

Circuit Court for Baltimore City
Case No. 817037003

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 745

September Term, 2017

KEITH STANFORD

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: March 13, 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.

Keith Stanford was convicted of possession of heroin by a jury in the Circuit Court for Baltimore City. On appeal, he contends that the circuit court erred in admitting evidence of a statement he made to a detective. Finding no error, we affirm.

On December 11, 2016, Detective Ceasar Mohamed of the Baltimore City Police Department arrested Stanford, pursuant to a warrant for an offense unrelated to the conviction on appeal. During a search incident to that arrest, Detective Mohamed recovered gel capsules containing suspected heroin from Stanford’s pocket.¹ Detective Mohamed testified, over objection, that Stanford asked him “not to charge him with the heroin”:

[PROSECUTOR]: And what, if anything, did [Stanford] say to you when you found the gel capsules on him?

DETECTIVE MOHAMED: I don’t remember word-for-word.

[PROSECUTOR]: You can summarize. If you can summarize what [Stanford] said to you when you found the gel capsules on him.

[DEFENSE COUNSEL]: Objection, Your Honor.

THE COURT: Overruled. Go ahead.

DETECTIVE MOHAMED: To try not to charge him with the heroin and only just keep it with the warrant.

Stanford contends that the trial court erred in allowing the Detective to summarize his statement because “it did not accurately represent” what he said, and “there was a substantial probability that Detective Mohamed’s summary changed the content and meaning” of his statement.

¹ The capsules were subsequently analyzed by police and were determined to contain 1.17% heroin.

Evidence is admissible if it is relevant, that is, if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Md. Rule 5-401; 5-402. Relevant evidence may be excluded, however, if “its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Md. Rule 5-403.

“Determinations regarding the admissibility of evidence are generally left to the sound discretion of the trial court.” *Donati v. State*, 215 Md. App. 686, 708 (2014). “We will not disturb a trial court’s evidentiary 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.” *Mines v. State*, 208 Md. App. 280, 291-92 (2012) (citations and internal quotation marks omitted).

As Stanford points out, evidence that he asked Detective Mohamed “not to charge him with the heroin” was relevant to the issues that were before the jury, specifically, whether Stanford knew (1) that the capsules contained heroin, and (2) that possession of heroin was illegal.² Whether or not Detective Mohamed’s testimony was an accurate account of what Stanford said has no bearing on the admissibility of the testimony. Rather, it is an issue affecting the weight to be given to that evidence by the jury, as the

² Stanford was charged with possession of a controlled dangerous substance, a violation of §5-601(a)(1) of the Criminal Law Article (Md. Code 2002, 2012 Repl. Vol.). In order to be found guilty of possession of a controlled dangerous substance, an accused “must know of both the presence and the general character and illicit nature of the substance.” *Larocca v. State*, 164 Md. App. 460, 472 (2005).

trier of fact. *See McCoy v. State*, 8 Md. App. 127, 130 (1969) (defendant’s assertion that a statement purportedly made by him during custodial interrogation was “not an accurate representation of what was said by him’ went to the weight of the statement and the credibility of the witnesses, not to its admissibility”), *cert. denied*, 257 Md. 734 (1970)). The trial court did not err in admitting the evidence.

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