Circuit Court for Baltimore County
Case No.: C-03-CR-21-001968

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1783

September Term, 2023

BRANDON COREY ROBINETTE

v.

STATE OF MARYLAND

Leahy,
Ripken,
Hotten, Michele D.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Hotten, J.

Filed: April 22, 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 its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Following a four-day trial, a jury sitting in the Circuit Court for Baltimore County convicted appellant Brandon Robinette ("Brandon")[1] of first degree murder. On November 1, 2023, the court sentenced Brandon to life in prison without the possibility of parole.

On appeal, Brandon presents two questions for our review:

1. Did the Circuit Court err in refusing to instruct the jury on voluntary intoxication?
2. Did the Circuit Court err in admitting hearsay statements recorded by a police officer's body worn camera into evidence?

For the reasons that follow, we affirm the judgment of the circuit court.

BACKGROUND

Brandon married Tameka Robinette in 2014. Prior to marrying Brandon, Tameka already had two children: Tony and Desarai Bautista. Brandon and Tameka had their first child together around 2015. At the time of trial, Desarai was twenty-seven, Tony was twenty-one, and the minor child was eight years old.

Brandon lived with Tameka and the three children in an apartment at 10 Woodstream Court in Owings Mills until July of 2020, at which point Tameka and the children moved to an apartment at 109 Enchanted Hills Road. It was not until April 1, 2021, that Brandon came back into their lives. Although Brandon did not have his own key to the Enchanted Hills apartment, he was there about three to four times a week in April of 2021. At that time, Tameka was also seeing another man, Larry Shields.

[1] Where individuals share surnames, we refer to them by their forenames for the sake of clarity, and intend no disrespect in doing so.

On the night of May 2, 2021, Brandon, Tameka, and the minor child went to a house party, while Desarai went to a party at her friend's house in Towson. Desarai spoke with her mom on the phone that night at about 10:30 p.m., at which point she was planning on going home. However, Desarai changed her mind at around 11:00 p.m. and decided to stay at her friend's house in Towson that night. She texted her mom at 12:00 a.m. to let her know she would be staying out, but there was no response from Tameka.

Desarai woke up at around 8:00 a.m. the next morning and went back home. When she got home, she went straight to her room and called her friend. Then, after the call ended, Desarai was scrolling on Instagram when she heard her mom's phone ring and go unanswered. This caught Desarai's attention, she testified, because her mother "always answers" her phone. When she went to her mother's room to investigate, she testified that it initially looked like Tameka was sleeping. However, when she got closer, Desarai saw blood on her mother's face and she screamed. She then "ran through the house screaming" and "called 911." It was also around this time that Desarai noticed the minor child was missing.

While Desarai was staying at her friend's house on the evening of May 2, 2021, there was an argument between Brandon and Tameka at the Enchanted Hills apartment after they returned from the house party. Phone records, revealing a series of calls and text messages between Brandon, Tameka, and Shields, indicate that Tameka was upset with Brandon over his communications with Shields, some of which concerned sexually graphic content. At some point during the argument, Tameka pushed Brandon down the stairs, asked him to leave the apartment, and threatened to call the police if he refused. Brandon

was subsequently picked up by his mother, Dolly Robinette, and driven back to her house. After Brandon left, Tameka and the minor child went to sleep. Later that night, the minor child was awoken by his father, who dressed him and drove him to his grandmother's house. When police arrived at Dolly's house to investigate, the minor child was there, but Brandon was not.

A little after 6:00 a.m. on May 3, 2021, James Pack was awakened by a phone call from Brandon. Pack is a family friend who testified that he had known Brandon for about ten years. On the call, Brandon said, "I love you, I'm sorry, I messed up. I think I hurt her and I'm going to kill myself." Then, at 6:50 a.m., Brandon called Jon Paul Renfro, another friend who testified that he had known Brandon for about four years. Renfro missed the call since he was still sleeping at the time, so Brandon left him a voicemail and also sent text messages. On the voicemail message, which was played in open court, Brandon said, "Hey (inaudible) messed up. I killed, I killed my wife. Please call me right away. (inaudible) text you my mom's number. So, when (inaudible) just give me a call. Bye." Additionally, the text messages read, "Jon Paul, I love you, brother. I fucked up. Now I have to kill myself," and "Get ahold of my moms. Her number is, you know, what the number is."

