Circuit Court for Howard County
Case No. C-13-CR-19-000521

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 816

September Term, 2020

LUIS FELEPE HUGGINS

v.

STATE OF MARYLAND

Arthur,
Friedman,
Sharer, J., Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.
Concurring Opinion by Friedman, J.

Filed: October 20, 2021

Following a two-day trial, a Howard County jury convicted appellant Luis Felepe Huggins of first-degree assault, use of a firearm during the commission of a crime of violence, possession of a regulated firearm after a disqualifying conviction, possession of ammunition after a disqualifying conviction, and carrying a loaded handgun. The court sentenced Huggins to a total of 11 years of incarceration: five years for using a firearm in the commission of a crime of violence; six years for first-degree assault, to be served consecutively to the sentence for using a firearm in the commission of a crime of violence; and a total of six years, to be served concurrently with the other sentences, for the two possession offenses. At sentencing, the State dismissed the charge of carrying a loaded handgun.

Huggins appeals his convictions. He presents the following questions, which we have reordered, but otherwise quoted verbatim:

1. Did the circuit court err in denying Appellant's motion to suppress?
2. Is the evidence insufficient to sustain the conviction for first-degree assault and the related conviction for use of a firearm in the commission of a crime of violence?
3. Did the trial court err by admitting "other crimes evidence"?
4. Did the trial court err in imposing a consecutive sentence for use of a firearm in the commission of a crime of violence, where the court mistakenly believed that a consecutive sentence was required?

For the following reasons, we shall vacate Huggins's sentences and remand for resentencing. We shall otherwise affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On January 20, 2019, Huggins and his girlfriend, Chakia Hill, were celebrating his birthday in a suite at a hotel in Elkridge. Several other people were present, including Chakia Hill's brothers, Joshua Hill and Warner Smith. Joshua[1] did not plan to stay long because he had to work the next day, and because he did not like to be around his sister and Huggins when they drank.

Huggins and Joshua began "play fighting." Joshua realized, from Huggins's facial expression and his "aggression," that he was "getting serious." Huggins "started putting more [ ] power into [ ] trying to take [Joshua] down[.]" Huggins eventually got on top of Joshua and pinned him to the floor by his wrists. Joshua was laughing, and Huggins warned him, "I'm not a little boy[;] stop playing with me like I'm a little boy." Joshua "backed down" and told Huggins, "[A]ll right, you got it." Joshua's brother, Warner Smith, intervened and lifted Huggins off of Joshua.

As Joshua was getting up from the floor, Huggins went into a bedroom, retrieved a black Glock handgun, and inserted a magazine. According to Joshua, Huggins "came back," with the gun "pointed down," and declared, "Yeah, I know I got it."

Joshua thought that Huggins was going to shoot him. Although Huggins did not point the gun at him, Joshua testified that "[a]nyone that pulls a gun out and look[s] at you and says to you, 'Yeah, I know I got it,' is a threat[.]"

[1] Because Chakia and Joshua share the same last name, we shall refer to them by their first names, to avoid confusion.

Huggins walked out of the room. Joshua got up from the floor and "got [him]self together." He became angry and followed Huggins, grabbed Huggins by the throat and said, "[D]on't you ever point a gun at me again[.]" Huggins responding by punching Joshua's face and head.

Smith went to the lobby of the hotel and called 911. In the call, a recording of which was played for the jury, Smith reported that Huggins "pulled out a gun on" Joshua and physically assaulted him. Smith also reported that Huggins was still in the room with Chakia. The dispatcher instructed Smith to wait for the police in the lobby.

Officer Ronald Wetherson responded to the call and spoke to Smith. Smith informed the officer that the altercation took place in Room 204, that other people were in the room at the time, and that Huggins might still be in the room. After a few more officers arrived, the police began clearing the building to search for Huggins.

As the police approached Room 204, they learned that another officer had taken a suspect into custody outside the hotel. No gun was found on the suspect. According to Officer Wetherson, it was not clear at that time that the person in custody was Huggins.

Officer Wetherson opened the door to Room 204, using a key card that Smith had obtained from a hotel clerk. The police found no one inside.

