

Circuit Court for Baltimore City  
Case No.: 120044021

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 678

September Term, 2022

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RONALD HASKINS

v.

STATE OF MARYLAND

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Berger,  
Arthur,  
Eyler, James R.,  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: April 4, 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 jury trial in the Circuit Court for Baltimore City, Ronald Haskins, appellant, was convicted of first-degree murder and related firearm offenses. On appeal, Haskins contends that the trial court erred in permitting a witness to identify him in surveillance footage taken from the scene of a shooting. For the reasons that follow, we shall affirm.

At trial, Detective Ryan Diener testified regarding a clip from a home security video depicting an individual, who matched the description of the suspected shooter, in front of the house about an hour and a half before the shooting. When asked “what drew [his] attention to that video[,]” Detective Diener started to respond: “Well, that individual, who I later identified to be [Haskins]-” but his response was cut short by Haskins’s objection. After the trial court overruled the objection, the State repeated its question, but Detective Diener did not repeat his identification.

A lay witness may testify in the form of opinion or inferences that are (1) derived from first-hand knowledge; (2) rationally connected to the underlying facts; (3) helpful to the trier of fact; and (4) not barred by any other rule of evidence. *See Robinson v. State*, 348 Md. 104, 118 (1997); *see also* Md. Rule 5-701. Whether to admit lay opinion testimony “is vested within the sound discretion” of the trial court. *Warren v. State*, 164 Md. App. 153, 166 (2005). We will not disturb its ruling “unless the evidence is plainly inadmissible under a specific rule or principle of law or there is a clear showing of an abuse of discretion.” *Moreland v. State*, 207 Md. App. 563, 568–69 (2012) (cleaned up).

We permit lay witness testimony identifying a defendant as the person depicted in a photograph or video “if there is some basis for concluding that the witness is more likely

to correctly identify the defendant from the [image] than the jury.” *Id.* at 572 (cleaned up). “[A] lay witness who has substantial familiarity with the defendant . . . may properly testify as to the identity of the defendant in a surveillance [image].” *Id.* (cleaned up). But, “although the witness must be in a better position than the jurors to determine whether the [image] is indeed that of the defendant, this requires neither the witness to be ‘intimately familiar’ with the defendant nor the defendant to have changed his appearance.” *Id.* at 572-73 (cleaned up). Rather, “the intimacy level of the witness’[s] familiarity with the defendant goes to the weight to be given the witness’[s] testimony,” not its admissibility. *Id.* at 572 (cleaned up).

Here, Detective Diener was the lead investigator on the case and had conducted an in-person interview with Haskins on the day of his arrest. Detective Diener had also observed Haskins’s social media photos and listened to his voice both in person and on jail calls. Detective Diener’s familiarity with Haskins provided “some basis” for the trial court to conclude that he was more likely to be able to identify Haskins from the surveillance video than was the jury. Moreover, Detective Diener’s identification was derived from his first-hand interactions with Haskins. There was a rational connection between Detective Diener’s perception that Haskins was the person in the surveillance video and his testimony identifying Haskins. Finally, given Detective Diener’s prior encounters with Haskins, there was sufficient factual support for his conclusion that Haskins was the person depicted on the footage, and his opinion was therefore useful to the jury. That Detective Diener lacked a long-term relationship with Haskins is irrelevant to whether his testimony was admissible; the level of familiarity goes only to the weight of the testimony. *Id.* We

conclude that the trial court did not abuse its discretion in permitting Detective Diener’s testimony as to the identification.

Even if it were error to have permitted Detective Diener’s testimony, it would be a harmless one. We first note that, despite the fact that the trial court overruled Haskins’s objection, Detective Diener did not repeat his identification. Another witness, however, did identify Haskins from the security footage: the owner of the home. Further, the jury heard Haskins confess to the crime on recorded jail calls. Therefore, any possible error in admitting Detective Diener’s testimony was harmless. *See Gross v. State*, 481 Md. 233, 237 (2022) (reaffirming the Supreme Court of Maryland’s longstanding approach of considering the cumulative nature of an erroneously admitted piece of evidence when conducting harmless-error analysis).

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