Circuit Court for Talbot County
Case No. C-20-CR-19-16

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1867

September Term, 2019

WILLIAM REVELO-RAMOS

v.

STATE OF MARYLAND

Reed,
Shaw Geter,
Moylan, Charles
(Senior Judge, Specially Assigned),

JJ.

Opinion by Reed, J.

Filed: December 20, 2021

A jury in the Circuit Court for Talbot County convicted William Revelo-Ramos, Appellant, of sexual abuse of a minor, false imprisonment, second-degree assault, and fourth-degree sex offense. Appellant, who was sentenced to a total of nine years, challenges his convictions on the ground that the trial court erred in requiring him to enter the courtroom while accompanied by deputies, after jurors had been seated. We disagree and affirm the convictions.

FACTUAL AND PROCEDURAL BACKGROUND

Appellant was charged with sexually assaulting his then-stepdaughter, N.D., between January 2016 and December 2017, when Appellant moved out of the family home. The trial took place over two days, on October 1-2, 2019.

N.D., then age 17, testified about a number of nonconsensual encounters while she and Appellant were clothed. According to N.D., Appellant locked the door, touched her under her shirt and bra, kissed her, held her down, touched her thigh and butt, rubbed his erect penis against her, and made her touch his penis. Each of the incidents ended when N.D. ran away. On December 18, 2018, N.D. reported these incidents to a school guidance counselor and later recounted them to a Department of Social Services worker and a police detective.

Because the sole issue raised by Appellant arises from his pre-trial challenge to the fairness of courtroom security procedure, our review of the record focuses on that matter, rather than other evidence pertaining to the charges. *Cf. Hargett v. State*, 248 Md. App. 492, 497 (2020) ("The underlying facts pertaining to the charges against appellant are largely irrelevant to the sole issue on appeal" involving a pre-trial request to discharge

counsel), *cert. denied*, 418 Md. 587 (2021). At the outset of the first day, before jury selection began, the trial court addressed "two preliminary issues" raised by defense counsel. After resolving concerns about interpreters, defense counsel objected to the manner in which Appellant would be entering the courtroom, prompting the following colloquy:

> [DEFENSE COUNSEL]: Your Honor[,] to my understanding this is my first jury trial here in Talbot County and I've noticed that the practice in this Court is that the jurors are in the courtroom before the Defendant is seated. I will just put on the record that every jury trial that I've done the Defendant is usually in the courtroom first. That way the jury doesn't see how the Defendant got there so that there's no issues with regard to prejudice, regards to anything like that. My understanding is that he's brought in by the deputies through the courtroom and obviously my concern would be that . . . the jurors are seeing him being brought in by, by the deputies and on the implicit biases that may be brought from that as has been indicated by the Court of Appeals in previous cases so I just wanted to put that on the record, Your Honor.
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> THE COURT: Well that's your job as attorney for the Defendant. The logistics of the Talbot County Courthouse are as old as I am and obviously . . . we would all prefer a better situation. The bottom line as far as me and this case is concerned is that Mr. Revelo-Ramos has the same situation as others in Talbot County similarly charged. This is just how they have to do things here in a jury trial so.
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> [PROSECUTOR]: I just, I want to make the record clear, Your Honor, that when he comes into the courtroom [h]e will not be in shackles or, he's in a suit.
>
> . . . .
>
> [PROSECUTOR]: The guards will be following him and he'll be coming through a door that other people didn't come in but he's not going to be held by the hand or something like that.
>
> THE COURT: Well let me tell you, well I thin[k] we can read a lot of things in. The world being what it is today I think half of the jurors out there would figure that the deputies are here for me or us or them not him because of

> security, you know, and the violence that we have in the world so your point is taken and, you know, and some of them may make note of it but I don't think it's . . . anything that's an obvious prejudice nor anything that I can do anything about.

DISCUSSION

A. Standards Governing Review of Courtroom Security Measures

A preliminary review of standards governing courtroom security will aid our discussion of the parties' contentions. Subject to a criminal defendant's right to a fair trial under the Sixth and Fourteenth Amendments, "[t]he decision as to the method and extent of courtroom security is left to the sound discretion of the trial judge." *Miles v. State*, 365 Md. 488, 570 (2001). *See Campbell v. State*, 243 Md. App. 507, 518 (2019), *cert. denied*, 467 Md. 695 (2020), *cert. denied*, 141 S. Ct. 1048 (2021). When considering due process challenges to courtroom security measures, we are mindful that not "every practice tending to single out the accused from everyone else in the courtroom must be struck down." *Holbrook v. Flynn*, 475 U.S. 560, 567 (1986). "Recognizing that jurors are quite aware that the defendant appearing before them did not arrive there by choice or happenstance," the Supreme Court has "never tried, and could never hope, to eliminate from trial procedures every reminder that the State has chosen to marshal its resources against a defendant to punish him for allegedly criminal conduct." *Id*.