The officers searched the room for the weapon. They discovered a Glock 17 handgun inside of a bag. The handgun was loaded with a magazine containing four live rounds of ammunition. The parties stipulated that Huggins was disqualified from possessing a regulated firearm because of a previous conviction.

As stated earlier in this opinion, Huggins was convicted of first-degree assault, using a firearm in the commission of a crime of violence, possessing a firearm following a disqualifying conviction, possessing ammunition following a disqualifying conviction, and carrying a loaded weapon.

We shall introduce additional facts as necessary in the discussion of the issues presented.

DISCUSSION

I. Motion to Suppress

Before trial, Huggins moved to suppress the evidence collected from the hotel room. He claimed the search was illegal. The court denied the motion.

On appeal, Huggins challenges that ruling. He argues that Smith did not have the authority to consent to a search of the hotel room. Even if Smith did have the authority to consent to a search of the room, Huggins argues that Smith did not have the authority to consent to a search of containers within the room, such as the bag in which the officers found the gun. We shall not address this issue because Huggins affirmatively waived his objection to the admission of the evidence and, consequently, his right to an appellate claim that the court erred in denying his motion to suppress.

Rule 4-252(h)(2)(c) states that a pretrial ruling denying a motion to suppress evidence "is reviewable . . . on appeal of a conviction." In interpreting an earlier version of that rule, this Court stated that "the lower court's ruling on the motion is . . . preserved for appellate review, even if no contemporary objection is made at trial." *Jackson v. State*, 52 Md. App. 327, 331 (1982).

If, however, the court denies a motion to suppress and the defense affirmatively states that it has no objection to the admission of the contested evidence, the statement effects a waiver. *See id.* at 332 (citing *Erman v. State*, 49 Md. App. 605, 630 (1981)). For example, in *Erman v. State*, 49 Md. App. at 630, this Court held that a defendant had waived his objection to the denial of a motion to suppress his statement to the police because he "specifically advised the trial judge that there was no objection to the admission of the statement."

"Waiver 'extinguishes the waiving party's ability to raise any claim of error based upon that right.'" *Brice v. State*, 225 Md. App. 666, 679 (2015) (quoting *Brockington v. Grimstead*, 176 Md. App. 327, 355 (2007), *aff'd*, 417 Md. 332 (2010)). "'Thus, a party who validly waives a right may not complain on appeal that the court erred in denying him the right he waived, in part because, in that situation, the court's denial of the right was not error.'" *Id*. (quoting *Brockington v. Grimstead*, 176 Md. at 355).

In short, if a court denies a motion to suppress and the defendant says nothing at all when the State moves to introduce the challenged evidence at trial, the defendant has preserved an objection to the denial of the motion to suppress. *Jackson v. State*, 52 Md. App. at 331. If, on the other hand, the court denies a motion a suppress and the defendant affirmatively states that the defense has no objection to the introduction of the challenged evidence at trial, the defendant has waived the objection to the denial of the motion to suppress. *Erman v. State*, 49 Md. App. at 630.

At Huggins's trial, the State moved to introduce the gun and the ammunition found in Huggins's hotel room into evidence, along with photographs showing the gun

inside of the bag. As to each item, defense counsel affirmatively stated that she had "no objection." Consequently, Huggins waived his objection to the disputed evidence (*Erman v. State*, 49 Md. App. at 630) and thereby extinguished his right to claim on appeal that the court erred in denying his motion to suppress. *Brice v. State*, 225 Md. App. at 679.[2]

