

Circuit Court for Baltimore City
Case No. 122136002

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1417

September Term, 2023

ARTHUR MCCADEN

v.

STATE OF MARYLAND

Graeff,
Tang,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: July 16, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

On March 3, 2023, a jury in the Circuit Court for Baltimore City convicted Arthur McCaden, appellant, of first-degree murder of Derrick Smith, attempted first-degree murder of Tyrell Mack, attempted first-degree murder of Myisha Morton,¹ attempted first-degree murder of Christopher Foster, four counts of use of a firearm during the commission of a crime of violence, illegal possession of a firearm after being convicted of a crime of violence, and wearing and carrying a handgun. The court sentenced appellant to life imprisonment plus 70 years.²

On appeal, appellant presents the following questions for this Court’s review:

1. Did the circuit court err in admitting camera footage that was not authenticated?
2. Did the circuit court err in permitting a detective to offer his personal opinion about whether appellant made an admission during his police investigation?

For the reasons set forth below, we shall affirm the judgments of the circuit court.

¹ The transcripts often spell Ms. Mortin’s first name as “Miesha.” The Indictment, however, spells it as Myisha.

² The court imposed a sentence of: life imprisonment on the conviction of first-degree murder; five years, consecutive without the possibility of parole, for the conviction of use of a firearm in the commission of a crime of violence; 20 years, consecutive, on the conviction of attempted murder of Mr. Mack; five years, concurrent, on the three remaining convictions for use of a firearm in the commission of a crime of violence; 20 years, consecutive, on the conviction of attempted murder of Ms. Mortin; 20 years, consecutive, on the conviction of attempted murder of Mr. Foster; and five years, consecutive, without the possibility of parole, on the conviction of possession of a regulated firearm after a prior disqualifying felony conviction. The sentence for count ten, wear, carry, or transport a loaded handgun on a person, merged with count nine, illegal possession of a firearm.

FACTUAL AND PROCEDURAL BACKGROUND

On December 17, 2021, at approximately 8:00 p.m., Baltimore City police officers Jared Dollard and Andrew Gibbs responded to a ShotSpotter alert in the 1200 block of West North Avenue in Baltimore, Maryland.³ When they arrived, the officers discovered multiple victims that appeared to be suffering from gunshot wounds. The victims were later identified as Derrick Smith, Christopher Foster, Myisha Morton, Terrell Mack, and Michael Johnson. Mr. Smith was unresponsive at the scene, and he was later declared deceased as a result of multiple gunshot wounds. Mr. Mack had been shot in the arm, Ms. Morton in the finger, and Mr. Johnson in the abdomen. Mr. Foster suffered an injury to his shoulder, caused by the ricochet of a bullet.

On December 18, 2021, at approximately 1:30 a.m., Officer Lavgh Bormanshinov responded to a call regarding an automobile theft. He spoke with appellant, who stated that his car, a grey 2016 Volkswagen Passat, was stolen on December 17, 2021, after he parked it at approximately 3:00 a.m.

I.

Trial

On February 28, 2023, appellant's trial began. Officer Dollard testified regarding his response to the ShotSpotter alert on December 17, 2021, and his discovery of multiple people suffering from suspected gunshot wounds. The State introduced into evidence

³ Officer Dollard testified that ShotSpotter is a system that notifies the police when there has been a gunshot in an area.

footage from Officer Dollard’s body camera, and while the footage played, Officer Dollard identified Mr. Mack, one of the victims, and a medical professional providing CPR to the unresponsive victim.

Office Dollard testified that there were private and business cameras on the block. He watched surveillance footage relating to the shooting taken from a store in the middle of that block. He testified that the footage was a continuous, uninterrupted video, it showed when he arrived at the scene, and it was a fair and accurate recording of the incident.

The State then moved to introduce the surveillance footage into evidence as Exhibit 2. Defense counsel objected. The parties approached the bench, and the following colloquy occurred:

THE COURT: Basis?

[Defense Counsel]: Predicate, Your Honor. There’s not a sufficient foundation through this witness to testify how the camera worked, is working. He can testify that it worked when he was there. He reviewed himself on the video or it worked for that period of time. So the initial one is a predicate for foundation laid to get this in, and secondly, we don’t know, you know, with saying, “We relayed to chain of custody” whether it was altered, whether he -- he didn’t say he retrieved the video. He said he later watched this video.

