

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1614

September Term, 2023

MARK ANTHONY WILSON

v.

STATE OF MARYLAND

Wells, C.J.,
Berger,
Eyler, James R.
(Senior Judge, Specially Assigned),

J.J.

Opinion by Berger, J.

Filed: October 3, 2025

Following a jury trial in the Circuit Court for Howard County, Mark Anthony Wilson (“Wilson”) was convicted of robbery and two counts of second-degree assault. He was sentenced to fifteen years of incarceration with all but ten years suspended for the robbery conviction, to be followed by five years of supervised probation.¹ Wilson appeals his conviction and presents two questions for our review,² which we have divided into four and rephrased to reflect the distinct substantive arguments raised in Wilson’s brief:

- I. Whether the court abused its discretion in denying Wilson’s motion to exclude entirely the testimony of Detective Bryan Borowski, an expert witness for the State, as a sanction for what the court determined was a violation of discovery.
- II. Whether the court abused its discretion in admitting into evidence a cell phone location map created by a detective who did not testify at trial.
- III. Whether the court abused its discretion in permitting Detective Borowski to state an opinion regarding the accuracy of the cell phone location map.

¹ The State proved that Wilson was a subsequent offender pursuant to § 14-101 of the Criminal Law Article, so the ten-year sentence is to be served without the possibility of parole. The assault convictions were merged with the robbery conviction for purposes of sentencing.

² Wilson phrased his original questions presented as follows:

1. Did the court err and abuse its discretion when it permitted Detective Borowski to testify [and] when it permitted the State to introduce, through Detective Borowski, a map that a non-testifying detective had created?
2. Must the commitment record be amended to reflect the correct start date for Mr. Wilson’s sentence?

IV. Whether this Court must order the circuit court to correct the commitment record.

For the reasons explained herein, we shall affirm the judgment of the circuit court. Although the issue of the commitment record is not properly before this Court as a matter of procedure, because the parties agree that it contains an error regarding the start date of Wilson’s sentence, we shall remand for the limited purpose of issuing an amended commitment record.

BACKGROUND

The State charged Wilson with an armed robbery of Brian’s Beauty Supply store in Columbia that occurred on May 25, 2021. During the investigation, police obtained cell phone location data for a phone number tied to Wilson.

On July 7, 2022, the State gave notice of its intent to call Detective Daniel Branigan as an expert witness “in cell tower analysis, including, but not limited to locating and or plotting the origins and/or reception of cell phone calls using cell phone records.” The State provided the defense with cell phone location mapping prepared by Detective Branigan.

Trial was scheduled to begin on July 25, 2023. The trial was continued by consent to August 8, 2023, because Detective Branigan was unavailable. On July 14, 2023, the State asked defense counsel if trial could be moved forward or backward by one week, to again accommodate Detective Branigan’s schedule, but defense counsel was unable to agree because her calendar was full. Three days later, on July 17, 2023, the State notified defense counsel that Detective Bryan Borowski would testify at trial, in place of Detective

Branigan, and would adopt Detective Branigan’s report. On August 3, 2023, the State provided defense counsel with a report and cell phone location map prepared by Detective Borowski.

Motion in Limine

On August 7, 2023, the day before trial, Wilson filed a motion in limine to exclude the testimony of Detective Borowski. Wilson asserted that the State violated the rules of discovery by designating Detective Borowski as an expert so close to trial. Alternatively, Wilson argued that Detective Borowski’s report and map should be excluded on grounds that it contained “new opinions and use[d] a different software program called ‘TraX’ for [cell phone location] mapping,” which Wilson claimed was “untested, unverified, and unreliable[.]” Wilson further requested that the court exclude the cell phone data location map prepared by Detective Branigan on the grounds that admitting it would violate his right to confront witnesses against him.

The court heard oral argument on Wilson’s motion in limine following jury selection. In response to the court’s question about the timing of its designation of Detective Borowski, the State explained that Detective Branigan was unavailable for trial that week due to a scheduling issue. Because defense counsel was unable to accommodate the State’s request to reschedule the trial, the State elected to call a substitute expert. The State maintained that it provided the defense with Detective Borowski’s report and cell phone location mapping as soon as it was available.

