Circuit Court for Baltimore City
Case Nos. 118298002, 118323006

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 941
No. 942

September Term, 2019

AJEE HALL

v.

STATE OF MARYLAND

Graeff,
Reed,
Gould,

JJ.

Opinion by Gould, J.

Filed: September 23, 2020

In the Circuit Court for Baltimore City, Ajee Hall, appellant, was tried on joined charges arising from four residential burglaries in the Canton area. On counts arising from one of those break-ins, a jury convicted Mr. Hall of first-degree burglary, conspiracy to commit first-degree burglary, vehicle theft, and theft of property valued between $100 and $1,500. The jury also convicted him of theft of property valued between $100 and $1,500, based on his possession of a bicycle stolen from another residence. The jury acquitted him on all other charges related to that break-in and all charges related to break-ins at two other residences. The court sentenced him to concurrent terms of 20 years for the burglary and conspiracy counts, five years for the vehicle theft, and six months for the property theft.

In this timely appeal, Mr. Hall contends that the circuit court erred in joining the four cases for trial. We disagree and affirm his convictions.

FACTS AND BACKGROUND PROCEEDINGS

On the morning of October 2, 2018, Baltimore City police responded to reports of four burglaries in the Canton Square area: three rowhouse residences—the homes of Nancy Longo, Amy and Dustin Ritter, and Basant Misra—on South Curley Street and a fourth—the home of Cassie Struble—on South Rose Street.

On that morning, Ms. Longo woke around 4:15 a.m. and went downstairs to use the bathroom, then returned to her bedroom to find that her laptop, phone, and pants were missing. She discovered other property missing from downstairs. Although she had locked her front door before going to bed the night before, it was open. Ms. Longo called the police. As Ms. Longo was talking to the police, Ms. Ritter "came out of [her] home saying

that their car was missing." Ms. Longo accessed her exterior security camera, "scroll[ed] through the video," and saw that the Ritter "house had been broken into also."

Amy and Dustin Ritter had also locked their front door before retiring the night before, but when Ms. Ritter got up that morning at around 5:45 a.m., she found that the door was open, and the lock was missing. Inside the house, a purse, backpack, bookbag, work bag, and other items were missing. Outside, they discovered that police were already on the street, investigating Ms. Longo's home. They also found that their vehicle was missing.

Mr. Misra answered a phone call from Mr. Ritter, advising that a police officer was outside his door investigating break-ins on their block. Although he had locked up before going to bed, Mr. Misra found that things in his house had been moved, that his wallet and headphones were gone, and that a "green Trek road bike" belonging to his roommate was missing "from the back area of the house." The bike had a "green u-lock" and "after-market" "LED headlight and taillight."

Ms. Struble woke that morning to discover that her home had been broken into and her deadbolted front door had been unlocked. The contents of a suitcase, which she had left downstairs, were strewn around. Her laptop, work bag, and other personal belongings were missing. Outside, her vehicle was also gone.

When police arrived at Ms. Struble's house, they were able to open her front door by reaching in "through the mail slot," then "flip[ping] the deadbolt" as Ms. Struble suggested was possible. Forensic investigators obtained "11 lift cards[,]" then later matched a latent print on the exterior of her front door to Hall's right index finger.

Ms. Struble's Honda Fit was recovered about four hours later, and Ms. Ritter's Toyota RAV 4 was recovered later the same day.

Police investigators canvassed pawn and bike shops. John Hock, the owner of a bicycle repair shop in Highlandtown, just east of Canton, reported that shortly before he opened his bike shop on the morning of the burglaries, Mr. Hall and a companion arrived with a green bike that matched the photo and description of one that had just been reported stolen on a Canton neighborhood Facebook page. When Mr. Hall's companion asked for a battery charger for an E-bike that he brought, Mr. Hock invited both men inside, then confirmed that the E-bike serial number matched information posted about another stolen bike. Mr. Hock was unable to check the serial number on the green Trek bicycle. After stalling while he unsuccessfully attempted to reach the owners of the bikes, Mr. Hock told the individual with the E-bike that if he returned with the bike key, he could remove the battery to determine what size he needed. After about ten minutes, both men left with the bikes and did not return.

From the bike shop footage, police created flyers for the two individuals and distributed them to officers in the southeast district. Based on responses, Detective Peter Reddy obtained body camera footage from a patrol officer showing Mr. Hall.

In a subsequent warrant search of Mr. Hall's residence, police did not recover any of the property stolen from the four Canton residences in question but did find "additional stolen property."

