

Circuit Court for Baltimore City
Case No. 817003007

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 735

September Term, 2017

ARMON HALL

v.

STATE OF MARYLAND

Woodward, C.J.,
Beachley,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 9, 2018

*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, Armon Hall, appellant, was convicted of second-degree assault. Hall’s sole contention on appeal is that the trial court erred in allowing Baltimore Police Officer Eric Markey to testify about his alleged theft of candy from a convenience store immediately prior to the assault because, he claims, the theft was inadmissible “other crimes” evidence pursuant to Maryland Rule 5-404(b).¹ For the reasons that follow, we affirm.

Maryland Rule 5-404(b) provides that “[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.” However, “the strictures of ‘other crimes’ evidence law . . . do not apply to evidence of crimes (or other bad acts or wrongs) that arise during the same transaction and are intrinsic to the charged crime or crimes.” *Ovum v. State*, 412 Md. 593, 611 (2010). Crimes that are “intrinsic” to the charged crime include “at a minimum, other crimes that are so connected or blended in point of time or circumstances with the crime or crimes charged that they form a single transaction, and the crime or crimes charged cannot be fully shown or explained without evidence of the other crimes.” *Id.*

The State’s evidence indicated that the manager of the store observed the alleged theft and that Hall assaulted the manager after the manager confronted him about the theft and called the police. The theft was therefore part of the same transaction because it occurred at the same location and was what ultimately precipitated the assault. Consequently, the theft was not “other crimes” evidence within the meaning of Rule 5-

¹ Hall had been acquitted of the theft in a prior trial.

404(b). Moreover, even assuming that Officer Markey’s testimony was improperly admitted, any error was harmless beyond a reasonable doubt because the manager had previously testified, without objection, that he had observed Hall commit the theft. *See Yates v. State*, 202 Md. App. 700, 709 (2011) (“This Court and the Court of Appeals have found the erroneous admission of evidence to be harmless if evidence to the same effect was introduced, without objection, at another time during the trial.”).

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