Later that morning, Officer Andrew Muska of the Baltimore County Police Department responded to the Enchanted Hills apartment "a few minutes" after receiving two 911 calls for that location. When he arrived, Officer Muska could not immediately enter the building since entry required a key fob. There was a call box next to the front door with various apartment numbers and buttons one could press to "ring" each apartment.

After ringing several apartments, somebody "finally answered" and let Officer Muska into the building, along with a group of paramedics. Upon entering the building, Officer Muska met Desarai, who he described as "very distraught," "panicking," "crying," "excited," and "in distress." A portion of a video recording taken from Officer Muska's body worn camera was played for the jury, and included the following exchange:

> OFFICER: 10-4. (inaudible).
>
> (SIRENS) (PHONES RINGING)
>
> VOICE: Hello?
>
> OFFICER: Hi, it's the police department and medics, are you able to let us in? What's going on, ma'am?
>
> VOICE: My mom (inaudible).
>
> OFFICER: Okay, okay. 109?
>
> VOICE: 302.
>
> OFFICER: 302?
>
> VOICE: Right here where this door is open.
>
> OFFICER: What's wrong?
>
> VOICE: My mom, I came, and she has blood everywhere.
>
> OFFICER: Okay. (inaudible) female, not conscious, not breathing in bed, covered with a lot of blood. Medics are here now. (inaudible).
>
> VOICE: (inaudible). Her husband, her husband did something last night and then I came back and thought she was asleep, (inaudible) found her like that.
>
> OFFICER: Is her name Tamika [sic]?
>
> VOICE: Yes. My baby brother is gone too. My baby brother. Her husband is Brandon Robinette.

OFFICER: (inaudible).

VOICE: (inaudible).

OFFICER: She's cold? (inaudible).

(END OF AUDIO).

Detective Jason Blevins, the primary detective assigned to this case, responded to the Enchanted Hills apartment shortly after 10:00 a.m. on May 3, 2021. When Detective Blevins arrived, he first walked through the apartment to assess the scene. Next, he requested that the crime lab and medical examiner come to the scene. While he was there, Detective Blevins spoke with multiple officers, including Officer Muska, to gather information. He also spoke with Desarai, who he described as "very, very upset," "like a person in shock," and "very hysterical, crying, very upset." Then, he directed officers to respond to Dolly's residence and continued to assess the scene at the Enchanted Hills apartment. Detective Blevins noted that a "butcher knife" was found in the bed, and a "cellular phone" was found on the floor next to the bed. Brandon's fingerprint was found on the blade of the knife, and the cellular phone appeared to be stained with blood. It was also determined that a stab wound to the left side of Tameka's neck was her cause of death.

Detective Blevins then left the Enchanted Hills apartment to speak with Pack. About ten minutes into their conversation with Pack, he received a call from Brandon, which Detective Blevins and other officers listened to on speaker phone. During that call, Brandon asked to be picked up at 915 Herndon Court. Detective Gregory Depew responded to 915 Herndon Court and observed Brandon leaving the Herndon Court residence and entering

another residence at 844 Clintwood.[2] Brandon was apprehended at that residence, where a search incident to his arrest revealed a syringe and a bloody tissue in his pocket. It appeared that he had ingested pills and at some point, he stopped breathing. Officers administered two doses of Naloxone and he started to breathe again. He was then taken away in an ambulance.

On June 2, 2021, Brandon was charged with one count of first degree murder, one count of first degree assault, and one count of wearing and carrying a dangerous weapon with intent to injure. The State ultimately entered a nolle prosequi on the assault and weapon charges, but continued to prosecute the murder charge.

Brandon was tried by jury in the Circuit Court for Baltimore County from August 7-10, 2023. At trial, the State offered Officer Muska's body worn camera footage, which included statements made by Desarai, as evidence. Brandon objected to the admission of the statements on hearsay grounds, but the circuit court overruled his objection, finding that the statements were admissible as excited utterances. Later in the trial, Brandon requested a jury instruction on voluntary intoxication. The circuit court declined to give the instruction, finding that the evidence did not generate an instruction on voluntary intoxication.