THE COURT: All right, there is no requirement for authentication that the person who retrieved the video be the person who introduce it. It’s just enough that a reasonable finder of fact could determine that it is what its proponent says that it is. He says that he’s watched it and that it - - he knows where the camera is located, and that it accurately reflected what he saw at the crime scene, including his arrival. I agree that he can’t testify as to he wasn’t there for the period of time he wasn’t there. I guess is how I would put that. But I don’t find that’s an obstacle towards authentication.

[Defense Counsel]: All right, Judge, just so that I make sure I preserve it, so my argument is he can't authenticate the video that he's not in that may have been taken before he arrived.

THE COURT: That -- so, first off, there's what [is] called silent witness theory --

[Defense Counsel]: Well, right.

THE COURT: -- which would allow it to come in. When he's saying, "It's a surveillance camera on the block, and it shows my arrival," I think a reasonable finder of fact could determine that the period immediately before his arrival is also authentic, so I'll overrule your objection. Thank you.

The State then played the video in court,⁴ and Officer Dollard testified that he recognized the area depicted in the footage. He stated that the video depicted him and his partner arriving on the scene at timestamp 19:50:30, which he noted was approximately two minutes after the shooting incident.⁵ The video shows, among other things, an individual firing a gun several times into another individual's back.

The primary crime laboratory technician, Ryan Davis, testified that he recovered 14 cartridge casings from the scene, eight Winchester .45s and six Federal Auto .45s. He also documented evidence recovered from a grey Volkswagen Passat, Maryland plate

⁴ It is unclear from the record how much of the video was played, and at what point the State began playing the video.

⁵ The video indicates that the shooting began at 19:48:12, when an individual appears to fire a gun several times and other individuals begin running away. A different individual, who had arrived on the scene in a vehicle at 19:42:49, approximately six minutes before the shooting began, appears to fire a gun toward the other side of the street at approximately 19:48:18. That individual then enters the car he arrived in and drives away. At 19:48:32, an individual exits a building and walks toward a body lying on the sidewalk. Several others walk toward the individual lying on the sidewalk.

9EV0984, at the scene with the windows down and the key in the ignition. He testified that a phone was found in the vehicle.

Detective J. Romeo testified that he responded to the scene.⁶ The State introduced footage from his body camera. The detective stated that he saw shell casings from a firearm on the ground. He identified a beauty supply store in the body camera footage and testified that he reviewed two surveillance videos retrieved from the beauty supply store depicting the events that occurred on the night in question. The videos were continuous and showed when he arrived at the scene. He testified that the parts where he was shown were “a fair and accurate recording of the events that were transpiring.”

The State then moved to introduce the footage as Exhibits 10 and 11 into evidence. Appellant objected, and the parties approached the bench. Counsel for appellant stated that he was making the same objection he made before regarding the “predicate foundation of whether or not he can authenticate this particular video what happened prior to [when] he arrived on the scene.” The court responded as follows:

I understand, and that’s fair enough. Certainly there - - and I will say there are judges, because I spoke to one today, who would not let this in through this witness. You’d need another witness to testify who, like, pulled it from the . . . store, for example. But when there is testimony that it’s continuous feed, in other words, not edited, and that he confirms the authenticity of the portions that he viewed. I find that there’s enough there to be sufficiently authenticated, but your objection is noted.

It admitted the two video exhibits into evidence.

⁶ The transcript spells Detective Romeo’s first name as “J.”

The State played Exhibit 10 and asked Detective Romeo if he recognized anyone in the video.⁷ He testified that he recognized himself. Detective Romeo testified that several businesses, including a liquor store, operated on the block, that the shooting occurred close to the liquor store, and that two shooters were at the scene.

The State then played Exhibit 11, and the detective indicated that the footage captured events occurring eastbound on North Avenue. At timestamp 7:50:47, the State paused to allow Detective Romeo to identify himself.⁸

⁷ It is unclear from the record how much of the video was played or at what time stamp the State began playing the video. The video begins at time stamp 7:30 and is trained on a street intersection. At timestamp 7:48:12, several individuals are seen running down the sidewalk. At 7:48:15, one of the individuals begins running across the street, turns, appears to fire a gun, and continues running. At approximately 7:49:53, police lights are seen flashing down the street as individuals move in and out of the frame. At 7:50:20, a police vehicle arrives followed by three other police vehicles.