According to the State, there was no prejudice to the defense as the testimony regarding the analysis of cell phone location data would be “exactly the same.” The State maintained that Detective Borowski’s report and cell phone location map was not new evidence. On the contrary, his report stated only that he had confirmed that accuracy of Detective Branigan’s map, albeit using a different software program, which the State claimed was functionally the same as the software used by Detective Branigan. The State represented that both programs plot latitude and longitude data from call detail records onto a map, and the only difference between the mapping software was “aesthetic,” in that one depicts results as “a pizza shaped wedge and the other is sort of a bl[o]b.”

The trial court found that there was a discovery violation that resulted in prejudice, stating, “[I]f you’re using the same data and the same software and the same mapping then maybe I wouldn’t see prejudice. But when we’ve got completely new pictures that we’re going to share with the jury that didn’t exist or wasn’t in the [d]efendant’s hand a week ago, I’ve got a problem with that. I think that’s a violation.”

The court granted the motion in limine as to the map created by Detective Borowski on the ground that the defense did not have an opportunity to review the technology used to create it. The court ruled that Detective Borowski could testify that the map created by Detective Branigan accurately reflected cell phone location data collected during the investigation, as long as that opinion was based on Detective Borowski’s own personal knowledge and expertise.

Trial

Danny Kim, the manager of Brian’s Beauty Supply store, testified that on May 25, 2021, at approximately 4:30 p.m., a man came into the store looking for “clippers” and “trimmers” of the type used by barbers. The man was wearing a black cloth mask on his face which concealed all but his eyes.³ Kim showed the man to the locked glass display case where the clippers and trimmers were located.

After returning to the front of the store, Kim heard a noise coming from the area of the display case. He looked at the security monitor and saw that the man had opened up the glass case and was putting merchandise from the case into a bag. Kim confronted the man and told him to put the items back, but the man did not respond. Kim directed another employee to lock the front door. The man moved toward the door, pulled out a knife, and pointed it at Kim. Kim advised the man that he could leave if he left the bag. The man told Kim to get out of his way. At that point, Kim directed the other employee to unlock the door, so that no one would get hurt. The man then rushed out of the store, bumping into Kim and pushing him out of the way in the process. The man got into a car with another individual and left the area.

Two still images taken from the store’s security system were admitted into evidence. According to Kim, the images depict the man who took the clippers and trimmers. Kim

³ We note that the robbery occurred in May of 2021, at which time the use of face masks in public, to prevent the transmission of COVID-19, was common.

was not asked to make an identification at trial. Because the face mask concealed all but the man’s eyes, Kim said he would not be able to recognize him.

Detective Frances French was called to Brian’s Beauty Supply store at approximately 5:00 p.m. in response to a call for a robbery that had just occurred. She spoke with Kim and reviewed the security footage. The glass display case was dusted for fingerprints. Wilson’s fingerprints were recovered from both the outside and inside of the display case.

Detective French was unable to determine a residential address for Wilson. The U.S. Marshals Service provided the investigation with a Google email (Gmail) address.⁴ Information obtained pursuant to a search warrant revealed that the Google account subscriber name was Mark Wilson, with the same date of birth as Wilson. On May 22, 2021, three days before the robbery, the Google account was accessed to search for “maryland beauty supply stores[.]” The search generated a Google map of the location of several such businesses including Brian’s Beauty Supply. According to Detective French, Google location history records were analyzed and revealed that a device that was logged into the Gmail account was in the area of Brian’s Beauty Supply at the time of the robbery.

⁴ “Gmail is a ‘cloud-based’ email program, meaning the data and applications of the user reside on remote computer servers operated by Google.” *Elec. Privacy Info. Ctr. v. Nat’l Sec. Agency*, 678 F.3d 926, 930 n.1 (D.C. Cir. 2012).

Based on information from Wilson’s ex-girlfriend, Detective French obtained a search warrant for an Instagram account bearing the username “ward7gcode.”⁵ The profile picture associated with the Instagram account was admitted into evidence. In closing argument, the State suggested to the jury that the profile picture was an image of Wilson’s face. One of the messages sent from that account to another user read, “Wassup dis mark[.]” Several messages sent from the account to different users read: “[t]xt my phone,” “[c]all me,” “my number is,” and “ima send u my number,” all followed by the same ten-digit number.