On August 10, 2023, Brandon was convicted of first degree murder, and he was sentenced on November 1, 2023, to life in prison without the possibility of parole. He noted this timely appeal on November 9, 2023.

[2] The full address is not provided in the record.

STANDARD OF REVIEW

"[A] requested jury instruction is required when (1) it 'is a correct statement of the law;' (2) it 'is applicable under the facts of the case;' and (3) its contents were 'not fairly covered elsewhere in the jury instruction[s] actually given.'" *Jarvis v. State*, 487 Md. 548, 564 (2024) (quoting *Rainey v. State*, 480 Md. 230, 255 (2022)). "On appeal, we review the overall decision of the trial court for an abuse of discretion, but the second requirement (whether the instruction is applicable in that case) is akin to assessing the sufficiency of the evidence, which requires a *de novo* review." *Id.*

A "trial court's ultimate determination of whether particular evidence is hearsay or whether it is admissible under a hearsay exception is owed no deference on appeal, but the factual findings underpinning this legal conclusion necessitate a more deferential standard of review." *Smith v. State*, 259 Md. App. 622, 666–67 (2023) (quoting *Gordon v. State*, 431 Md. 527, 538 (2013)). "Therefore, when 'reviewing a trial court's ruling on whether evidence falls under an exception to the rule against hearsay,' this Court 'reviews for clear error the trial court's findings of fact, and reviews without deference the trial court's application of the law to its findings of fact.'" *Id.* at 667 (quoting *Hailes v. State*, 442 Md. 488, 499 (2015)).

DISCUSSION

I. A Voluntary Intoxication Instruction was not Generated by the Evidence

Under Maryland Rule 4–325(c), a requested jury instruction must be given "when (1) it 'is a correct statement of the law;' (2) it 'is applicable under the facts of the case;' and (3) its contents were 'not fairly covered elsewhere in the jury instruction[s] actually

given.'" *Jarvis*, 487 Md. at 564 (quoting *Rainey*, 480 Md. at 255). The parties do not dispute that the requested instruction is a correct statement of the law and that the content of the voluntary intoxication instruction was not fairly covered by the instructions given to the jury. Therefore, resolution of this issue turns on the second requirement: whether a voluntary intoxication instruction is applicable under the facts of this case.

"A requested jury instruction is applicable if the evidence is sufficient to permit a jury to find its factual predicate." *Rainey*, 480 Md. at 255 (quoting *Bazzle v. State*, 426 Md. 541, 550 (2012)). In other words, the instruction must be given if the requesting party has "produce[d] 'some evidence' sufficient to raise the jury issue." *Jarvis*, 487 Md. at 564 (quoting *Arthur v. State*, 420 Md. 512, 525 (2011)).

The "some evidence" standard is a "fairly low hurdle," and need not even rise to the level of a preponderance. *Arthur*, 420 Md. at 526. "It calls for no more than what it says—'some,' as that word is understood in common, everyday usage." *Dykes v. State*, 319 Md. 206, 216–17 (1990). "[B]ecause whether 'some evidence' exists is viewed in the light most favorable to the requesting party, ... both the source of that evidence and its weight compared to the other evidence presented at trial are immaterial." *Jarvis*, 487 Md. at 564 (citations omitted). "If there is any evidence relied on by the defendant which, if believed, would support his claim ..., the defendant has met his burden." *Dykes*, 319 Md. at 217. However, it is a burden nonetheless, and "[t]he defendant must meet this burden as to each element of the defense" to generate the requested instruction. *Id.*

To generate an instruction on voluntary intoxication, a defendant must "point to 'some evidence' that 'would allow a jury to rationally conclude' that his intoxication made

him incapable of 'form[ing] the intent necessary to constitute the crime[.]'" *Bazzle*, 426 Md. at 555 (citations omitted). In *Bazzle*, the Court explained that certain phenomena, like a high blood alcohol content or illogical behavior and memory loss, while undoubtedly "some evidence" that the defendant was drunk, were "not evidence that he was unable to form a specific intent, and [were] therefore insufficient to raise a jury issue on voluntary intoxication as a defense to a specific intent crime." *Id.* at 556. In other words, a defendant must show more than "[m]ere drunkenness." *Id.* at 555. To generate a jury instruction on intoxication as a defense to a crime, a defendant must produce some evidence "that he had lost control of his mental faculties to such an extent as to render him unable to form the intent[.]" *Id.*

In *Newman v. State*, 236 Md. App. 533 (2018), this Court held that a voluntary intoxication instruction was generated by the evidence where the defendant (1) was one of three persons who consumed a water bottle filled with vodka, half a bottle of wine, and the major part of another gallon of vodka; and (2) was described by multiple people as being "under the influence," "flat out drunk," and "blacked out." *Newman*, 236 Md. App. at 565–66. Based on this evidence and the fact that the defendant's intoxication "was the very heart of the defense case," this Court held that "the evidence overwhelmingly generated the instruction." *Id.* at 566.