⁸ It is unclear from the record how much of the video was played or at what time stamp the State began playing the video. The camera records foot and vehicle traffic between time stamp 7:30:00 and 7:42:50. At approximately 7:42:53, a Mercedes enters the frame and parks on the street. Two individuals, later identified as Trevor Smith and Derrick Smith, exit the vehicle at 07:43:15 and begin walking away from the camera. At 07:46:50, what appears to be a grey Volkswagen Passat pulls over and parks on the street. This Passat subsequently was connected to appellant when the police found in the vehicle paperwork and the car's title in appellant's name, as well as two phones, one of which had a Google app in appellant's name, the other phone had a photograph of appellant, taken at 12:19 p.m. on December 27, 2021, sitting in a car and wearing a hat that matched the hat worn by the shooter.

On the video, an individual, later identified as appellant, exits the Passat and walks away from the camera. He then begins talking with another individual, later identified as Derrick Smith, and they walk down the sidewalk toward the camera. They stop and continue talking. At 7:48:10, appellant appears to pull a gun out of his pocket, which he then fires into Derrick Smith's back. As everyone begins to run away, another individual, identified as Trevor Smith, fires a gun at appellant, who returns fire. At 07:48:16, Trevor Smith aims his weapon across the street and fires several shots while two individuals lay

Assistant Medical Examiner Russell Alexander testified regarding the autopsy he performed on Derrick Smith on December 18, 2021. Mr. Smith had two separate and distinct gunshot wounds on his back, and his cause of death was multiple gunshot wounds.

Detective Keith Tondeur, a Baltimore City homicide detective, testified that the footage recovered from the beauty supply store “captured the incident beginning to end.” He identified the intersection of McCulloh and West North on Exhibit 11, noting a grey Volkswagen Passat left running at the scene. Based on the footage depicting the Passat’s arrival and the driver’s exit, the police determined that a possible suspect was a “black male, a medium build, distinctive hat.” The detective identified Derrick Smith and Ms. Morton on the recording. Detective Tondeur noted the muzzle flash, which was associated with the discharge of a gun.

The State then played Exhibit 10 from timestamp 07:46:52, pausing and fast-forwarding to allow Detective Tondeur to identify certain things in the footage. From the footage, Detective Tondeur identified the Passat, the particular shoe that the police associated with the suspect, and the firearm discharge. He explained that investigators recovered from the Passat an iPhone, a box containing Winchester .45 rounds, and a “burner” phone.⁹ At least one of the rounds recovered from the scene matched the rounds

on the sidewalk. At 7:48:23, Trevor Smith gets into the Mercedes that is parked on the street and pulls away from the scene. From 7:48:50 to 7:50:25, when the first police vehicle arrives, several people are congregating around the victims and appear to be rendering assistance.

⁹ The burner phone contained a Google app with the appellant’s name on it, but no other data existed on the phone.

recovered from the vehicle. The police also recovered a repair slip, other paperwork, and the vehicle’s title document, all of which listed appellant’s name. The State showed the jury a photo that investigators recovered from the iPhone, which depicted appellant sitting in a vehicle, wearing a hat that matched the hat worn by the shooter, while an unidentified person holds appellant’s Maryland driver’s license in the forefront of the photograph. The photograph was timestamped December 17, 2021, at 12:19 p.m., after the time that appellant told the police that he had last seen the car before it was stolen.¹⁰ Based on the time stamp of the photo, the background of the photo, and text message receipts from CashApp, Detective Tondur concluded that appellant operated the Passat in the 400 block of East Baltimore Street between 12:09 p.m. and 12:20 p.m. on December 17, 2021. Detective Tondur attempted to interview all of the non-fatal shooting victims, but they were either unwilling to speak with police or stated that they did not know “anything about the suspect.”

Detective Tondur testified about his interview with appellant on February 23, 2022. As discussed in more detail, *infra*, Detective Tondur testified that, although appellant never stated that he committed the crime, he interpreted appellant’s statements as an admission.