Detective French obtained a call detail record search warrant for the phone number that appeared in the Instagram messages. The call detail records were analyzed by Detective Branigan. The subscriber name associated with the number was Devon Bush. Devon Bush was investigated but did not become a suspect.

Detective French interviewed Wilson on November 3, 2021. Wilson claimed to be unfamiliar with Brian’s Beauty Supply and denied that he had ever been to Howard County, where the store is located.

⁵ “Instagram is a social media application, or ‘app,’ where users may post and share photographs and videos with other users. It also provides a direct messaging service. A ‘direct message’ is one that is privately sent from one Instagram user to another user through the app.” *State v. Johnson*, 216 A.3d 986, 991 n. 4 (N.J. Super. 2019) (cleaned up).

Voir Dire of Detective Borowski

Detective Borowski was called to the witness stand and, after being qualified by the State, was offered as an expert in the fields of cellular telephone technology and the mapping and analysis of cell phone data and Google location data. Defense counsel objected to the trial court accepting Detective Borowski as an expert because, according to defense counsel, the mapping software that he had been trained on was “unreliable.” Defense counsel also argued that Detective Borowski could not adopt Detective Branigan’s map because he was not trained to use the same software used to create it. The court excused the jury and the voir dire of Detective Borowski continued.

Outside the presence of the jury, Detective Borowski explained to the court how the mapping program he was trained to use operates:

[THE COURT]: . . . So you get data from the cellular provider . . . [a]nd it gives you cell tower information.

[DETECTIVE BOROWSKI]: It does.

[THE COURT]: What do you do with the data?

[DETECTIVE BOROWSKI]: So the data gets manually inputted into this program TraX. TraX is an automated mapping program that converts the raw records, whether they’re in pdf format, a text format, whatever document it’s in, [and] formats it into a KMZ file which can be viewed on Google Earth. So those records . . . [are] not altered in any way, they’re just automatically mapped . . . through TraX and it plots that information for us.

[THE COURT]: And when you get that information out of your software, . . . do you do anything else using the data that you received? Do you verify the mapping . . . ?

[DETECTIVE BOROWSKI]: So . . . there's a couple of things that we do[.] [F]rom those raw records . . . you're getting tower information, and you're getting what side of that tower you're hitting off of which is what TraX is showing us. So we verify . . . the tower location we were given. We pull the tower list in those entities from whatever time we're loo[k]ing at to make sure that . . . specific cell tower was . . . used then[.] . . . [W]e're also then seeing what sector we're hitting off of and we're getting an azimuth for that and the azimuth is an angle.

Detective Borowski explained the difference between TraX and other mapping software programs is that “now you can use a lead [sic] shape with TraX” and “that shape is the estimated area” of the location of the device.

Detective Borowski was then asked to explain how he analyzed the data in this case.

He replied:

So I peer reviewed Detective Corporal Branigan's supplement as well[.] . . . I looked at the raw records themselves and then I plotted them myself. So I looked at my mapping function, I compared the same exact data points that Detective Corporal Branigan was looking at just to verify that his map was correct in what we were seeing, what towers we were seeing, what sectors we were hitting off of. And again, I confirmed what he's showing in his report, what I'm seeing on my map, what he's seeing on his map[,.] to the raw records.

According to Detective Borowski, the result of the peer review process would be no different had he used a different software program.

The court expressed concern that Detective Borowski would not be able to testify that Detective Branigan's map was accurate without relying on TraX software, stating that its ruling on the motion in limine was intended to remedy the “last-minute notice to the defense that this was the software that was being relied on by the State.” The court stated,

“I don’t want this witness basing his testimony on [TraX] and I don’t know if he can testify without [his opinion] being based on that.” The State maintained that Detective Borowski used TraX only to plot latitude and longitude, and that he could testify about the map without mentioning TraX. Defense counsel countered that “understanding the data and which azimuth it was on” involved more than just latitude and longitude. She argued that Detective Borowski “needs to be able to speak to how Detective Branigan did this, not just what he would have done. He needs to understand . . . how Detective Branigan came to his results.”

The court accepted Detective Borowski as an expert in the fields of cellular telephone technology and the mapping and analysis of cell phone and Google location data. The court stated that, at the time the cell phone data location map was offered into evidence, and before the court ruled on its admissibility, defense counsel could cross-examine Detective Borowski regarding his ability to testify about it.