Here, Brandon argues that a voluntary intoxication instruction was generated by the following evidence: (1) testimony that he and Tameka went to a party together on the night of May 2, 2021; (2) phone records showing that he "sent a flurry of text messages and made numerous attempts to call" Shields in the middle of the night; (3) text messages sent from

Tameka's phone describing him as being drunk; and (4) a text message from Tameka to Shields, apparently referring to Brandon, which stated, "It's only because he drunk because he told me hisself [sic] he didn't want No problems with you at all." The State contends that, while this evidence may have generated a question about whether Brandon had consumed alcohol on the night in question and was therefore drunk, it did not generate a question about whether he was so inebriated that he could not have formed the specific intent to commit murder.

We agree with the State and discuss each item of Brandon's asserted evidence in turn.

First, the testimony that Brandon and Tameka went to a party together the night before the murder does not raise a jury issue on voluntary intoxication. Viewing this evidence in the light most favorable to Brandon, a jury could rationally infer that he drank alcohol at the party and became drunk, since people often drink alcohol at parties. However, "[m]ere drunkenness does not equate to the level of intoxication necessary to generate a jury instruction on intoxication as a defense to a crime." *Bazzle*, 426 Md. at 555. Since the testimony that Brandon went to a party shows nothing more than mere drunkenness, it does not suffice to raise a jury issue on voluntary intoxication.

Second, phone records showing that Brandon "sent a flurry of text messages and made numerous attempts to call" Shields in the middle of the night do not raise a jury issue on voluntary intoxication. Brandon argues that the content of those messages was confrontational and provocative and certainly indicative of the behavior of somebody in a state of intoxication. Assuming, arguendo, that the content of Brandon's messages to

Shields was indicative of the behavior of somebody in a state of intoxication, this still fails to show any evidence that Brandon was so severely impaired that he could not form the intent necessary to constitute his crime. In fact, Brandon's ability to craft and send "confrontational and provocative" text messages shows that he *was* in control of his mental faculties at the time.

Third, text messages sent from Tameka's phone describing Brandon as being drunk do not raise a jury issue on voluntary intoxication. As stated previously, "[m]ere drunkenness does not equate to the level of intoxication necessary to generate a jury instruction on intoxication as a defense to a crime." *Bazzle*, 426 Md. at 555. Without more, this evidence was also insufficient to raise a jury issue on voluntary intoxication.

Finally, a text message from Tameka to Shields, explaining that Brandon's behavior was due to his being drunk, does not raise a jury issue on voluntary intoxication. The text message does not provide any evidence upon which the jury could "'rationally conclude' that his intoxication made him incapable of 'form[ing] the intent necessary to constitute the crime[.]'" *Bazzle*, 426 Md. at 555 (citations omitted).

Unlike in *Newman*, where the evidence indicated that the defendant had participated in drinking a water bottle filled with vodka, half a bottle of wine, and the major part of another gallon of vodka, there was no evidence in this case of how much or even what type of alcohol Brandon drank. Additionally, eyewitnesses in *Newman* described the defendant in that case as being "under the influence," "flat out drunk," and "blacked out." 236 Md.

App. at 565–66. Here, Brandon was merely described as being "drunk."[3] Thus, as in *Bazzle*, "all [Brandon] has shown is that he was drunk and exhibited the typical characteristics of being drunk." 426 Md. at 556. This, the Court explained, is "insufficient to raise a jury issue on voluntary intoxication as a defense to a specific intent crime." *Id.*

As none of the asserted evidence sufficed to generate a jury instruction on voluntary intoxication, the circuit court did not abuse its discretion in declining to give the instruction.