At the conclusion of Detective Tondur’s testimony, both sides rested. On March 3, 2023, the jury convicted appellant on all counts.

¹⁰ Officer Bormanshinov testified that appellant advised at 1:30 a.m. on December 18, 2021, that he parked his car at approximately 3:00 a.m. on December 17, 2021, he was drunk, and he went to sleep.

This appeal followed.

STANDARD OF REVIEW

“Appellate courts generally defer to the trial court’s evidentiary findings and ‘are loath to reverse a trial court 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.’” *Covel v. State*, 258 Md. App. 308, 322-23 (quoting *Merzbacher v. State*, 346 Md. 391, 404-05 (1997)), *cert. denied*, 486 Md. 157 (2023). Specifically, we review for abuse of discretion “a trial court’s determination as to whether an exhibit was properly authenticated.” *Mooney v. State*, 487 Md. 701, 717 (2024). “A trial court abuses its discretion when no reasonable person would take the view adopted by the trial court, or when the ruling is clearly against the logic and effect of facts and inferences before the court.” *Lewis v. State*, 263 Md. App. 631, 664 (2024) (internal quotations omitted) (quoting *Prince v. State*, 255 Md. App. 640, 652 (2022)). An abuse of discretion also exists “when the court acts without reference to [] guiding rules or principles.” *State v. Robertson*, 463 Md. 342, 364 (2019) (alterations in original) (quoting *Alexis v. State*, 437 Md. 457, 478 (2014)).

DISCUSSION

I.

Video Authentication

Appellant contends that the circuit court erred in admitting portions of Exhibits 2, 10, and 11 because the State failed to authenticate the portions of the videos showing events before the police responded to the scene. He asserts that, in the absence of evidence

regarding “the camera equipment used, the reliability of the camera equipment, the overall reliability of the surveillance system’s software, the footage’s chain of custody, and the process by which the footage was obtained and/or copied by police,” “the circuit court abused its discretion in admitting the portions of the exhibits depicting events before police arrived.”

The State contends that the circuit court properly exercised its discretion in admitting the surveillance footage because the entirety of the footage was adequately authenticated. It asserts that “the authentication threshold [is] low, but the standard of appellate review is high,” and the footage here “was properly authenticated through pictorial testimony and circumstantial evidence.”

Maryland Rule 5-901(a) provides that authentication of evidence is “a condition precedent to admissibility.” “[M]ovies and tapes are easily manipulated, through such means as editing and changes of speed, to produce a misleading effect.” *Washington v. State*, 406 Md. 642, 651 (2008) (quoting 5 Lynn McLain, *Maryland Evidence* § 403.6 at 592 (2001)). Moreover, as the Supreme Court recently noted, “the advent of image-generating artificial intelligence, may present unique challenges in authenticating videos.” *Mooney*, 487 Md. at 734-35. Nevertheless, a video can be admissible if it is properly authenticated. *Id.* at 735.

To properly admit video footage, “the proponent of the evidence ‘need not rule out all possibilities that are inconsistent with authenticity, or prove beyond any doubt that the [] evidence is what it purports to be.’” *Id.* (alteration in original) (quoting *State v. Sample*,

468 Md. 560, 599 (2020)). Rather, a video is properly authenticated if there is “sufficient evidence for a reasonable juror to find by a preponderance of the evidence that the video is what it is claimed to be.” *Id.* at 708. “Maryland Rule 5-901(b) sets forth a nonexclusive list of ways to authenticate evidence.” *Id.* at 705.

Video can be authenticated under the “pictorial testimony” theory. *Id.* Under that theory, which derives from Maryland Rule 5-901(b)(1), “a video can be authenticated where a ‘witness testifies from first-hand knowledge that the [video] fairly and accurately represents the scene or object it purports to depict as it existed at the relevant time.’” *Id.* at 705-06 (alteration in original) (quoting *Dep’t of Pub. Safety & Corr. Servs. v. Cole*, 342 Md. 12, 20-21 (1996)).

