Circuit Court for Anne Arundel County
Case No. C-02-CR-16-002416

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 772

September Term, 2017

TIMOTHY LEE STYLES, SR.

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: May 2, 2018

On April 27, 2017, appellant, Timothy Styles, was convicted by a jury sitting in Anne Arundel County of attempted fourth-degree burglary, malicious destruction of property, second-degree assault on a law enforcement officer, second-degree assault, and resisting arrest. The court sentenced him to a total of eight years of incarceration. On appeal he argues that the trial court erred by admitting unresponsive testimony. We disagree, and affirm the judgments.

BACKGROUND

Appellant and Tameka Wright met sometime in early 2015, and began a romantic relationship in October of that year. At that time, Wright lived with her children in a townhome located at 1411 Tyler Avenue in Annapolis. On January 9, 2016, Wright discovered that she was pregnant. On that same date she informed appellant of the pregnancy, and of the possibility that either he, or Michael Parker, had fathered the baby. Parker is the father of nine of Wright's eleven children. Appellant, who was initially excited about the pregnancy, became upset, as he believed that he was the only man having a sexual relationship with Wright. Wright informed appellant that she needed to "think" and that he could not come back to her home that evening. That evening appellant was arrested and charged with trespassing at Wright's home. In May of 2016, the two resumed their relationship. Later that same month, however, Wright received the results of paternity testing on her unborn child and discovered that Parker was the father of the baby. Appellant and Wright then broke up.

From August 13th to August 18th, 2016, appellant came to Wright's home and attempted to kick in the door. Wright, Parker, and seven children were at the home on the

evening of August 18th when appellant came again and kicked the door. Parker heard appellant outside and, through the closed door, told him to leave. Appellant refused to do so. Wright also told appellant to leave. Appellant continued to kick and pull at the front and back doors, causing damage to both. Parker and Wright called the police. Appellant was arrested shortly thereafter.

At trial, during the cross examination of Wright, defense counsel asked about the status of her relationship with appellant as of May of 2016, and the following exchange occurred:

DEFENSE COUNSEL:	Okay. And were you in a romantic relationship between May and August of 2016 with Mr. Styles?
WRIGHT:	No. We had – we had broken up some time in between the middle of May because I had found out, when I got my test results back, that he wasn't the father and –
DEFENSE COUNSEL:	Well, let me ask you this; so, moving forward –
WRIGHT:	Can – I was going to ask you something.
DEFENSE COUNSEL:	– you weren't seeing him – so, you weren't seeing him after the middle of May; is that right? I mean, romantically?
WRIGHT:	No.
DEFENSE COUNSEL:	But he would still come over and visit with you, friendly visit; is that right?
WRIGHT:	He – no. What happened was we had had some altercations and when I had told him that I got the results back, he wasn't the father. He got very upset and tried to attack me because I told him I needed some time.

DEFENSE COUNSEL: Objection. That's not responsive to the question, Your Honor.

THE COURT: You asked the – overruled. Ask another question.

DISCUSSION

Appellant submits that Wright's response, that he "tried to attack" her, was unresponsive to the questioning, and should have been stricken. He contends that Wright's response was "highly prejudicial evidence that Appellant had a propensity to commit assault," and therefore, "it may well have contributed to the jury's verdict[.]" We disagree.

"The conduct of the trial must of necessity rest largely in the control and discretion of the presiding judge, and an appellate court should not interfere with that judgment unless there has been error or clear abuse of discretion." *Thomas v. State*, 143 Md. App. 97, 109-10 (2002) (quotation marks omitted). "Generally speaking, the scope of examination of witnesses at trial is a matter left largely to the discretion of the trial judge." *Oken v. State*, 327 Md. 628, 669 (1992). "'[A] party introducing evidence cannot complain on appeal that the evidence was erroneously admitted.'" *Brown v. State*, 373 Md. 234, 238 (2003) (quoting *Ohler v. United States*, 529 U.S. 753, 755 (2000)).

Defense counsel's question suggested, that after the middle of May 2016, Wright's relationship with appellant was "friendly." Wright's response, that their relationship was not friendly due to appellant learning that he was not the father of her unborn baby, and that he had "attacked" her when he learned that he was not the father, was in direct response to defense counsel's question. Certainly defense counsel could have stopped Wright after she answered "no." Instead he allowed her to continue her answer, and explain why her

relationship was no longer friendly. Wright's explanation of the reason why her relationship was no longer friendly with appellant was germane to the questioning. Appellant may not now complain that it was error to admit this evidence that he elicited.

Nevertheless, even had the admission of Wright's testimony been in error, any error was harmless. An error is harmless where "there is no reasonable possibility that the evidence complained of—whether erroneously admitted or excluded—may have contributed to the rendition of the guilty verdict." *Dorsey v. State*, 276 Md. 638, 659 (1976).

In the instant case, evidence of appellant's prior bad acts was admitted without objection elsewhere at trial. In his opening statement, defense counsel described a January 9, 2016 call to police from Wright in which she complained that appellant was "breaking into her home," "harassing" her, tearing up her clothes, and "beating" on her door with a hammer. Defense counsel further described in his opening, an August 16, 2016 call to police from Wright in which she reported that appellant was "busting" and kicking her door, and breaking her window and air conditioner. These calls were then played by the defense at trial. Further, defense counsel elicited testimony from Wright that appellant had been arrested and charged in connection with the January 9th incident. Wright also testified, without objection, that appellant had attempted to kick open her door on a daily basis on August 13, 2016 through August 17, 2017. In light of the foregoing, we hold that

there is no reasonable possibility that Wright's challenged response could have contributed to the guilty verdict.

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