II. The Statements at Issue Satisfied the Requirements of the Excited Utterance Exception

Brandon argues that certain statements heard on Officer Muska's body worn camera footage were inadmissible hearsay. Relevant to this argument is the following exchange between Officer Muska and Desarai:

> OFFICER: What's wrong?
>
> VOICE: *My mom, I came, and she has blood everywhere.*
>
> OFFICER: Okay. (inaudible) female, not conscious, not breathing in bed, covered with a lot of blood. Medics are here now. (inaudible).
>
> VOICE: (inaudible). *Her husband, her husband did something last night* and then I came back and thought she was asleep, (inaudible) found her like that.
>
> OFFICER: Is her name Tamika [sic]?
>
> VOICE: Yes. My baby brother is gone too. My baby brother. *Her husband is Brandon Robinette*.
>
> OFFICER: (inaudible).

[3] Brandon claims that in opening statements, defense counsel told the jurors that he blacked out. However, "opening statements are not evidence." *State v. Heath*, 464 Md. 445, 460 (2019). Therefore, we do not credit this statement as evidence of voluntary intoxication.

VOICE: (inaudible).

OFFICER: She's cold? (inaudible).

(END OF AUDIO).

Brandon concedes that "it appeared that [Desarai] was upset," and that her "earlier statements regarding the condition of her mother, 'she has blood everywhere,' could arguably be considered a spontaneous response to what she had recently perceived in the bedroom." Thus, he appears to limit his argument on appeal to Desarai's "later accusations regarding [Brandon]," which he claims were "clearly a result of reflective thought and thus, not admissible under the excited utterance exception to the hearsay rule." The State, however, contends that the statements satisfied the excited utterance exception and, even if they did not, admission of the statements was harmless error.

Hearsay is "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Md. Rule 5–801(c). Unless permitted by an exception to the hearsay rule, hearsay is not admissible. Md. Rule 5–802. The burden is on the proponent of hearsay evidence to "establish[] that a recognized exception to the rule against admissibility is applicable." *State v. Smith*, 487 Md. 635, 660 (2024) (quoting *Curtis v. State*, 259 Md. App. 283, 314 (2023)).

The exception at issue here is the excited utterance exception. An excited utterance is "[a] statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition." Md. Rule 5–803(b)(2). If a statement satisfies the requirements of the excited utterance exception, it is admissible.

The excited utterance exception contains what this Court has described as certain "situational and content-related preconditions to admissibility." *Curtis*, 259 Md. App. at 301. First, the statement must relate to a startling event or condition; that is the content-related restriction. *Id.* Second, the statement must also be made while still under the stress of the event or condition; that is the situational restriction. *Id.* "The rationale behind the 'excited utterance' exception is that 'the startling event suspends the declarant's process of reflective thought, thus reducing the likelihood of fabrication.'" *Id.* at 314–15 (quoting *State v. Harrell*, 348 Md. 69, 77 (1997)).

We determine whether a statement qualifies as an excited utterance by examining "'the totality of the circumstances' to discern whether 'the declaration was made at such a time and under such circumstances that the exciting influence of the occurrence clearly produced a spontaneous and instinctive reaction on the part of the declarant ... [who is] still emotionally engulfed by the situation.'" *Id.* at 315 (quoting *Harrell*, 348 Md. at 77) (alteration in original). Factors to consider include "how much time has passed since the event, whether the statement was spontaneous or prompted, and the nature of the statement, such as whether it was self-serving." *Esposito v. State*, 264 Md. App. 54, 84 (2024) (quoting *Gordon*, 431 Md. at 536).

In *Curtis*, this Court outlined three requirements for admission of hearsay statements as excited utterances. First, the proponent must establish that an exciting or startling event occurred, and that the declarant had personal knowledge of that event; second, the proponent must establish that the statement relates to the underlying startling event; and third, the proponent must show that the declarant was still under the stress of the startling

event at the time the statement was made and that the statement was not the product of reflective thought. *Curtis*, 259 Md. App. at 315–17.