Consequently, when reviewing a trial court's deployment of security officers in a particular instance, appellate courts "should not determine whether less stringent security measures were available to the trial court, but rather whether the measures applied were reasonable and whether they posed an unacceptable risk of prejudice to the defendant."

Hunt v. State, 321 Md. 387, 408 (1990). "The prejudice posed by security measures, and whether a compelling state interest outweighs that prejudice, must be measured on a case by case basis." *Id*. at 410. Appellate courts evaluate such a challenged security measure by

> look[ing] at the scene presented to jurors and determin[ing] whether what they saw was so inherently prejudicial as to pose an unacceptable threat to [that] defendant's right to a fair trial; if the challenged practice is not found inherently prejudicial and if the defendant fails to show actual prejudice, the inquiry is over.

Holbrook, 475 U.S. at 572.

The Court of Appeals has emphasized that because "some security is necessary or desirable in most, if not all, criminal trials[,] . . . . not all security measures will result in prejudice to the defendant." *Bruce v. State*, 318 Md. 706, 718 (1990). For example, certain courtroom practices, including restraining a defendant in view of the jury, are so unmistakable and "pose such a threat to the 'fairness of the factfinding process' that they must be subjected to 'close judicial scrutiny.'" *Holbrook*, 475 U.S. at 568 (citations omitted). For this reason, in most cases the "'accused has a right to be tried . . . without being shackled, chained, bound, handcuffed, gagged, or otherwise physically restrained.'" *Lovell v. State*, 347 Md. 623, 639 (1997). *See Wagner v. State*, 213 Md. App. 419, 476 (2013) (internal quotation marks and citations omitted). *Cf. Deck v. Missouri*, 544 U.S. 622, 630 (2005) ("Visible shackling undermines the presumption of innocence and the related fairness of the factfinding process."); *Whittlesey v. State*, 340 Md. 30, 85 (1995) ("restraints might derogate the presumption of innocence in the eyes of the jury").

Yet other security procedures, including the use of uniformed security officers inside the courtroom, may support a "wider range of inferences[,]" so that these measures "need not be interpreted as a sign that [the accused] is particularly dangerous or culpable." *Holbrook*, 475 U.S. at 569. *See Bruce*, 318 Md. at 718. In *Holbrook*, the Supreme Court held that the mere presence of police officers in a courtroom is neither unreasonable *per se* nor inherently prejudicial, explaining that

> [t]he chief feature that distinguishes the use of identifiable security officers from courtroom practices we might find inherently prejudicial is the wider range of inferences that a juror might reasonably draw from the officers' presence. While shackling and prison clothes are unmistakable indications of the need to separate a defendant from the community at large, the presence of guards at a defendant's trial need not be interpreted as a sign that he is particularly dangerous or culpable. Jurors may just as easily believe that the officers are there to guard against disruptions emanating from outside the courtroom or to ensure that tense courtroom exchanges do not erupt into violence. Indeed, it is entirely possible that jurors will not infer anything at all from the presence of the guards.
>
> To be sure, it is possible that the sight of a security force within the courtroom might under certain conditions "create the impression in the minds of the jury that the defendant is dangerous or untrustworthy." However, "reason, principle, and common human experience," counsel against a presumption that any use of identifiable security guards in the courtroom is inherently prejudicial. In view of the variety of ways in which such guards can be deployed, we believe that a case-by-case approach is more appropriate.

Holbrook, 475 U.S. at 568-69 (citations omitted).

B. Parties' Contentions

Appellant contends that "the trial court failed to exercise discretion" when it recognized that "we would all prefer a better situation" but "view[ed] what it understood to be Talbot County's longtime practice as a *fait accompli* . . . ." Alternatively, Appellant argues that under the facts of this case, "the court's fatalistic understanding of Talbot

County's practice constituted an abuse of discretion" because being escorted into the courtroom by two deputies after the jury was seated created an unacceptable risk of prejudice.

