: "Does any member of the jury panel have strong feelings about participation in a criminal gang?"[3] From the venire's answers to that question, the court could have readily ascertained whether any of its members harbored a bias against Careton because of his alleged gang affiliation. *See State v. Thomas*, 369 Md. 202, 214 (2002) ("A question aimed at uncovering a venire person's bias because of the nature of the crime with which the defendant is charged is directly relevant to, and focuses on, an issue particular to the defendant's case and, so, should be uncovered."). Whether the jury had "*stronger* feelings" relating to "motorcycle gangs," "street gangs," or "prison gangs" did not, moreover, "go … directly to the nature of the crime" with which Careton had been charged (participating in a *criminal* gang). *Curtin v. State*, 393 Md. 593, 611 (2005). A jury with an enthusiasm for motorcycles or an aversion to prison would have been able to render a fair and impartial verdict, regardless of the specific type of criminal gang with which Careton was allegedly affiliated.

[3] As noted above, Question 9 read: "Does any prospective member of the jury panel have stronger feelings regarding Outlaw motorcycle gangs? Street gangs? Prison gangs?"

As the State correctly observes, the substance of Question 18 was likewise "fairly covered" by questions which were, in fact, more closely tied to the facts of the case. The court asked the jury: (i) whether "any member of the jury panel have strong feelings about attempted first degree murder of Kevon Wilson because of his alleged sexual orientation"; (ii) whether "any member of the jury panel have strong feelings about conspiracy to attempt the first-degree murder of Kevon Wilson"; and (iii) whether "any member of the jury panel have strong feelings about crimes committed against homosexual persons."[4]

Even if these questions had not adequately addressed Careton's concern, any error on the part of the court was harmless. Wilson's supposed sexual orientation was relevant only insofar as it provided a potential motive for Careton's having participated in Wilson's stabbing and thereby established that Careton had committed a hate crime in violation of CR § 10-304. Given that Careton was convicted neither of a hate crime nor of a crime of violence, any error on the part of the court in declining to pose Question 18 was clearly harmless beyond a reasonable doubt.

Finally, we agree with the State's argument that the court's *voir dire* questions "fairly covered" the substance of Question 24.[5] The court explicitly asked whether any members of the prospective panel "would find it difficult to fairly sit in judgment and apply

[4] As noted above, Question 18 asked: "Does any prospective member of the jury panel have a strong feeling that a lack of appreciation for homosexuality is the same as hatred of homosexuals?"

[5] As noted above, Question 24 asked: "Does any prospective member of the jury panel hold preconceived perceptions or thoughts regarding prison inmates?"

the law to someone who has been confined in a correctional institution?" The court further inquired as to whether the prospective jurors would afford more or less weight to the testimony of inmates, and asked whether any member of the panel had "strong feelings about crimes committed within a penal or correctional institution[.]"

We hold that the *voir dire* questions posed by the court were more than adequate to adduce the potential biases that the defense-requested questions tended to elicit. The court did not, therefore, abuse its discretion.

JUDGMENTS OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.