Here, appellants do not dispute that the portion of the videos depicting events that occurred after officers arrived on the scene were authenticated through pictorial testimony. Officer Dollard authenticated the portion of Exhibit 2 depicting his arrival on scene and the events thereafter based on his first-hand knowledge that the video fairly and accurately represented the scene that it purported to depict. Similarly, Detective Romeo’s testimony from first-hand knowledge authenticated the portions of Exhibits 10 and 11 that depicted his arrival on scene and the events thereafter. The issue here, however, is whether the State authenticated the portion of the videos depicting events that occurred before the police arrived on the scene.

The second theory of authentication is the “silent witness” theory, which provides that a video can be authenticated by “an adequate foundation assuring the accuracy of the

process producing’ the video.” *Mooney*, 487 Md. at 706 (quoting *Cole*, 342 Md. at 21). This foundation can be made by testimony “describing a process or system used to produce the proffered exhibit or testimony and showing that the process or system produces an accurate result.” *Id.* (quoting Md. Rule 5-901(b)(9)). The “foundation can be laid where, for instance, a witness testifies about ‘the type of equipment or camera used, its general reliability, the quality of the recorded product, the process by which it was focused, or the general reliability of the entire system.’” *Id.* (quoting *Jackson v. State*, 460 Md. 107, 117 (2018)).

Here, it is undisputed that the footage was not authenticated through the silent witness theory. There was no testimony regarding the process of producing the video. Rather, the testimony was that the footage in Exhibit 2 came from a store and the footage in Exhibits 10 and 11 came from a beauty supply store on the block where the shooting occurred.

The third theory of video authentication, which derives from Maryland Rule 5-901(b)(4), permits video footage to be authenticated through circumstantial evidence. *Mooney*, 487 Md. at 708. Rule 5-901(b)(4) provides, in relevant part, that evidence may be authenticated by “[c]ircumstantial evidence, such as appearance, contents, substance, internal patterns, location, or other distinctive characteristics, that the offered evidence is what it is claimed to be.”¹¹

¹¹ A video also can be authenticated as a business record. *Mooney v. State*, 487 Md. 701, 706 n.1 (2024). *Accord Dep’t of Pub. Safety & Corr. Servs. v. Cole*, 342 Md. 12, 30 (1996).

Regardless of what method or theory of authentication the proponent presents to the circuit court, “[w]hat matters is that the proponent of the video must demonstrate that the evidence is sufficient for a reasonable juror to find by a preponderance of the evidence that the video is what it is claimed to be.” *Mooney*, 487 Md. at 730. In *Mooney*, the Court held that the video footage at issue had been properly authenticated “through a combination of the testimony of a witness with knowledge under Maryland Rule 5-901(b)(1) and circumstantial evidence under Maryland Rule 5-901(b)(4).” *Id.*

In *Mooney*, 487 Md. at 705, the question was “whether video footage was properly authenticated through circumstantial evidence where a witness who testified about the content of the video did not have personal knowledge of all of the events depicted in the video.” Mr. Zimmerman, the shooting victim, testified based on personal knowledge that the video depicted him sitting in his vehicle prior to the shooting and leaving his car after he was shot, that the video was a true and accurate depiction of the events that occurred, and that the video did not appear to be altered or edited. *Id.* at 731. The Court held that, although Mr. Zimmerman did not see who shot him, “the part of the video depicting the shooting was properly authenticated through circumstantial evidence under Maryland Rule 5-901(b)(4),” because there was sufficient circumstantial evidence from which a reasonable juror could have inferred “that the video fairly and accurately showed the shooting.” *Id.*

The Court pointed to several factors giving rise to the reasonable inference that the video accurately depicted the shooting. First, it noted the close temporal proximity of the

shooting to the events immediately before and after the shooting, of which Mr. Zimmerman had personal knowledge. *Id.* at 709, 731. The shooting occurred within seconds of events depicted in the video of which Mr. Zimmerman had firsthand knowledge and could verify were an accurate depiction. *Id.* at 732.