The State asks this Court to "decline to review" Appellant's contentions, arguing that "he failed to establish a sufficient record for appellate review." The State notes that Appellant raised his objection only in anticipation of the allegedly prejudicial security protocol, but thereafter failed to make any record of how the security protocol actually transpired. Accordingly, the State argues that the record provides "no basis upon which to make a judgment about whether there was any prejudice, much less about whether the error was 'harmless beyond a reasonable doubt.'" (Quoting *Black v. State*, 426 Md. 328, 337 (2012)).

To the extent the record permits appellate review, the State contends that the trial court "properly exercised its discretion concerning courtroom security." The State argues that "the situation was not inherently prejudicial, and [Appellant] cannot demonstrate actual prejudice . . . ." The State contends that if the escort into the courtroom took place as anticipated, such "security protocols were reasonable and minimal, especially when compared to other cases in Maryland in which courts have declined to find prejudice under far more extensive security arrangements."

In support, the State cites *Bruce*, 318 Md. at 720-21, holding that neither a brief observation of the defendant in handcuffs, nor the presence of two uniformed officers and plainclothes marshals in "close proximity" to Bruce was so prejudicial as to establish abuse of discretion. The State also argues that if "the placement of multiple security personnel

near a defendant during trial was not inherently prejudicial" in *Campbell*, then "it stands to reason that a defendant's brief entry into the courtroom, followed by deputies, would also fail to create prejudice." *See Campbell*, 243 Md. App. at 521-22 (holding that positioning of courtroom security officers near defendant during trial was not an abuse of discretion). In the State's view, "[n]umerous other Maryland decisions have likewise failed to find prejudice despite more obvious indications that a defendant was in custody." *Cf. Miles*, 365 Md. at 569-73 (no abuse of discretion in denying mistrial after jury saw defendant being transported to courtroom in leg and arm shackles); *Frazier v. State*, 197 Md. App. 265, 280-82 (2011) (no abuse of discretion in denying mistrial after courtroom deputy stood near and talked to defendant "in a manner that show[ed] he's locked up"); *Thompson v. State*, 119 Md. App. 606, 622 (1998) (no abuse of discretion in denying mistrial after jurors inadvertently saw defendant handcuffed and shackled on way back to jail). *Cf. also Missouri v. Clark*, 488 S.W.3d 150, 153 (Mo. Ct. App. 2016) (holding that "possibility" that deputies escorted defendant into the courtroom in "side-by-side" position "does not imply restraint" and was "not inherently prejudicial"); *Illinois v. Shorter*, 375 N.E.2d 513, 521 (Ill. Ct. App. 1978) (holding defendant was not denied fair trial after prospective jurors saw him escorted into courtroom by deputy and later saw another deputy "changing guard"). In these circumstances, the State contends that Appellant did not establish that the security measures were unreasonable or inherently prejudicial.

C. Analysis

Addressing the parties' contentions in turn, we conclude that the record is sufficient to reach the issues raised by Appellant, and that the trial court did not err or abuse its discretion in declining to alter the challenged courtroom security procedure.

1. Preservation: Adequacy of Circuit Court Record

In the State's view, Appellant failed to make a record capable of being reviewed on appeal because, given the material "lack of information[,]" the court would have to speculate as to whether Appellant actually "(1) . . . entered after the jury; (2) whether he entered through a separate entrance; (3) what he was wearing; (4) whether he was escorted by deputies, and if so, how far away they were; and (5) whether this procedure happened once, multiple times, or not at all." In addition, the record does not contain any "information about what prospective jurors might have seen" from their vantage point in the courtroom. Even the "few details" that court and counsel discussed on the record regarding anticipated security procedures "occurred in a separate courtroom from the one in which voir dire took place." Yet neither court, nor counsel made any comment during voir dire "about whether the anticipated security procedures were followed." Because Appellant "failed to develop a record that would answer many of the questions relevant to determining (1) what exactly occurred and (2) whether [he] suffered any prejudice as a result[,]" the State contends that "this Court should decline to consider [Appellant's] claim."

In reply, Appellant maintains that "the record is sufficient to reach the merits because trial counsel objected to the Circuit Court's typical practice and [the trial judge] did not dispute that the practice would be used in Appellant's trial." Nevertheless,

Appellant argues that "if this Court believes that the record is incomplete, it has the authority to order a limited remand under Maryland Rule 8-604[a]" in order "to hold a hearing to clarify the extent to which [Appellant] was brought into the courtroom after jurors seated themselves."

