

Circuit Court for Dorchester County  
Case No. C-09-CR-19-000015

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1673

September Term, 2019

---

TRAVEZ FRIESON

v.

STATE OF MARYLAND

---

Graeff,  
Berger,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

---

PER CURIAM

---

Filed: October 7, 2020

\*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.

Following a jury trial in the Circuit Court for Dorchester County, Travez Frieson, appellant, was convicted of second-degree assault and reckless endangerment. His sole contention on appeal is that the trial court erred in excluding a defense witness after it concluded that the witness’s name had not been provided to the State prior to trial, as required by Maryland Rule 4-263(e)(1). Specifically, Mr. Frieson claims that the court erred because, rather than exercising its discretion in fashioning a remedy for the discovery violation, it “applied the remedy of exclusion . . . as a ‘hard and fast rule’ for the failure of defense counsel to disclose” the witness’s name. Because this issue is not preserved for appellate review, we shall affirm.

“A claim that the exclusion of evidence constitutes reversible error is generally not preserved for appellate review absent a formal proffer of the contents and materiality of the excluded testimony.” *Muhammad v. State*, 177 Md. App. 188, 281 (2007). *Accord Ratchford v. State*, 141 Md. App. 354, 368 (2001) (holding that the failure to proffer excluded testimony was “absolutely foreclosing” as to the claim of error). In the instant case, defense counsel failed to proffer what the testimony of the excluded witness would have been. Moreover, it is not clear from the record what the witness would have testified to or whether her testimony would have been material. Thus, there is nothing for this Court to review, as it is not possible for us to ascertain whether Mr. Frieson suffered any resultant prejudice from the witness’s exclusion.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR DORCHESTER  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**