Second, Mr. Zimmerman testified that the video was a true and accurate depiction of the events that occurred, and it did not appear to have been edited or altered. *Id.* at 709, 731. “Because Mr. Zimmerman had personal knowledge of events that occurred within seconds before and after the shooting and testified that the video accurately depicted those events, a reasonable inference can be drawn that the video also fairly and accurately depicted the shooting.” *Id.* at 732-33.¹²

Third, the Court cited as an “important circumstance” “the nature and origin of the video.” *Id.* at 733. The court noted that it was recovered the night of the shooting from a source not connected to law enforcement or the parties, and this supported the “conclusion that there was sufficient circumstantial evidence for a reasonable juror to find by a preponderance of the evidence that the video was what it was claimed to be—a fair and accurate depiction of the shooting.” *Id.*

Applying this analysis to the present case, we conclude that the circuit court did not abuse its discretion in admitting the videos. As in *Mooney*, the videos were authenticated, in part by testimony of the police as witnesses with personal knowledge of events, and in

¹² The Court further stated that it was “worth observing” that defense counsel “did not allege that the video was altered or tampered with.” *Mooney*, 487 Md. at 733.

part by circumstantial evidence from which a reasonable jury could infer that the video accurately depicted the shooting.

As indicated, Officer Dollard and Detective Romeo had personal knowledge regarding the events that occurred after their arrival on the scene. With respect to circumstantial evidence indicating that the video accurately depicted the shooting that occurred prior to the time that the police arrived, the videos reflect that the police arrived approximately two minutes after the shooting. Although the temporal gap in this case is not “mere seconds,” as was the case in *Mooney*, 487 Md. at 732, the two-minute gap in this case is sufficiently short to give rise to a reasonable inference that the video more likely than not accurately depicts the shooting. See *Sublet v. State*, 442 Md. 632, 675-76 (2015) (temporal proximity of 10 minutes between a tweet and a direct message that had been authenticated permitted a reasonable juror to find that the tweet was authentic).

The witnesses here also testified that the exhibits were an accurate depiction of events. Officer Dollard testified that Exhibit 2 was a continuous, uninterrupted video, it showed when he arrived at the scene, and it was a fair and accurate recording. Detective Romeo testified that Exhibits 10 and 11 were continuous and uninterrupted, they showed when he arrived at the scene, and they were a fair and accurate recording. Moreover, as in *Mooney*, there was no assertion here that the videos were altered.

Finally, the nature and origin of the videos was a circumstance supporting the conclusion that a reasonable juror could conclude that the video was what it claimed to be, an accurate depiction of the shooting. The videos were recovered from nearby businesses,

sources not connected to the police or the parties. Additionally, in this case, there were multiple videos that depicted the same series of events. Exhibits 2 and 11 capture the events from the same angle, and Exhibit 10 captures a different angle. That all the videos showed the same chain of events corroborated the authenticity of each video.

Based on all of these circumstances, there was sufficient evidence for a reasonable juror to find that the videos more likely than not fairly and accurately depicted the events that occurred before police arrived. The circuit court did not abuse its discretion in determining that the videos were properly authenticated, and it properly admitted them into evidence.¹³

II.

Officer Testimony

Appellant contends that the circuit court erred in allowing Detective Tondeur to testify as to his personal opinion whether appellant made an admission during his police interrogation. He argues that the detective’s personal opinion regarding the interview was irrelevant and inadmissible lay opinion, and the court improperly found, implicitly, that defense counsel had “opened the door to the prosecutor’s question and the detective’s response.”

¹³ We reiterate the caution expressed in *Mooney*, that authentication of video footage through circumstantial evidence under Maryland Rule 5-901(b)(4) generally will “require more fulsome questioning than the type of inquiry typically used to establish the necessary foundation for authentication under Maryland Rule 5-901(b)(1), where a witness may be asked if the item is a fair and accurate depiction of what it purports to be.” 487 Md. at 734. As indicated, however, we conclude that the video was sufficiently authenticated here.

The State contends that there was no reversible error for three reasons. First, it argues that the issue is not preserved for review. Second, it asserts that the circuit court properly exercised its discretion in allowing Detective Tondeur to testify regarding appellant's comment during his interview. Third, it argues that, even if the court erred, the error was harmless and does not require reversal of appellant's convictions.

A.