We do not agree with the State that Appellant failed to preserve his challenge to this courtroom security procedure, or with Appellant that it would be appropriate to remand for a hearing to develop the record by clarifying what procedures actually occurred. Appellant sufficiently preserved his objection to the courtroom procedure in this case when he objected to the procedure prior to jury selection. *Cf. Knott v. State*, 349 Md. 277, 288 (1998) ("A defendant . . . who objects to being tried in prison attire before the jury has been impaneled is deemed to have objected in a timely manner and not to have waived his right to be tried in civilian clothing."). When a criminal defendant challenges a courtroom security measure, he or she must make an evidentiary record regarding the objectionable procedure in order to obtain appellate relief. *See* Md. Rule 8-131(a). *Cf. Lockard v. State*, 247 Md. App. 90, 101-03 (2020) (reversing because appellate court considers only the facts generated by hearing record and State failed to meet its "burden to produce evidence"). To the extent the record before us lacks information to support Appellant's claim on appeal, that is not grounds for remanding to give Appellant another opportunity to add support for his appellate claims, because "'appellate courts cannot fill in blanks in the evidentiary record.'" *Id.* at 103 (quoting *In re Jeremy P.*, 197 Md. App. 1, 22 (2011)). Nor does such a lack of supporting information prevent us from reviewing Appellant's claim. Rather, a sparse evidentiary record on the defense objection simply limits the grounds available for

appellate relief. Most notably, the lack of supporting information in the record limits our analysis of the security procedure's potential prejudice, as implemented. Assuming the anticipated security procedures were implemented, the record indicates that Appellant would be walked into the courtroom by deputies, in the presence of the jury, without shackles, and wearing a suit.

For reasons that follow, we are not persuaded, based on the record adduced by Appellant, that the trial court either failed to exercise its discretion or abused its discretion.

2. Alleged Failure to Exercise Discretion

Appellant contends that the trial court erred when it "openly stated that it did not have any discretion to change Talbot County's practice" of seating jurors before a defendant is escorted into the courtroom by two uniformed security officers. In Appellant's view, "[t]he trial judge's express words leave no doubt that he thought he had no authority whatsoever to change the circuit court's supposed practice" when he stated that procedure "was not 'anything that I can do anything about.'" In particular, Appellant points out that "[t]here is no statute, rule, regulation, or principle of law or other documentation of official circuit court protocol" that prevented the trial judge "from at least exploring alternative options."

As Appellant acknowledges, the trial judge accurately characterized the courthouse as "old" and presenting "logistics" challenges for courtroom security. Indeed, Appellant directs us to the Judiciary's online description of the current Talbot County Courthouse as having been built in 1794 and remodeled in 1958, by the addition of "two wings." *See*

Historic Courthouse, https://www.mdcourts.gov/clerks/talbot/historiccths (last visited Apr. 25, 2021).

Appellant also acknowledges that judges throughout the State "sometimes face courtroom management obstacles arising from choices made a long time ago by architects, engineers, and other who designed our courts." Nevertheless, Appellant maintains that in this case, the trial judge "applied a hard-and-fast rule that jurors would have to observe [Appellant] enter the courtroom while accompanied by guards[.]" This was error, Appellant argues, because the judge "simply thought there was nothing that could be done" but "did not consider any alternatives" and "put nothing on the record justifying such a stark position."

In support of his claim that the judge erroneously failed to exercise his discretion, Appellant cites *Trotman v. State*, 466 Md. 237, 265 (2019), holding that the trial judge did not abuse her discretion in dismissing four prospective jurors because they had physical conditions rendering them unable to use a long staircase leading to the jury room for the only available courtroom in an old section of the Baltimore City Courthouse. Appellant argues that, unlike the trial judge in *Trotman*, who considered whether accommodations might be made, given the architecture and courtroom availability in that courthouse, "here, the court simply viewed Talbot County's practice as a *fait accompli* and did not explore any alternatives or explain why any conceivable alternatives were non-starters."

Appellant further contends that the trial court's "failure to exercise discretion in this case distinguishes itself from" *Campbell*, 243 Md. App. at 516-18, where security officers stood near a *pro se* defendant during trial on charges he sexually abused his daughter, and

accompanied him when he approached the bench and testifying witnesses. On appeal, Campbell complained that "he was 'conspicuously restrained by a tactical security team composed of at least three armed [sheriffs] forming a close proximity mobile perimeter;' that the security measures were a 'spectacular display of choreographed, close supervision where multiple armed sheriffs shadowed every one of [his] movements, hands on their weapons, eyes transfixed;' and that the sheriffs 'perpetually stalk[ed] [his] every move in close proximity as he conduct[ed] his defense.'" *Id*. at 521 n.1.