On October 11, 2018, after receiving Miranda advisements, Mr. Hall admitted that he was the person in the footage from the bike shop. In a recorded interview played for

the jury, Mr. Hall claimed that he bought the bicycle a few days earlier from his "homeboy," Troy, then sold it to another "of his homeboys." He denied any involvement in the break-ins or thefts.

Mr. Hall was charged in separate cases in all four break-ins. In each case, the State charged counts of first-, third-, and fourth-degree burglary, as well as conspiracy and theft of property with specified values. In the Ritter and Struble cases, the State also charged Mr. Hall with vehicle theft.

MOTION FOR JOINDER

The prosecutor moved to join the four cases for trial:

> The State would move to join the four cases. And our position would be that the evidence that [defense counsel] just went through is mutually admissible in both [sic] cases.
>
> The fingerprint came back to 806 South Rose Street, which is case number 118323006. The green bike that he referenced was stolen from 118298002, so we would be offering in both of pieces of evidence in all of these cases.
>
> We feel that . . . the interest of judicial economy outweighs the prejudice to the Defendant. The separate trials would be redundant and we do intend to use the same witnesses in each case.

Defense counsel opposed the motion, citing Md. Rule 4-253(c), Bussie v. State, 115 Md. App. 324, 335 (1997), and Wynn v. State, 117 Md. App. 133 (1997), as grounds for trying these cases separately. Defense counsel argued:

> [Bussie] states mere physical closeness and chronological syncopation aren't alone sufficient for the evidence of other crimes mutually admissible based upon their relevance.
>
> So basically I believe what we have in this case is the State's going to allege that there's a series of burglaries sometime in the early morning hours

> between let's say 3:00 and 6:00 a.m. They're all within – two are on the same block, one's on another block and one's on another block. They're all within a couple blocks of each other.
>
> They would be alleging that somebody somehow got into these houses by getting their hands up through the mail slot, the front door, and opening the door. And the people obviously, if it goes to trial you'll see the videos but you can't make out the people except for maybe – you can't make out their faces. Let me put it that way.
>
> Obviously, and as I've also told you, these four cases being tried, and also if Mr. Hall did testify – and obviously he hasn't made that choice yet. But if Mr. Hall was to make the choice of testifying then we would have to revisit that section later on in the case and we don't have to do that at this point, but whether or not his record would be admissible.
>
> All four of these charges, the first count is . . . first degree burglary, third degree burglary. A couple of cars are moved away from these houses and items are stolen from these houses.
>
> None of these items that are stolen from the house to the best of my knowledge, . . . I don't believe that any of the items were recovered. There's an allegation about the green bike, but even the green bike itself was not recovered. It was seen in the video and my client had came by and he was allegedly sitting on a green bike, whether that was the green bike is I guess the jury will make that decision.
>
> ***
>
> So for the reasons I state I think the joinder in this case would be prejudicial to Mr. Hall, the prejudice would outweigh the probative value. And I would ask that you deny the State's request for joinder and allow these cases to be tried separately.

In response, the State advised the court that it also intended to present testimony from the bike store owner and video showing that approximately 12 hours later, "someone who appear[ed] to be" Mr. Hall "trie[d] to sell the bike," Mr. Hall's admission that the person was him, and "a jail call[,]" in which Mr. Hall said, "depending on how you take it," that it was "the actual bike from the burglary."

The court granted the motion stating:

> They have similar, same witnesses, mutually admissible. And for judicial economy it outweighs any prejudice to the Defendant[.]

Trial began immediately afterward.

A jury convicted Mr. Hall on charges related only to the Struble and Misra cases, as follows:

Charge	***1101 S. Curley Ritter/Case No. 118323005***	***1111 S. Curley Longo/Case No. 118323004***	***1112 S. Curley Misra/Case No. 118298002***	***806 S. Rose Struble/Case No. 118323006***
1st degree burglary	Not guilty	Not guilty	Not guilty	Guilty
Conspiracy - 1st degree burglary	Not guilty	Not guilty	Not guilty	Guilty
3rd degree burglary	Not guilty	Not guilty	Not guilty	X
4th degree burglary breaking + entering	Not guilty	Not guilty	Not guilty	X
4th degree burglary in yard/other area	Not guilty	Not guilty	Not guilty	X
Motor vehicle theft	Not guilty	X	X	Guilty
Theft of property $100-1,500	Not guilty	Not Guilty	Guilty	Guilty
Theft of property $1,500-25,000	Not guilty	Not guilty	X	Not guilty

DISCUSSION

Mr. Hall contends that "the trial court erred in granting the State's motion for joinder of four separately charged burglaries and related offenses into one trial proceeding." The State responds that evidence of the break-ins was mutually admissible and not unfairly prejudicial, because it was proffered to prove Mr. Hall's identity as one of the perpetrators of crimes that were part of a common scheme or plan.