Detective Borowski’s Testimony

Detective Borowski testified that he plotted the cell phone location data from the day of the robbery for the phone number that appeared in the Instagram messages. In his opinion, based on his review of the cell phone call detail record and data sessions, the device that utilized the phone number was “in the geographical location that encompasses Brian’s Beauty Supply” between 4:30 and 5:00 p.m. on the date of the robbery.

When the cell phone location map prepared by Detective Branigan was offered into evidence, defense counsel stated, “Subject to my previous objection” but did not ask any

questions of Detective Borowski before the court ruled. The court overruled the objection. Detective Borowski testified that the cell phone location map prepared by Detective Branigan accurately depicted the cell phone location data. Defense counsel did not object to that testimony.

In addition to plotting cell phone location data, Detective Borowski plotted data from Google location records for the Gmail account tied to Wilson, using latitude and longitude information. According to Detective Borowski, a cellular device logged into the Gmail account was in the parking lot of Brian’s Beauty supply store between 4:31 p.m., and 4:32 p.m. on the date of the robbery. Beginning at 4:53 p.m., according to Detective Borowski, the Google location records show “a trend of this data mov[ing] away from the incident, and then southbound.” A map depicting the Google location data was admitted into evidence over objection.

As stated earlier in this opinion, the jury convicted Wilson of robbery and assault. Additional facts will be included in the discussion of the issues.

STANDARD OF REVIEW

“The circuit court is vested with broad discretion in administering discovery. Therefore, this Court reviews for abuse of discretion a circuit court’s decision to impose, or not impose a sanction for a discovery violation.” *Mason v. State*, 487 Md. 216, 239 (2024) (quoting *Alarcon-Ozoria v. State*, 477 Md. 75, 90–91 (2021)). “[A]n abuse of discretion should only be found in the extraordinary, exceptional, or most egregious case.” *Id.* (quoting *Wilson v. John Crane, Inc.*, 385 Md. 185, 199 (2005)). To constitute an abuse

of discretion, the decision “must be well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Id.* (quoting *Devincentz v. State*, 460 Md. 518, 550 (2018)).

“The standard of appellate review of an evidentiary ruling turns on whether the trial judge’s ruling was based on a pure question of law, on a finding of fact, or on an evaluation of the admissibility of relevant evidence.” *Brooks v. State*, 439 Md. 698, 708 (2014). “Questions of law are reviewed without according the trial judge any special deference; findings of fact are assessed under a “clearly erroneous” standard; and an assessment of the admissibility of relevant evidence is reviewed under an abuse of discretion standard.” *Id.* (citations omitted). “Appellate ‘courts are generally 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.’” *Montague v. State*, 471 Md. 657, 674 (2020) (quoting *Portillo Funes v. State*, 469 Md. 438, 479 (2020) (additional citation and some internal quotation marks omitted)).

DISCUSSION

I. The trial court did not abuse its discretion in denying Wilson’s motion to exclude entirely the testimony of Detective Borowski as a discovery sanction.

Wilson maintains that, although the court excluded from evidence Detective Borowski’s map and report, the court abused its discretion in refusing to exclude his testimony in its entirety as a sanction for the State’s discovery violation. Wilson argues that the defense was prejudiced by the ruling in that it was unable to effectively cross-examine Detective Borowski about his opinion that the cell phone utilizing the phone

number that appeared in the Instagram account was in the vicinity of Brian’s Beauty supply at the time of the robbery.

The State contends that the trial court “soundly exercised its broad discretion in fashioning an appropriate sanction” by precluding Detective Borowski from mentioning the software program he had used but allowing him to testify about the rest of his analytical process, which, according to the State, “did not differ from Detective Branigan’s in any appreciable way.” The State asserts that the court’s ruling “ameliorated any prejudice to the defense.” We agree with the State.