We concluded that "[t]he record is completely devoid of any support for. . . those assertions" and held "the court's use of security personnel was reasonable and not prejudicial to the [defendant]." *Id*. at 521 & n.1 (citation omitted). Reiterating that "there is nothing inherently prejudicial about the presence of one or more security guards near a defendant during trial[,]" we pointed out that even if the jury noticed, "that circumstance is fairly routine and subject to a wider range of inferences than other inherently prejudicial indicators like shackles or prison garb." *Id*. at 521-22 (citation omitted). Moreover, the trial court had reassured Campbell "that "the deputies would not be 'disruptive,'" but if he chose to approach a witness or the bench, they "would act in the 'least invasive way'" and "'quietly move behind" him. *See id*.

Appellant contrasts the exercise of discretion in *Trotman* and *Campbell* against what he contends was "[t]he trial court's failure to exercise its discretion in this case," arguing that the ruling here is "similar" to cases "in other contexts" where a trial court failed "to exercise discretion[.]" *See, e.g., Beads v. State*, 422 Md. 1, 15-16 (2011) (reversing denial of mistrial based on trial court's erroneous conclusion that defense counsel "opened the

door" to otherwise inadmissible testimony by prosecution witness); *Beverly v. State*, 349 Md. 106, 127 (1998) (remanding for resentencing based on sentencing judge's failure to recognize that State may withdraw repeat-offender notice and that the court had discretion to impose terms of the proposed plea agreement); *Maus v. State*, 311 Md. 85, 108 (1987) (remanding for resentencing based on judge's incorrect belief that he could not consider defendant's residency at drug treatment program); *Colter v. State*, 297 Md. 423, 428-31 (1983) (reversing conviction based on trial court's "hard and fast rule" that undisclosed alibi witness could not testify as result of discovery violation); *Thurman v. State*, 211 Md. App. 455, 472 (2013) (reversing based on "the trial judge's unyielding imposition of a blanket prohibition against re-cross examination").

To be sure, "[f]ailure of a court to recognize or exercise its discretion 'for whatever reason – is by definition not a proper exercise of discretion.'" *Brown v. State*, 470 Md. 503, 553 (2020) (quoting *State v. Alexander*, 467 Md. 600, 620 (2020)). In particular, when "exercising that discretion" concerning matters of courtroom security, "the decision must be made by the judge personally; it may 'not be delegated to courtroom security personnel.'" *Wagner v. State*, 213 Md. App. 419, 476 (2013) (quoting *Whittlesey v. State*, 340 Md. 30, 84 (1995)).

We are not persuaded by *Trotman*, *Campbell*, or other cases cited by Appellant that the trial judge committed such an error in this instance. In particular, we do not understand the remarks challenged by Appellant as either a blanket refusal to exercise discretion or an improper derogation of discretion to courthouse security personnel.

The trial judge, after indicating he was familiar with the configuration of that "old" courthouse, explained that, given the "logistics" involved in bringing both the jury and a criminal defendant into the courtroom, seating jurors before the defendant enters with two security officers was "just how they have to do things here in a jury trial."

In reviewing that courtroom security decision, we are mindful that the judge was "'physically on the scene, [and] able to observe matters not usually reflected in a cold record." *Frazier v. State*, 197 Md. App. 264, 282 (2011) (quoting *State v. Cook*, 338 Md. 598, 615 (1995)). Moreover, the trial judge was a Senior Judge who previously served as the Administrative Judge for the Second Judicial Circuit, comprised of Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties. We may fairly credit him with sufficient knowledge of the Talbot County Courthouse architecture and facilities to understand the "logistics" involved in bringing jurors and the defendant into that courtroom, which he characterized as a configuration that neither court, nor counsel would "prefer."

When understood in this context, we do not perceive the judge's ruling as a "hard and fast" refusal to consider alternatives; but as an expression of his discretionary conclusion that the existing procedure reasonably accommodated the "logistics" necessary to securely move Appellant through the "old" courthouse into the courtroom, given the physical limitations of that building. In these circumstances, the judge simply agreed with the security practice typically followed in that particular courthouse.