STANDARD OF REVIEW

A trial court's decision regarding mutual admissibility in a case involving joinder of offenses is reviewed without deference, whereas its prejudice determination is reviewed

for abuse of discretion. See State v. Hines, 450 Md. 352, 371-72 (2016); Cortez v. State, 220 Md. App. 688, 694 (2014). We evaluate those determinations in light of the pretrial record upon which they were premised. See Solomon v. State, 101 Md. App. 331, 336, 373 (1994).

JOINDER OF OFFENSES

Maryland Rule 4-253(b), governing joint trials of both multiple offenses and multiple defendants, provides in pertinent part that "[i]f a defendant has been charged in two or more charging documents," and one party "move[s] for a joint trial of the charges[,] . . . . the court may inquire into the ability of either party to proceed at a joint trial." When "it appears that any party will be prejudiced by the joinder for trial of . . . charging documents, . . . the court may . . . order separate trials[.]" Md. Rule 4-253(c).

The Court of Appeals has established an analytical framework for determining whether to join multiple offenses for trial:

> First, the judge must determine whether evidence that is non-mutually admissible as to multiple offenses . . . will be introduced. Second, the trial judge must determine whether the admission of such evidence will cause unfair prejudice to the defendant who is requesting a severance. Finally, the judge must use his or her discretion to determine how to respond to any unfair prejudice caused by the admission of non-mutually admissible evidence. The Rule permits the judge to do so by severing the offenses[.]

Hines, 450 Md. at 369-70.

Mutual Admissibility

"The question of mutual admissibility is simply a method of assessing what difference there would be between a joint and a separate trial in any given case." Id. at 373.

Evidence is generally treated as mutually admissible for joinder purposes if it would have special relevance as "other crimes" evidence under Md. Rule 5-404(b)[1] and State v. Faulkner, 314 Md. 630 (1989). See Cortez, 220 Md. App. at 694. Thus, charges relating to "'other crimes' may be joined if they fall within the recognized exceptions set forth in Rule 5-404, which includes motive, intent, absence of mistake, identity, common scheme, and *modus operandi*, as well as 'several offenses [] so connected in point of time or circumstances that one cannot be fully shown without proving the other.'" Garcia-Perlera v. State, 197 Md. App. 534, 547 (2011) (quoting Solomon, 101 Md. App. at 350-54).

The Court of Appeals has recognized that evidence may have special relevance to prove identity when it shows "the defendant's presence at the scene or in the locality of the crime on trial" or "that a peculiar *modus operandi* used by the defendant on another occasion was used by the perpetrator of the crime on trial[.]" Faulkner, 314 Md. at 637-38. In the joinder context, proximity in time and distance also may be particularly pertinent to establish identity when the "defendant's multiple charges are closely related to each other and arise out of incidents that occur within proximately the same time, location, and

[1] Maryland Rule 5-404(b) provides:

> Evidence of other crimes, wrongs, or other acts including delinquent acts as defined by Code, Courts Article § 3-8A-01 is not admissible to prove the character of a person in order to show action in the conformity therewith. Such evidence, however, may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, common scheme or plan, knowledge, identity, absence of mistake or accident, or in conformity with Rule 5-413.

circumstances[.]" Carter v. State, 374 Md. 693, 705 (2003); see also Hines, 450 Md. at 352.

In Solomon, 101 Md. App. at 333-34, this Court affirmed the joinder of "one consummated carjacking and two attempted carjackings, all of which occurred within a tight geographic radius . . . and within a narrow time frame of between fifteen and twenty-five minutes[.]" We observed that "[t]he unities of time and place among the three assaults helped to establish the identity of the perpetrators, as did the similarities of purpose and of modality." Id. at 370-71. Evidence that the defendant's fingerprint was on the first victim's vehicle "helped to solidify" his identity "as the perpetrator of the subsequent two assaults as well[,]" eyewitness identifications of the defendant "put [him] in the neighborhood[,]" video evidence placed him at the location of the crime "minutes before the ultimately fatal attack[,]" and "the general descriptions" of the two assailants given by multiple witnesses further helped to identify the defendant as a perpetrator in all three attacks. Id. at 371-72. Because "[e]ach episode helped to prove the other two[,]" we found that "the identity of the [defendant] as one of the two perpetrators was solidly established again and again." Id. at 372, 373.