[2] Although the concurrence recognizes that we have no choice but to find a waiver in this case, it argues that the result is inequitable, because the error, if any, can be remedied only in a post-conviction action, in which Huggins must bear a heavier burden than he bears on direct appeal. In a direct appeal from a criminal conviction, however, our job is not to review whether defense counsel erred by waiving the client's rights and whether the client suffered prejudice as a result; it is, instead, to review whether the trial judge erred. It would be absurd to say that the trial judge erred in admitting evidence to which defense counsel expressly said that she had no objection. In any event, there are numerous ways in which an attorney, through arguable error or inadvertence, may waive a point or fail to preserve it for appeal. *See, e.g., State v. Stringfellow*, 425 Md. 461, 469 (2012) (by stating that it accepts the jury, without qualification, the defense waives objections to questions propounded during voir dire); *Stabb v. State*, 423 Md. 454, 464-65 (2011) (to preserve an objection to a jury instruction, "a party must make timely an objection, after the instruction is given, that states the particular grounds of the objection"); *Klauenberg v. State*, 355 Md. 528, 539-40 (1999) ("when a motion *in limine* to exclude evidence is denied, the issue of the admissibility of the evidence that was the subject of the motion is not preserved for appellate review unless a contemporaneous objection is made at the time the evidence is later introduced at trial"); *Gilchrist v. State*, 340 Md. 606, 618 (1995) (by stating, without qualification, that the jury is satisfactory or acceptable, a party waives a complaint about the exclusion of someone from or the inclusion of someone in a particular jury). Indeed, later in this very opinion, we shall hold the defense waived its objection to some testimony because similar testimony was received without objection on another occasion. *See Jordan v. State*, 246 Md. App. 561, 577 (2020). To determine whether defense counsel committed an unprofessional error (and whether there is a substantial possibility that the result at trial would have been different but for the error), the appropriate mechanism is a collateral attack on the judgment – a post-conviction proceeding – not a direct appeal from the conviction.

II. Sufficiency of the Evidence

Huggins contends that the evidence at trial was insufficient to sustain his conviction for first-degree assault. He maintains that we must therefore reverse that conviction, as well as the related conviction for use of a firearm in commission of a crime of violence, which was predicated on first-degree assault. We disagree.

In evaluating whether the evidence was sufficient to sustain a criminal conviction, we ask "'whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *McClurkin v. State*, 222 Md. App. 461, 486 (2015) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)) (emphasis in original). We do not "retry the case" or "re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence." *Smith v. State*, 415 Md. 174, 185 (2010). Instead, "we give 'due regard to the [fact-finder's] findings of facts, its resolution of conflicting evidence, and, significantly, its opportunity to observe and assess the credibility of witnesses.'" *McClurkin*, 222 Md. App. at 486 (quoting *Harrison v. State*, 382 Md. 477, 488 (2004)). The dispositive issue is not "whether the evidence *should have* or *probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder." *Fraidin v. State*, 85 Md. App. 231, 241 (1991) (emphasis in original); *accord Stanley v. State*, 248 Md. App. 539, 564-65 (2020).

To obtain a conviction for first-degree assault, "the State must prove, beyond a reasonable doubt, that the defendant committed a second-degree assault and then prove the additional requirement that the defendant committed the assault with a firearm or with

the intent to cause serious physical injury." *Snyder v. State*, 210 Md. App. 370, 386 (2013); *see* Md. Code (2002, 2012 Repl. Vol., 2018 Supp.), § 3-202 of the Criminal Law Article.

"The statutory offense of second-degree assault encompasses three modalities: (1) intent to frighten, (2) attempted battery, and (3) battery." *Snyder v. State*, 210 Md. App. at 382. The State's theory of the case was that Huggins committed first-degree assault when he "brandished" a firearm with the intent to frighten Joshua.

The elements of the intent-to-frighten mode of second-degree assault are: (1) that the defendant committed an act with the intent to place another in fear of immediate physical harm, (2) that the victim was aware of the impending physical harm, and (3) that the defendant had the apparent ability, at that time, to bring about the physical harm. *Jones v. State*, 440 Md. 450, 455 (2014). The element of intent can be established through direct or circumstantial evidence. *Id.*

Huggins argues, in essence, that the State failed to prove the element of intent, *i.e.*, that the State failed to prove that he used the handgun with the intent to frighten Joshua. Huggins maintains that the evidence was insufficient because there was no evidence that he approached Joshua with the gun, that he pointed the gun at Joshua, or that he threatened to shoot Joshua. The State responds that the evidence and the reasonable inferences to be drawn from the evidence supported a finding of intent. The State is correct.

Because of the difficulty of proving a person's subjective state of mind, "the trier of fact may infer the existence of the required intent from surrounding circumstances

such as 'the accused's acts, conduct and words.'" *Smallwood v. State*, 343 Md. 97, 104 (1996) (quoting *State v. Raines*, 326 Md. 582, 591 (1992)); *accord Spencer v. State*, 450 Md. 530, 568 (2016). Additionally, "a finder of fact may, but need not, infer that the defendant intended the natural and probable consequences of the defendant's actions." *Jones v. State*, 440 Md. at 457 (emphasis omitted).