“The purpose of the discovery rules is to assist the defendant in preparing his defense, and to protect him from surprise.” *Jones v. State*, 132 Md. App. 657, 677 (2000) (quoting *Rosenberg v. State*, 129 Md. App. 221, 259 (1999)) (internal quotation marks omitted). “In exercising its discretion regarding sanctions for discovery violations, a trial court should consider: (1) the reasons why the disclosure was not made; (2) the existence and amount of any prejudice to the opposing party; (3) the feas[i]bility of curing any prejudice with a continuance; and (4) any other relevant circumstances.” *Thomas v. State*, 397 Md. 557, 570-71 (2007) (footnote and citations omitted). “[I]n fashioning a sanction, the court should impose the least severe sanction that is consistent with the purpose of the discovery rules.” *Id.* (citations omitted). “Although the exclusion of evidence is authorized under Rule 4-263,^[6] . . . because the exclusion of prosecution evidence as a discovery

⁶ In pertinent part, Maryland Rule 4-263 provides:

sanction may result in a windfall to the defense, exclusion of evidence should be ordered only in extreme cases.” *Id.* at 573 (citations omitted).

Wilson claimed that the State violated rules of discovery by giving notice of its intent to call Detective Borowski in place of Detective Branigan three weeks before trial, and by providing defense counsel with Detective Borowski’s map and report five days before trial. The reason for the recent disclosure was that Detective Branigan was out of the state the week of trial. The State attempted to have trial reset to the preceding or subsequent week so that Detective Branigan could be there, but defense counsel was unable to reschedule. In considering possible sanctions, the court noted that a postponement, even though not requested by Wilson, was not a satisfactory remedy because Wilson had been waiting a long time for his trial, and the jury had already been seated.

Ultimately, the court decided to exclude Detective Borowski’s own report and map on grounds that the defense did not have an opportunity to prepare to cross-examine him

If at any time during the proceedings the court finds that a party has failed to comply with this Rule or an order issued pursuant to this Rule, the court may order that party to permit the discovery of the matters not previously disclosed, strike the testimony to which the undisclosed matter relates, grant a reasonable continuance, prohibit the party from introducing in evidence the matter not disclosed, grant a mistrial, or enter any other order appropriate under the circumstances. The failure of a party to comply with a discovery obligation in this Rule does not automatically disqualify a witness from testifying. If a motion is filed to disqualify the witness’s testimony, disqualification is within the discretion of the court.

Md. Rule 4-263(n).

regarding the TraX software used to create them. When the issue was raised again during voir dire, the court ruled that Detective Borowski would not be permitted to state any opinion based on his use of TraX. In our view, the court’s ruling was appropriately tailored to prevent the defense from being surprised by evidence not previously disclosed. The court did not abuse its discretion in declining to exclude Detective Borowski’s testimony in its entirety.

II. The trial court did not err in admitting Detective Branigan’s map into evidence.

Wilson claims that admitting Detective Branigan’s map and permitting Detective Borowski to testify about the map violated his right to confront witnesses against him. The State argues that Wilson’s rights were not violated because Detective Borowski verified the accuracy of the map using the same raw data upon which Detective Branigan relied.

The Confrontation Clause of the Sixth Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights provide a criminal defendant with the right to confront witnesses for the prosecution. *State v. Miller*, 475 Md. 263, 280-81 (2021). “[W]hether certain statements admitted at trial were admitted in violation of [a defendant]’s rights under the Confrontation Clause . . . is a question of law, which we review under a non[-]deferential standard of review.” *Langley v. State*, 421 Md. 560, 567 (2011) (citing *Snowden v. State*, 156 Md. App. 139, 143 n.4 (2004)).

“[An] absent witness’s out-of-court testimonial hearsay statement is inadmissible unless ‘the [witness] is unavailable[] and . . . the defendant has had a prior opportunity to cross-examine.’” *Miller*, 475 Md. at 281 (quoting *Crawford v. Washington*, 541 U.S. 36,

59 (2004). “[A] scientific report is “testimonial” if the author of the report reasonably would have understood that the primary purpose for the creation of the report was to establish or prove past events potentially relevant to later criminal prosecution.” *Id.* at 283 (quoting *Leidig v. State*, 475 Md. 181, 186 (2021)).