With regard to closely related or connected crimes, the fact that "everything occurred within a 'tightly confined' geographic area" established "that the three episodes that were tried together formed one closely connected and closely related totality so that one of the parts could not be 'fully shown or explained without proving the others.'" Id. at 375 (quoting Tichnell v. State, 287 Md. 695, 712 (1980)). Thus, "running out of gas explained [the perpetrators'] presence on the parking lot where [the first victim] was

attacked. Their flight from that crime scene, as others started running to the assistance or to the support of [that victim], then explained their presence, on foot," fleeing toward "the area where the assault on [the second victim] would take place." Id. at 375-76. They were next seen "running from the vicinity of" that second assault "in the direction of" the third victim's residence. Id. at 376.

We also concluded that similarities in *modus operandi* established mutual admissibility, given that "[t]he three victims in this case were each unescorted women who had just gotten into an automobile or who were standing beside an automobile with the ignition keys out." Id. at 377. Based on the evidence, we concluded that "the evidence with respect to each of the three criminal incidents . . . was relevant to prove the [defendant's] guilt of the others[,]" which was a permissible "purpose other than that of showing his criminal propensity[,]" and found that "the evidence was *mutually* admissible and [the trial judge] did not abuse his discretion in refusing to sever the trials of the three sets of charges from each other." Id. at 378.

Identity may also be established through *modus operandi*, based on a showing that the offenses were "so nearly identical in method as to earmark them as the handiwork of the accused." Faulkner, 314 Md. at 638; see also Hurst v. State, 400 Md. 397, 414 (2007) ("[t]he *modus operandi* exception is a subset of the identity exception under Rule 5-404(b)" and that "[t]his type of 'signature crime' evidence is useful in *identifying* a defendant who claims that he was not the person who committed the crime")

In McGrier v. State, 125 Md. App. 759, 765 (1999), for example, three sexual assaults "occurred in the same building within a fifteen day period," during the daytime,

with the attacker grabbing each teenage girl from behind. All three victims "gave similar descriptions" of the perpetrator, "including a bald head and necklaces, although only one remembered him as resembling a bulldog." Id. Citing Faulkner, we concluded there was "a pattern or signature in these cases[,]" which "creat[ed] a reasonable inference that the assaults were carried out by the same person." Id. at 765-66.

Similarly, in Garcia-Perlera, 197 Md. App. at 548-50, we held that the trial court did not abuse its discretion in joining four different Montgomery County home invasion robberies during a one-year period "along the River Road corridor in houses that were within walking distance of each other." Although there were "slight differences between the crimes" and they occurred over a period of twelve months, we concluded that "the record evidence also reveals overwhelming similarities among them." Id. at 548. Specifically, "[e]ach incident involved the confrontational home invasion of an elderly woman living alone, accosted by a man the three surviving victims consistently described as Hispanic," the crimes all "occurred on a weekday between Monday and Wednesday[,]" with each victim "'hog-tied' with their hands and feet bound together" and "detained in their basements." Id. In addition, "[p]olice found items stolen from each victim during a search of [the defendant's] apartment, and in three of the incidents recovered DNA consistent with [his] DNA." Id. Viewing "the totality of the[se] circumstances," we held that those "numerous similarities" were "more than sufficient to establish a distinctive *modus operandi*, and the common facts could prove the alleged identity." Id. at 548-49.

Other cases provide instructive examples of joinder based on mutual admissibility under multiple theories of special relevance within the exceptions established by Rule 5-

404(b). For example, in Hamwright v. State, 142 Md. App. 17, 34-35 (2001), joinder was predicated on crimes that were so closely connected by a common scheme or plan that they had special relevance to show identity. In that case, over a two-hour period, the defendant and two accomplices carjacked two victims at gunpoint, kidnapped, robbed, and sexually assaulted both victims, and then used the stolen car in two convenience store robberies. We held that severance was not required because "[p]roof that [the defendant] and his cohorts robbed the two Royal Farms stores was probative as to the identity of the persons who robbed and carjacked [one victim] and robbed, sexually violated, and kidnapped [another]." Id. at 35. As we stated:

> From the fact that [the carjacking victim's] Honda was being used by the threesome twice in the eighty-five-minute (approximately) time period after [the kidnapping victim] was abandoned, together with other evidence . . . , the jury could infer properly that the group that robbed the two [stores] . . . was, more likely than not, the same group that had carjacked [the] Honda. It would be unlikely, in the extreme, that the group who stole the car abandoned it after [one victim] was sexually assaulted and that thereafter three other persons used the car to commit two robberies in the next eighty-five to ninety-five minutes.