Contrary to Huggins's argument, the jury was not precluded from finding that Huggins intended to frighten Joshua merely because he did not actually point the gun at Joshua. Viewed in the light most favorable to the State, the evidence showed that, during a "play" fight, Huggins became hyper-aggressive, apparently because he felt that Joshua was treating him with disrespect. Joshua attempted to submit to Huggins, and Smith intervened to stop the fight. Unmollified, Huggins left the room, retrieved a gun, loaded it, and returned. With the loaded gun in his hand, Huggins proclaimed his dominance ("Yeah, I know I got it"), leading Joshua to believe that Huggins was about to shoot him. From this evidence, a rational jury could have inferred that Huggins intended to frighten Joshua.

Huggins points out that, after he brandished the loaded gun, Joshua followed him out of the room. He argues that Joshua's conduct is inconsistent with a finding that Joshua felt threatened.

In the context of a dispute over the sufficiency of the evidence, this argument is without merit. Joshua testified that he thought that Huggins was going to shoot him. If believed by the jury, that evidence was sufficient to prove that Joshua feared an impending battery. Any inconsistencies or weaknesses in Joshua's testimony affect the

weight of the evidence and not its sufficiency. *See Owens v. State*, 170 Md. App. 35, 103 (2006) (stating that "a witness's credibility goes to the weight of the evidence, not its sufficiency"), *aff'd*, 399 Md. 388 (2007).

III. Other Crimes Evidence

Huggins asserts that the court erred in admitting evidence in contravention of Maryland Rule 5-404(b), which generally prohibits the admission of evidence of "other crimes, wrongs, or other acts including delinquent acts[.]" Specifically, Huggins contends that, because the parties stipulated that he was disqualified from possessing a firearm because of a prior conviction, the testimony of both Joshua and Smith, to the effect that Huggins possessed a gun prior to the altercation, amounted to inadmissible evidence that he had committed other crimes.

Huggins challenges the following evidence elicited during the direct examination of Smith:

> [PROSECUTOR]: Okay. And . . . had you seen the firearm prior to the 20th of January of 2019?
>
> SMITH: Yes.
>
> [DEFENSE COUNSEL]: Objection, Your Honor.
>
> THE COURT: No, overruled.

By that point, however, Smith had already answered the same question, in a colloquy that elicited no objection from Huggins:

> [PROSECUTOR]: Okay. Had you seen the firearm before?
>
> SMITH: Yes.

[PROSECUTOR]: How were you able to see it before?

SMITH: It was, [Huggins] showed me, he showed me the firearm.

"'When evidence is received without objection, a defendant may not complain about the same evidence coming in on another occasion even over a then timely objection.'" *Jordan v. State*, 246 Md. App. 561, 577 (2020) (quoting *Williams v. State*, 131 Md. App. 1, 26 (2000)), *cert. denied*, 471 Md. 120 (2020); *see also Benton v. State*, 224 Md. App. 612, 627 (2015) (stating that, "'[o]bjections are waived if, at another point during the trial, evidence on the same point is admitted without objection[]'") (quoting *DeLeon v. State*, 407 Md. 16, 31 (2008)); *Yates v. State*, 429 Md. 112, 120 (2012) ("'we will not find reversible error on appeal when objectionable testimony is admitted if the essential contents of that objectionable testimony have already been established and presented to the jury *without objection* through the prior testimony of other witnesses[]'") (quoting *Grandison v. State*, 341 Md. 175, 218-19 (1995)) (emphasis in original).

By failing to object when Smith first testified that he had previously seen the gun, Huggins waived his right to appellate review of the court's ruling on his subsequent objection to the same evidence. Consequently, we shall not address the merits of his argument as to Smith's testimony.

We turn next to Huggins's challenge to Joshua's testimony. Joshua testified as follows:

[PROSECUTOR]: Had you seen [the gun] before?

JOSHUA: Yes.

[PROSECUTOR]: Where had you seen it before?

JOSHUA: He had shown me at a - -

[DEFENSE COUNSEL]: Objection.

THE COURT: I'll allow it. I'll allow it.

JOSHUA: Oh, he showed me prior, before in the car.