Here, the first two requirements were clearly satisfied. First, there was an exciting or startling event—the discovery of Tameka's dead body in her bed—and Desarai, the declarant here, had personal knowledge of that event since she was the person who discovered Tameka's dead body. Second, Brandon does not dispute that Desarai's statements to police related to the discovery of her dead mother, nor does he offer any alternative explanation for what the statements could have related to. When speaking to police, Desarai referred to "my mom," and when asked if the person she was referring to was named Tameka, Desarai answered, "Yes." Thus, resolution of this issue turns on the third requirement: whether Desarai made the statements while she was still under the stress of discovering her dead mother, and did not do so as a product of reflective thought.

Brandon largely relies on two cases to support his argument that Desarai's statements were not sufficiently spontaneous: *Marquardt v. State*, 164 Md. App. 95 (2005) and *Morten v. State*, 242 Md. App. 537 (2019).

In *Marquardt*, a woman called 911 while she was being assaulted in a vehicle. 164 Md. App. at 114. Several minutes later, police found her in the median of a roadway, naked from the waste up, with blood on her face and crying hysterically. *Id.* at 113. The three hearsay statements at issue were: her 911 call; her statements to an officer inside the patrol car immediately after she was found; and her statements to an officer at the hospital thirty minutes later. *Id.* at 124–27. This Court first found that the victim's statements in the 911 call were admissible as excited utterances because they were made during the "exciting

event," *i.e.*, while she was being assaulted inside the defendant's truck. *Id.* at 125. Next, this Court found that the victim's statements inside the patrol car were also admissible as excited utterances because she "could not provide an unbroken coherent statement," gave "bits of information," was "crying," "emotionally upset," and "at the point where she was hysterical," and the underlying exciting event had "ended only minutes before." *Id.* at 126. However, this Court found that the victim's statements at the hospital thirty minutes later were not admissible as excited utterances. *Id.* at 128–29. Unlike the statements she made in the patrol car, which were given just minutes after the assault and were largely incoherent, the statements at the hospital provided a long and detailed account of the events leading up to and during the assault. *Id.* at 113–14.

In *Morten*, this Court similarly ruled that statements were not admissible as excited utterances where the declarant was "narrating past events, not expressing present excitement." 242 Md. App. at 550. The declarant in that case apparently heard a gunshot and, immediately thereafter, saw two men running down an alley. *Id.* at 542–43. About twenty-four minutes after the shooting, the declarant called 911 to report what she had seen and heard. *Id.* at 550. This Court found that, given the length of time between the shooting and the 911 call, the wording of the statements conveyed "neither a sense of immediacy nor a sense of emotional distress." *Id.* at 550. Rather, "[t]he decision to call 911 and make a report to the police was a conscious and reflective choice of a good citizen to help the police solve a crime. It was not an uncontrolled emotional spasm in response to overpowering excitement." *Id.* at 552.

Here, unlike the hospital statements in *Marquardt* and the 911 statements in *Morten*, Desarai's statements to police were admissible as excited utterances. First, although "time alone is not dispositive," *Marquardt*, 164 Md. App. at 128, it is "a critically important factor." *Morten*, 242 Md. App. at 548. Desarai's statements to police were given just "a few minutes" after discovering and reporting Tameka's dead body to 911. This weighs in favor of finding that she was still under the stress of that exciting event when she made the statements.

Further supporting this finding is the fact that Desarai did not give long and detailed descriptions of the events to police. Rather, her statements that Tameka "has blood everywhere," that "her husband did something last night," and that "her husband is Brandon Robinette" were more like the incoherent "bits of information" found to be admissible in *Marquardt*. 164 Md. App. at 126. The statements were also given soon after Desarai found the lifeless body of her mother, a person who she undoubtedly had more of a close personal relationship with than did the declarant in *Morten*, who merely heard a gunshot and saw two strangers running down an alley. 242 Md. App. at 542–43. Thus, it is more likely that Desarai's statements were triggered by an "uncontrolled emotional spasm in response to overpowering excitement" than some "conscious and reflective choice" to "help the police solve a crime." *Id.* at 552. Finally, Desarai was described as "panicking," "crying," and "very distraught," indicating that she was in an "emotionally upset" and "hysterical" state like the declarant in *Marquardt*, whose patrol car statements were found to be admissible. 164 Md. App. at 126.

For these reasons, the circuit court properly admitted the statements heard on the body worn camera footage as excited utterances.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY IS AFFIRMED. COSTS TO BE PAID BY APPELLANT.