The State concedes that Detective Branigan’s map was testimonial, but relies on *Miller, supra*, in support of its argument that admission of Detective Branigan’s map did not violate Wilson’s right of confrontation. In *Miller*, the Supreme Court of Maryland held that the defendant’s Confrontation Clause rights were not violated by the admission of testimony from a technical reviewer of a forensic laboratory report analyzing DNA evidence, where the primary author of the report was not available for cross-examination. *Miller*, 475 Md. at 266. The court reasoned:

Where a testifying expert was the technical reviewer of a DNA report – and therefore, thoroughly reviewed the primary author’s methods, results, and conclusions and signed off on the report prior to its issuance – the expert may convey information contained in the report to the trier of fact without the primary author also being available for cross-examination. In such an instance, the technical reviewer’s testimony concerning the DNA analysis is not hearsay, but rather is the technical reviewer’s independent opinion based on the reviewer’s thorough, substantive review of the report and adoption of its results and conclusions as their own. Such testimony does not violate Article 21 or the Sixth Amendment.

Id. at 284 (footnote omitted). The State asserts that here, Detective Borowski was “for all intents and purposes, the ‘technical reviewer’ of Detective Branigan’s map.”

The State’s argument is persuasive. Detective Borowski testified that he conducted a peer review of the map by employing the same methodology used by Detective Branigan,

that is, by plotting the latitude and longitude data from the cell phone records, and then comparing his own results to Detective Branigan’s map. At trial, Detective Borowski stated that, based on his review, the map was accurate, essentially adopting it as his own. In our view, Detective Borowski’s testimony regarding his review and verification of Detective Branigan’s map is sufficiently similar to the technical review of the DNA report in *Miller* to support a conclusion that admitting the map did not violate Wilson’s right of confrontation.

Even assuming, however, that the court erred in admitting Detective Branigan’s map, any error would have been harmless. An error in admitting evidence is harmless if the reviewing court is “‘satisfied that there is no reasonable possibility that the evidence complained of -- whether erroneously admitted or excluded -- may have contributed to the rendition of the guilty verdict.’” *Nicholson v. State*, 239 Md. App. 228, 244 (2018) (quoting *Dionas v. State*, 436 Md. 97, 108 (2013)) (additional citation omitted). “‘To say that an error did not contribute to the verdict is [] to find that error unimportant in relation to everything else the jury considered on the issue in question, as revealed by the record.’” *Dionas*, 436 Md. at 109 (quoting *Bellamy v. State*, 403 Md. 308, 332 (2008)) (additional citation omitted). By contrast, an error in admitting evidence is not harmless where the evidence “provided potentially scale-tipping corroboration” to other evidence before the jury, *Parker v. State*, 408 Md. 428, 447-48 (2009), or “‘added substantial, perhaps even critical, weight to the State’s case[,]’” *id.* (quoting *Graves v. State*, 334 Md. 30, 43 (1994)).

Based on our review of the record, the map of cell phone location data was unimportant in relation to the other evidence considered by the jury. The evidence of criminal agency, apart from that map, was compelling. Wilson’s fingerprints were recovered from the outside and inside surfaces of the glass display case. Data from a Google account tied to Wilson included an internet search for beauty supply stores in Maryland, and the search generated a Google map that included the location for Brian’s Beauty Supply. Google location data revealed that a cellular device logged into the account was in the parking lot of Brian’s Beauty Supply at the time of the robbery and left the area shortly afterward. Wilson does not challenge the court’s ruling of the admissibility of the Google location data map on appeal.

Even if the court abused its discretion in admitting the map of cell phone location data prepared by Detective Branigan, we are satisfied that it did not provide “potentially scale-tipping corroboration” to other evidence before the jury. Consequently, an error in admitting it would have been harmless and would not warrant reversal.

III. Wilson’s claim that the court abused its discretion in permitting Detective Branigan to testify about the accuracy of Detective Branigan’s map was not preserved for appellate review.

Wilson argues that Detective Borowski was not qualified to provide an opinion as to the accuracy of Detective Branigan’s map because “half of Detective Borowski’s verification process involved the use of his own map – which was generated using” a different software program than Detective Branigan had used. We do not reach the merits of the issue because the objection was not preserved.

Defense counsel objected to the trial court accepting Detective Borowski as an expert witness because he was certified only in the use of TraX software, and she did not have an opportunity to prepare to voir dire him regarding that certification. Defense counsel further argued that to testify regarding the map, Detective Borowski “needs to understand [how] Detective Bran[an]igan did it and how [he] came to his results[.]”