In this exchange, defense counsel did not object to the question of whether Joshua had "seen [the gun] before" the evening of the assault. Thus, Joshua was able to answer that he had in fact seen the gun before. Counsel did not actually object until the State asked *where* Joshua had seen the gun before. The objection came too late to preserve a challenge to the earlier question about *whether* Joshua had "seen [the gun] before." *See* Md. Rule 4-323(a) (stating that an objection "is waived" unless it is made "at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent").

But even if the objection were timely, we would conclude that Huggins has waived it, because Smith later testified, without objection, that Huggins had previously shown him the weapon. *Benton v. State*, 224 Md. App. at 627.

IV. Consecutive Sentence

Huggins's fourth and final claim on appeal is that the court erroneously believed that it had no discretion but to impose a consecutive sentence for his conviction for the use of a firearm in the commission of a crime of violence. He contends that because of the court's alleged failure to exercise its discretion in deciding whether the sentence would run concurrently to or consecutively with his sentence for first-degree assault, we must vacate his sentence and remand the case for resentencing. The State interprets the

record differently, maintaining that the court recognized that it could impose, but was not required to impose, a consecutive sentence.

Section 4-204(c)(1)(i) of the Criminal Law Article provides that a person who uses a firearm in the commission of a crime of violence or felony "shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years." Subsection (c)(2) of the statute provides that "[f]or each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony."

Huggins was not convicted of more than one count of the use of a handgun in a crime of violence, nor does it appear from the record before us that he had a prior conviction for that offense. Therefore, the court had discretion to impose either a consecutive or a concurrent sentence for the use of a handgun in the commission of a crime of violence.

At the sentencing hearing, the prosecutor asserted that, pursuant to the statute, a sentence imposed for the use of a handgun in the commission of a felony or crime of violence must be served consecutively to the sentence for the underlying felony or crime of violence. Defense counsel disagreed, explaining that the statute mandates a consecutive sentence only upon a subsequent violation, which was not the case here. The court took a brief recess to review the statute.

In announcing Huggins's sentence, the court began with the conviction for use of a firearm in the commission of a crime of violence, stating, "of course *the mandatory [sentence] is five years consecutive* to all your other convicted offenses in this case.

That's going to be consecutive to the first-degree assault." (Emphasis added.) The court then contradicted itself, stating that the sentence for first-degree assault would be six years, consecutive to the sentence for use of a firearm, as recommended by the State.

After announcing the sentences for the remaining convictions, the court summarized the disposition in a manner that created further confusion as to which sentence was consecutive to which. Notably, the court reiterated that the use of a firearm in the commission of a crime of violence carried a mandatory sentence of five years, to be served consecutively to the underlying crime:

> I'm going to make the possession of a regulated firearm five years flat[,] concurrent to possession of the ammunition[:] one year concurrent. *First-degree assault[:] six years consecutive to the unlawful use of a firearm in the commission of a felony or a crime of violence, which has a mandatory five year [sentence] consecutive to the [sentence for] first-degree assault.*

(Emphasis added.)

In response to defense counsel's request for clarification, however, the court stated that the sentence for first-degree assault was to be served consecutively to the sentence for use of a firearm in the commission of a crime of violence.

In general, Maryland courts recognize only three grounds for appellate review of a criminal sentence: "'(1) whether the sentence constitutes cruel and unusual punishment or violates other constitutional requirements; (2) whether the sentencing judge was motivated by ill-will, prejudice or other impermissible considerations; and (3) whether the sentence is within statutory limits.'" *See Jackson v. State*, 364 Md. 192, 200 (2001)

(quoting *Gary v. State*, 341 Md. 513, 516 (1996)); *accord Jones v. State*, 414 Md. 686, 693 (2010).[3]

In reviewing a claim of error in sentencing, this Court is mindful that, absent a misstatement of law or conduct inconsistent with the law, a trial judge is presumed to know the law and to apply it properly. *Medley v. State*, 386 Md. 3, 7 (2005). But, where the court's comments "could 'lead a reasonable person to infer that [the court] *might* have been motivated' by an impermissible consideration[,]" we must resolve any doubt in favor of the defendant. *Abdul-Maleek v. State*, 426 Md. 59, 74 (2012) (emphasis in original) (quoting *Jackson v. State*, 364 Md. at 207).

