

Circuit Court for Baltimore City
Case No. 118337015

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1030

September Term, 2020

BLAKE D. SINGLETON

v.

STATE OF MARYLAND

Graeff,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 28, 2022

*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.

Convicted by a jury in the Circuit Court for Baltimore City of two counts of first degree assault and related offenses, Blake D. Singleton, appellant, presents for our review three questions: whether the court abused its discretion in refusing to ask a proposed voir dire question, whether the court erred in “allowing improper prosecutorial comment during closing argument,” and whether the court erred in “imposing a harsher sentence based on unproven conduct.” For the reasons that follow, we shall answer Mr. Singleton’s first question in the affirmative, reverse the judgments of the circuit court, and remand the case for a new trial.

Mr. Singleton’s trial commenced on December 13, 2019. During voir dire, defense counsel requested that the court ask the prospective jurors “whether or not someone believes in the presumption of innocence or if they do not believe in presumption of innocence or if someone believes that someone is guilty merely because they are charged.” Declining defense counsel’s request, the court stated: “Well, I know that that issue has been taken up and that it is pending before the Court of Appeals and the current[] state of the law with respect to voir dire is that – the limited purpose of voir dire in the State of Maryland and that’s not one of the required questions.” On December 18, 2019, Mr. Singleton was convicted of the aforementioned offenses.

In January 2020, the Court of Appeals issued its opinion in *Kazadi v. State*, 467 Md. 1 (2020), in which the Court stated that “on request, during *voir dire*, a trial court must ask whether any prospective jurors are unwilling or unable to comply with the jury instructions on the long-standing fundamental principles of the presumption of innocence, the State’s burden of proof, and the defendant’s right not to testify.” *Id.* at 35-36. In October 2020,

Mr. Singleton was sentenced, and in November 2020, Mr. Singleton filed a notice of appeal. In December 2021, the Court of Appeals issued its opinion in *Kumar v. State*, ___ Md. ___, No. 21, September Term 2021, 2021 WL 5993511 (filed December 20, 2021), in which the Court stated that *Kazadi* “applies to any case that was pending in a trial or appellate court that had not become final on direct appeal when [the] Court issued the opinion in *Kazadi* and in which the *Kazadi* issue had been preserved for appellate review.” *Kumar* at *5.

Mr. Singleton contends that in light of *Kazadi*, the court abused its discretion in declining to give his requested voir dire question. The State counters that Mr. Singleton “waived any complaint regarding the trial court’s decision not to propound [the question] when he expressed his unqualified acceptance of the jury as it was ultimately empaneled.” But, the Court of Appeals stated in *State v. Ablonczy*, 474 Md. 149 (2021), that “objections that relate to the determination of a trial court to not ask a proffered *voir dire* question are not waived by later acceptance, without qualification, of the jury as empaneled.” *Id.* at

166. Hence, Mr. Singleton’s contention is not waived, and accordingly, we reverse the judgments of the court and remand the case for a new trial.¹

**JUDGMENTS OF THE CIRCUIT COURT
FOR BALTIMORE CITY REVERSED.
CASE REMANDED TO THAT COURT
FOR A NEW TRIAL. COSTS TO BE PAID
BY MAYOR AND CITY COUNCIL OF
BALTIMORE.**

¹Mr. Singleton’s second contention is that the court erred in overruling defense counsel’s objection to the following remark made by the prosecutor during rebuttal argument: “And if you do something wrong, you be held accountable to keep our society safe from him.” Mr. Singleton’s third contention is that the court, at sentencing, was “influenced by the improper consideration of [Mr. Singleton’s] prior arrests.” As the prosecutor is unlikely to make a similar remark on remand, and Mr. Singleton did not preserve his third contention for our review, we decline to address the contentions.