Id.

Prejudice

"In the context of both co-defendant and offense joinder, the crux of the severance inquiry is whether the joinder is unduly prejudicial." State v. Zadeh, 468 Md. 124, 147 (2020). Prejudice for purposes of Rule 4-253 "is not 'the legitimate damage to a defendant's cause that is incurred when *admissible* evidence is received against him.'" Garcia-Perlera, 197 Md. App. at 547 (quotation omitted). Instead, "[w]ithin the meaning of Rule 4-253, prejudice 'is a term of art, and refers only to prejudice *resulting* to the

defendant *from* the reception of evidence that would have been inadmissible against that defendant had there been no joinder.'" Molina v. State, 244 Md. App. 67, 140 (2019) (quoting Hines, 450 Md. at 369) (cleaned up).

Joining multiple charges against a single defendant "is *inherently* prejudicial" when the jury considers evidence that would not be admissible if the cases were tried separately, because such evidence presumptively "is accompanied by the risk of improper propensity reasoning on the part of the jury." Hines, 450 Md. at 374-75. Specifically, the danger is that "the jury may cumulate the evidence of the various crimes charged and find guilt when, if the offenses were considered separately, it would not do so." McKnight v. State, 280 Md. 604, 609 (1977). In addition, "the joinder of multiple charges may produce a latent hostility" toward the defendant, id., raising "the possibility that 'the jury may use the evidence of one of the crimes charged, or a connected group of them, to infer a criminal disposition on the part of the defendant from which he may also be found guilty of other crimes charged.'" Hines, 450 Md. at 371 (quoting McKnight, 280 Md. at 609).

APPLYING THE LAW TO THE FACTS OF THIS CASE

Mr. Hall contends that "none of the exceptions mentioned in *Faulkner* or its progeny justify the joinder of the four cases here." In his view, "[n]one of the four break-ins provided a motive for any other," the crimes were not "so connected in point of time or circumstances that one cannot be fully shown without proving the other," and "[n]one of the crimes were shown to have a similar entrance or other signature and hence no one crime or crimes tended [to] establish the identity of the perpetrator, or establish a common scheme or other similar *Faulkner* exception."

We believe that evidence of the four burglaries was mutually admissible under multiple Rule 5-404(b) theories of special relevance. As a threshold matter, we are mindful that the court premised its joinder ruling on evidentiary proffers rather than the full trial record.[2] See Solomon, 101 Md. App. at 336, 373.

The joinder theory presented to the court was based on proffered evidence that a fingerprint placed Mr. Hall at the scene of one break-in, that Mr. Hall attempted to sell a stolen green bike that linked him to another break-in, and that his likeness was possibly caught on surveillance video that identified him as one of the perpetrators. In our view, the fingerprint on the front door not only identified Mr. Hall as a likely perpetrator of that particular break-in, but also supported the *modus operandi* theory that each break-in occurred through the mail slot. Evidence regarding the green bicycle not only identified Mr. Hall as a possible perpetrator of a second break-in, but the evidence that he was present for those two break-ins also made it more likely that he was involved in the other two break-ins, as part of a common scheme that resulted in connected crimes committed within a "tight" radius of time and distance. In turn, the video evidence further supported the identity and common scheme theories of mutual admissibility.

On this record, the court did not err in concluding that evidence from the break-ins would likely be admissible if the cases were tried separately. As in Solomon, Hamwright,

[2] For that reason, we reject Mr. Hall's contention that, based on the evidence presented at trial, "the prosecutor was less than candid in his proffer as to the similarity between these offenses." In any event, Mr. Hall argues that the State proffered that "entry was made in each house through the mail slot." In fact, the State did not make that proffer.

McGrier, and Garcia-Perlera, the proffered evidence was mutually admissible to prove Mr. Hall's identity as a perpetrator of all four crimes, through the location, common scheme, and *modus operandi* inferences advocated by the State. Collectively, the proffered evidence helped solidify the identity of Mr. Hall as a perpetrator in a common scheme of break-ins with a common *modus operandi*. See Solomon, 101 Md. App. at 370-77. Moreover, the cases were so connected in time, location, and circumstances "that one cannot be fully shown without proving the other." Garcia-Perlera, 197 Md. App. at 547; see also Faulkner, 314 Md. at 637. In these circumstances, "[t]he unities of time and place among" the four offenses "helped to establish the identity of the perpetrators, as did the similarities of purpose and modality." See Solomon, 101 Md. App. at 370.