The State suggests that Huggins's claim lacks merit because the court did not make the sentence for the use of a handgun in the commission of a crime of violence consecutive to the sentence for first-degree assault. Instead, the court did the opposite: it made the sentence for first-degree assault consecutive to the sentence for the use of a handgun in the commission of a crime of violence.

Based on the record before us, we are not entirely persuaded by the State's reasoning. In our view, a reasonable person might infer that the court misunderstood the law, given its unqualified statements that the use of a handgun in the commission of a

[3] More broadly, a defendant may challenge an "illegal sentence" at any time (Md. Rule 4-345(a)), including on direct appeal. *See, e.g.*, *Oglesby v. State*, 441 Md. 673, 679 n.4 (2015). An illegal sentence is one in which the illegality "inheres in the sentence itself; *i.e.*, there either has been no conviction warranting any sentence for the particular offense or the sentence is not a permitted one for the conviction upon which it was imposed and, for either reason, is intrinsically and substantively unlawful." *See, e.g.*, *Chaney v. State*, 397 Md. 460, 466 (2007).

crime of violence carried a mandatory sentence of five years, *consecutive to* the sentence for the underlying conviction. Although the validity of that inference is debatable in light of the court's apparent decision to make the sentence for the underlying conviction (first-degree assault) consecutive to the sentence for the handgun offense, we must resolve any doubt in Huggins's favor.

Accordingly, we shall vacate the sentences and remand for a resentencing hearing. *See Nichols v. State*, 461 Md. 572, 609 (2018) (stating that "where an appellate court determines that at least one of a defendant's sentences must be vacated, the appellate court may vacate all of the defendant's sentences and remand for resentencing 'to provide the [trial] court maximum flexibility on remand to fashion a proper sentence that takes into account all of the relevant facts and circumstances[]'") (quoting *Twigg v. State*, 447 Md. 1, 30 n.14 (2016)). On remand, the court retains the discretion to impose either a consecutive or a concurrent sentence for Huggins's conviction for the use of a firearm in the commission of a crime of violence, based upon its assessment of the relevant sentencing factors.

SENTENCES VACATED AND CASE REMANDED FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THIS OPINION. JUDGMENTS OF THE CIRCUIT COURT FOR HOWARD COUNTY OTHERWISE AFFIRMED. THREE-FOURTHS OF COSTS TO BE PAID BY APPELLANT; ONE-FOURTH OF COSTS TO BE PAID BY HOWARD COUNTY.

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JJ.

Concurring Opinion by Friedman, J.

Filed: October 20, 2021

I concur. In my view, Huggins has a strong claim that the warrantless search of his closed bag found in his hotel room was unconstitutional. We cannot reach that claim because, although his lawyer preserved it in a pretrial suppression hearing, she affirmatively waived it at trial. Slip op. at 4-6 (citing *Jackson v. State*, 52 Md. App. 327, 332 (1982); *Erman v. State*, 49 Md. App. 605, 630 (1981)). Never mind that it would have been futile to object to the admission of the evidence again at trial, *see* MD. RULE 4-252(h)(2)(C) ("If the court denies a motion to suppress evidence, the ruling is binding at the trial…."); [1] that the lawyer was nonetheless spurred to waiver by the court asking for any objections; or that the State didn't raise the issue of waiver on appeal. As a result, however, this claim of unconstitutionality cannot be raised until post-conviction, and, at that time, Huggins will face the heightened burden of also proving that the waiver demonstrated that counsel was constitutionally ineffective and that it was prejudicial. Our finding of waiver is compelled by our precedents, but it is inequitable and ought to be rectified by modifying the Rule or reevaluating that aspect of *Jackson*.

[1] This rule differentiates the objection made here from those made in the cases relied upon by the majority in note 2. While requirements to contemporaneously renew the types of objections cited therein—to proposed voir dire questions, jury instructions, inclusion/exclusion of prospective jurors, and admission of evidence when made in a motion *in limine*—"give the trial court an opportunity to correct [its error] in light of a well-founded objection," *Stabb v. State*, 423 Md. 454, 465 (2011), the trial court here was, by contrast, bound by the pre-trial denial of the motion to suppress. MD. R. 4-252(h)(2)(C).