Proceedings Below

Detective Tondeur testified that he interviewed appellant, and the State admitted into evidence the video recording of that interview. It played the video in its entirety for the jury. During the first 58 minutes of the interview, Detectives Tondeur and Ragland told appellant that they had video footage showing him in his car at the scene, but appellant denied being there. They showed appellant a photo of the shooter and advised that they could tell it was him by the hat and shoes. The detectives asked why he asked the victim to talk and what happened next. At approximately 59 minutes into the interview, the following occurred:

DETECTIVE RAGLAN: Come on and be a man. Men. Men confront their truths. You seem to be struggling, but I already know you're right there. I can see you right there. So wait. We'll wait patiently. Cowards sit there and back up in the corner. Men don't.

THE DEFENDANT: You all saying that I killed him, you all got proof or whatever. But there's nothing to justify--

DETECTIVE TONDEUR: We don't know that. Only you can tell us.

DETECTIVE RAGLAN: Exactly. So it's only up to you saying -- so you're saying you killed him. But you don't now have to reasonably justify it. Is that what you're saying?

THE DEFENDANT: No, I wasn't saying that.

DETECTIVE RAGLAN: Well, I'm asking you because I'm trying to clarify. I ain't trying to trick you. I told you there ain't no tricks here.

THE DEFENDANT: Yeah.

DETECTIVE RAGLAN: But you double-talking.

THE DEFENDANT: No. I was saying that -- I was saying the charge. That's what it's kind of showing -- that's what you all --

* * *

DETECTIVE TONDEUR: . . . We don't view you as a monster. See, you can be the greatest person in the world who made a simple mistake or was acting out of emotional distress or maybe, in your mind, had a legitimate reason. But none of those will come to light unless you make it.

THE DEFENDANT: Right.

* * *

DETECTIVE RAGLAN: What are we doing? What are we doing, man?

THE DEFENDANT: . . . I mean, you all saying I did it. I mean, I feel (inaudible at 3:59:29) like, yeah, it can be proved, but like I mean I guess (inaudible) from the bullshit. I'm on the doorstep or whatever but like --

DETECTIVE RAGLAN: We're men. You can talk freely.

On cross-examination, defense counsel questioned Detective Tondeur regarding appellant's interview. The following exchange occurred:

Q: And finally we have the interview. So in the interview, Mr. McCaden doesn't admit to killing Derrick Smith, does he?

A: No, he never said he did it.

* * *

Q: And in the application of those [interrogation] techniques, he never made an admission of his responsibility for this offense; correct?

A: He just acknowledged that I had the proof at one point, but that's as close as it came.

On redirect examination, the State replayed the portion of the interview where appellant stated: “[I]t can be proved.” The State then asked Detective Tondeur: “So you were asked whether there were any admissions made, which the Defendant says you all say I did it and yeah, it can be proven. Did you understand that as an admission?” Detective Tondeur replied: “Yes, I did.”

Defense counsel objected and the following colloquy occurred:

THE COURT: All right. So, Counsel, you are certainly free to redirect on the issues raised by them. And it would have been a legitimate question to ask him if he felt that constituted a confession or not. But the rest of this argument. You are certainly free to argue that they can interpret this however they want, but asking him to read the Defendant's mind is not proper. Okay.

[State]: Okay. All right. But I can ask him if [he] interpreted that as a --

THE COURT: Yeah, because -- because he was asked if he made a confession.

[State]: That's all I asked him. I said did you understand it as an admission.

[Defense Counsel]: It doesn't matter, first of all --

THE COURT: Well then why did you ask him? You asked him if he confessed.

[Defense Counsel]: I asked him did he ever admit to -- if he confessed, okay. So he asked him, did he take that as a confession.

THE COURT: Right. If you -- I mean, I think now we're getting into defining confessions because obviously there's a lot of -- there's some ambiguity in this particular interview.

[Defense Counsel]: Okay. Just so that I'm clear and I don't continue to interrupt [the State's] presentation, my next point would be that the -- the -- he may (inaudible at 12:00:19 p.m.) since I did ask that question, able to ask him is that what you assume --

THE COURT: I mean, my notes indicate that.

[Defense Counsel]: No, no, no. I got that. But after this point, what he interpreted is fine, but he can't state what he thinks Mr. McCaden [thinks] because of his competency to that.

Secondly, at this point, the video is the best evidence of -- you keep saying that the jury is going to have it.