The cases cited by Mr. Hall do not persuade us otherwise. In McKnight, the four robberies occurred over "a one-month period[.]" 280 Md. at 605. Although a lone assailant committed two of those robberies, two assailants committed the others, and McKnight asserted an alibi defense to two of those four crimes. See id. at 606. Addressing only whether joinder was warranted under a *modus operandi* theory, the Court concluded that the robberies were not "so nearly identical in method as to earmark them as the handiwork of the accused" or "so unusual and distinctive as to be like a signature." Id. at 613 (quoting C. McCormick, Evidence § 190 at 449 (2d ed. 1972)). Here, given the material similarities in time frame, modality, and circumstances among the four break-ins, McKnight does not undermine the trial court's mutual admissibility determination.

Similarly, another case relied upon by Mr. Hall, State v. Jones, 284 Md. 232 (1979), is readily distinguishable. The sole grounds for mutual admissibility evaluated in that case

was the common scheme rationale. See id. at 243. To be sure, the Court of Appeals observed that "[i]mmediateness and site are not determinative[,]" so that "mere proximity in time and location within which several offenses may be committed does not necessarily make one offense intertwine with the others." Id. at 243. "Nor does the fact that the offenses were committed by the same persons qualify them to be admitted under the exception." Id. Instead, the Court of Appeals explained, "there must be a causal relation or logical or natural connection among the various acts or they must form part of a continuing transaction to fall within the exception." Id. at 244.

In Jones, 284 Md. at 243-44, however, the Court considered the full trial record in concluding that evidence of robberies at three different businesses within two and a half hours would not be mutually admissible because they were not "several stages of a continuing transaction" given that there was no indication that the perpetrators "agreed that they would commit more than one robbery or that they would keep robbing until they obtained enough money to buy drugs." The Court explained that "each of the establishments robbed was selected at random or on impulse" and "only after one robbery was attempted was a decision made to rob another place." Id. at 244. We do not read Jones to have precluded the circuit court from reaching a different conclusion based on the evidentiary proffer establishing that the four break-ins were so connected in purpose, time, location, modality, and circumstances, that they indicate a "natural connection among the various acts" or "form part of a continuing transaction[.]" See id.

Wynn v. State, 351 Md. 307 (1998), is also factually and legally inapposite. That decision is limited to a determination that, under Rule 5-404(b), "other crimes" evidence

regarding two housebreaks through rear windows was inadmissible to show "absence of mistake." See id. at 319. In contrast, the proffer in this case established a common *modus operandi* in all four break-ins, as well as other factors, including location and common scheme, supporting a broader basis for joinder.

Finally, Mr. Hall's reliance on Bussie, 115 Md. App. at 335, is misplaced. That case involved an assault charge that led to discovery of drugs on the defendant's person when he was arrested. In contrast to this case, those assault and drug offenses could have been proved without introducing evidence of the other, given that their only "correlation" was "between the occurrence of one crime and the discovery of another." Id. at 336-37.

Mr. Hall does not point to any unfairness beyond his mutual inadmissibility claim or otherwise advance other factors weighing against joinder. Furthermore, the not guilty verdicts on all the offenses charged in the Ritter and Longo break-ins, and on the burglary offenses charged in the Misra case, indicate that, as the circuit court anticipated, the jury did not misuse evidence regarding those offenses to convict Mr. Hall based on cumulated evidence or other impermissible propensity inferences. See McKnight, 280 Md. at 609. Instead, these verdicts indicate that the jury was persuaded by evidence from the Struble crime scene, including the latent print, that Mr. Hall was one of the perpetrators of that burglary, and by evidence from the bike shop and Mr. Hall's statement to police that he committed theft by knowingly taking possession of that recently stolen property. See Md. Code Ann., Criminal Law (2002, 2012 Repl. Vol.) § 7-104(c)(1) (theft by possession is defined as "stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person . . . intends to deprive the owner of the property");

Grant v. State, 318 Md. 672, 677 (1990) (theft by possession, formerly known as receiving stolen goods, is now part of Maryland's consolidated theft statute).

CONCLUSION

Applying legal standards governing joinder of offenses to the record on which the circuit court premised its ruling, we conclude that the court did not err in determining that the evidence was mutually admissible and did not abuse its discretion in concluding that joinder would not be unfairly prejudicial.

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