The court accepted Detective Borowski as an expert in the fields designated by the State, noting that aside from any certification, Detective Borowski “had significant experience using this data and verifying locations and hand verifying using the raw data[.]” The court advised the defense that any objection to Detective Borowski’s ability to state an opinion regarding Detective Branigan’s map could be raised by cross-examining him at the time the map was offered into evidence:

[THE COURT]: So we have a document that’s going to be offered that was not authored by this particular person but that he just testified that he peer reviewed it using a different software[.] . . . I think it’s fair game to ask him[:] [“]the author, the creator of the map used a different software, didn’t he? And that’s not a software you’re [trained] on, is it?[]”] Cross-examine the daylights out of him. And you can do that prior to me ruling on whether or not the map comes in, okay?

During direct examination, Detective Borowski’s opinion regarding the accuracy of the map was admitted without objection:

[PROSECUTOR]: Detective Borowski, I’m showing you State’s [Exhibit] 23 for identification. Do you recognize that?

[DETECTIVE BOROWSKI]: I do It is a portion of the plot conducted [sic] by Detective Branigan.

* * *

[PROSECUTOR]: All right. And what, if anything, did you do with that?

[DETECTIVE BOROWSKI]: So again, I looked at the raw records to verify that this is what I saw. I plotted them on own to corroborate my mapping function with this as well.

[PROSECUTOR]: . . . And did you review the accuracy of the data . . . that’s displayed and depicted on this particular exhibit?

[DETECTIVE BOROWSKI]: That’s correct.

[PROSECUTOR]: And did you find it to be accurate?

[DETECTIVE BOROWSKI]: I did.

[PROSECUTOR]: All right. State would move State’s Exhibit . . . 23 into evidence.

[DEFENSE COUNSEL]: Subject to my previous objection.

[THE COURT]: Okay. I will overrule and accept it.

Later in his testimony, Detective Borowski restated his opinion regarding the accuracy of the map, again without objection:

[PROSECUTOR]: . . . And does this map . . . State’s Exhibit 23, does that accurately depict the data that’s on, the location data that is on the data session spreadsheet, State’s [Exhibit] 22?

[DETECTIVE BOROWSKI]: It does.

“It is well-established that a party opposing the admission of evidence shall object ‘at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent.’” *Fone v. State*, 233 Md. App. 88, 112-13 (2017) (quoting *Wimbish v. State*, 201 Md. App. 239, 260-61 (2011) (some internal quotation marks omitted). *See also*

Md. Rule 4–323(a). “If not, the objection is waived and the issue is not preserved for review.” *Fone*, 233 Md. App. at 113. “[This] requirement of a contemporaneous objection at trial applies even when the party contesting the evidence has made his or her objection known in a motion in limine[.]” *Id.* (quoting *Wimbish*, 201 Md. App. at 261). *See also Klauenberg v. State*, 355 Md. 528, 539 (1999) (holding that “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”). Because Wilson did not object during trial to Detective Borowski’s opinions regarding the accuracy of Detective Branigan’s map, the objection is waived.⁷

IV. Commitment Record

In announcing Wilson’s sentence, the trial court awarded credit for 546 days spent in pretrial detention. According to the commitment record, however, Wilson’s sentence began on October 10, 2023, the date of the sentencing hearing. Wilson claims that this Court must order the commitment record to be corrected to reflect that the start date of his sentence is April 13, 2022, the date he began his pretrial detention. As the State correctly notes, the appropriate mechanism to achieve a correction of the commitment record is to

⁷ As we concluded in the preceding section of this opinion, any error in admitting the cell phone data location map would have been harmless. Even if Wilson had preserved his objection to Detective Borowski’s testimony regarding the accuracy of the map, any error in admitting it would have been harmless for the same reasons.

file a motion in the circuit court pursuant to Maryland Rule 4-351. *See Bratt v. State*, 468 Md. 481, 507 (2020). Consequently, the issue is not properly before this Court.

The State concedes, however, that the correct start date of Wilson’s sentence is April 13, 2022, and that a limited remand would be appropriate. In the interest of judicial efficiency, given the State’s position, we shall remand to the circuit court for the limited purpose of correcting the commitment record.

**JUDGMENT OF THE CIRCUIT COURT
FOR HOWARD COUNTY AFFIRMED.
CASE REMANDED WITH
INSTRUCTIONS TO CORRECT
COMMITMENT RECORD IN
ACCORDANCE WITH THIS OPINION.
COSTS TO BE PAID BY APPELLANT.**