THE COURT: Again, the video speaks for itself, and some of the earlier questions about what was "it," or what was -- you're referring to it, again, I think that's [the] argument.

But I agree in this instance, [State], I think you can ask him essentially something along the lines of, did you interpret that as a confession, since he had previously been asked if Mr. McCaden confessed. Okay.

[State]: Okay.

The State replayed appellant's statement from the interview and asked the detective the following question: "So you all say I did it, and yeah, it can be proven. Detective, did you understand that to be an confession, that yeah, it can be proven?" Detective Tondeur responded: "It was an admission. But in my answer previously, it was he never said, 'I did it.' Well, that's what he said in lieu of, so I took that as an admission." Defense counsel did not object.

B.

Preservation

We address first the State’s contention that appellant did not preserve this claim for appellate review. The State argues that defense counsel’s objections “were specific, and he raised two grounds for the claimed impropriety of the detective’s testimony: first, that Detective Tondeur was not competent to testify about [appellant’s] intent, and second, that the jury should be referred to the video to determine what [appellant] meant.” It asserts that the arguments raised on appeal, i.e., that the testimony was not relevant, that it was inadmissible lay testimony, and that the defense opened the door to the questioning, were not raised below, and we should not consider them.

As the State notes, “when specific grounds are given at trial for an objection, the party objecting will be held to those grounds and ordinarily waives any grounds not specified that are later raised on appeal.” *Handy v. State*, 201 Md. App. 521, 537 (2011) (quoting *Klaunberg v. State*, 355 Md. 528, 541 (1999)), *cert. denied*, 424 Md. 630 (2012). The State is correct that appellant did not raise below the arguments he raises on appeal.

As appellant notes, however, the circuit court determined that the evidence was admissible because defense counsel “asked if [appellant] made a confession.” *See State v. Heath*, 464 Md. 445, 459 (2019) (“The opening the door doctrine ‘authorizes admitting evidence which otherwise would have been irrelevant in order to respond to (1) admissible evidence which generates an issue, or (2) inadmissible evidence admitted by the court over objection.’”) (quoting *Clark v. State*, 332 Md. 77, 84-85 (1993)). Appellant did not alert

the circuit court to any objection to the court’s decision in that regard. Instead, defense counsel appeared to agree with the ruling as long as the State did not exceed the scope of the court’s ruling.

This Court has explained that, “when a party acquiesces in the court’s ruling, there is no basis to appeal from that ruling.” *Green v. State*, 127 Md. App. 758, 769 (1999). In *Green*, this Court stated that, by failing to object to the circuit court’s decision to limit closing arguments to 30 minutes, defense counsel “accepted the compromise offered by the court,” and therefore, had “no basis to complain that the court’s ruling was erroneous.” *Id.* at 769-70. In *Berry v. State*, 155 Md. App. 144, 169 (2004), this Court held that counsel had waived an issue for appellate review when he “expressly agreed with the court’s rationale” that counsel’s proposed inquiry was inadmissible. In that case, when “the court explained its reasoning on the subject, counsel . . . proclaimed, ‘Okay. Then I’ll agree with you. Alright.’” *Id.*

Here, the court stated that it was permissible for the State to ask if the detective considered appellant’s statement to be a confession, but the State could not ask the detective to read appellant’s mind. Defense counsel did not argue that the court’s ruling in this regard was erroneous. Rather, he stated that: “[*W*]hat [*Detective Tondeur*] interpreted is *fine*, but he can’t state what he thinks Mr. McCaden [thinks] because of his competency to that.” (Emphasis added). By agreeing with the court’s rationale for allowing Detective Tondeur to testify as to his interpretation of appellant’s statement, appellant waived this issue for review.

Moreover, after the court ruled, the State replayed the portion of the recorded interview at issue and repeated the question originally posed to the detective, asking whether the detective understood appellant’s statement, “it can be proven,” to be a confession. Detective Tondeur responded: “It was an admission. But in my answer previously, it was he never said, ‘I did it.’ Well, that’s what he said in lieu of, so I took that as an admission.” Defense counsel made no further objection at that point.

Because the admissibility of Detective Tondeur’s testimony is not preserved for our review, we will not address it.

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