Notably, defense counsel, who was making his first appearance there, did not dispute the judge's assessment of those "logistics." Nor did counsel ask the judge to further investigate the feasibility of alternatives to that routine procedure. Significantly, when trial

proceeded, defense counsel did not object to the manner in which Appellant actually was brought into the courtroom. *Cf. Ingram v. Oklahoma*, 611 P.2d 274, 275-76 (Okla. Crim. App. 1980) (holding trial court did not err in denying mistrial after "outburst" from the gallery during closing arguments resulted in decision to seat security officer next to defendant, but "[t]he record does not reflect that the deputy actually entered the courtroom or, if he did, where he sat.").

On this record, we conclude that the trial court did not err in failing, *sua sponte*, to examine on the record alternative courtroom escort procedures. Nor did the court err in failing to exercise discretion based on a mistaken perception that it had none. Instead, the judge, calling upon both his knowledge of the Talbot County Courthouse and his experience in hearing cases there, determined that the existing procedure was both reasonable and not inherently prejudicial. We address next whether the court abused its discretion in doing so.

3. Alleged Abuse of Discretion

Appellant contends that even if "the court technically did exercise discretion," it "still abused its discretion" in allowing seated jurors to see uniformed officers accompany him as he entered the courtroom through a separate door. Appellant argues that the security protocol was highly prejudicial in this case because the outcome depended on whether the jury believed N.D.'s accusations against him. "[O]ther than indicating that the courthouse was old and that the practice was 'just how they have to do things here in a jury trial,' the court did not otherwise explain what would be so difficult about accommodating defense counsel's request." Pointing to the judge's "estimation" that "half of the jurors" would not

interpret the presence of guards as an indication that Appellant "was dangerous[,]" but as a reflection of broader security "concerns about violence 'in the world,'" Appellant argues that "to tolerate Talbot County's practice, surely a judge has to do more than offer general, vague concerns not tailored to a particular defendant's case." In his view, "[t]he trial court's minimalistic consideration of defense counsel's request was too thin of a basis to permit jurors to see [him] accompanied by armed deputies."

We disagree. As the Supreme Court, the Court of Appeals, and this Court have emphasized, the presence of security officers in the courtroom, even when positioned near a defendant as he moves in the courtroom, is not so uncommon or so unreasonable that such a security measure should be treated as inherently prejudicial. *See Holbrook*, 475 U.S. at 569; *Bruce*, 318 Md. at 720-21; *Campbell*, 243 Md. App. at 521-22.

Holbrook illustrates that stationing uniformed police officers in the courtroom generally may be considered a reasonable security measure that does not unfairly prejudice the defendant. In that case, the issue was whether four officers sitting in the courtroom during a joint trial of six co-defendants impinged upon due process by undermining the presumption of innocence. *See Holbrook*, 475 U.S. at 570-71. A unanimous Supreme Court answered no, explaining:

> We do not minimize the threat that a roomful of uniformed and armed policemen might pose to a defendant's chances of receiving a fair trial. But we simply cannot find an unacceptable risk of prejudice in the spectacle of four such officers quietly sitting in the first row of a courtroom's spectator section. Even had the jurors been aware that the deployment of troopers was not common practice in Rhode Island, we cannot believe that the use of the four troopers tended to brand respondent in their eyes "with an unmistakable mark of guilt." Four troopers are unlikely to have been taken as a sign of anything other than a normal official concern for the safety and order of the

> proceedings. Indeed, any juror who for some other reason believed defendants particularly dangerous might well have wondered why there were only four armed troopers for the six defendants.
>
> We note, moreover, that even were we able to discern a slight degree of prejudice attributable to the troopers' presence at respondent's trial, sufficient cause for this level of security could be found in the State's need to maintain custody over defendants who had been denied bail after an individualized determination that their presence at trial could not otherwise be ensured. Unlike a policy requiring detained defendants to wear prison garb, the deployment of troopers was intimately related to the State's legitimate interest in maintaining custody during the proceedings . . . .

Id. (citations and footnote omitted).

The decision and rationale by our Court of Appeals in *Bruce*, 318 Md. at 720-22, also demonstrates that positioning a security officer near a defendant in the courtroom during trial may be reasonable and not inherently prejudicial. In that case,

> [p]rior to jury selection, defense counsel objected to the single deputy sheriff stationed close to Appellant and requested that the deputy be required to stay on the other side of the rail. The trial judge first determined that the deputy could not overhear any conversations at the trial table. The deputy sheriff also indicated that, if he were separated from Appellant by a rail, a security risk would be posed. We believe permitting a single deputy sheriff to remain on the same side of the rail as the defendant, after ascertaining that the deputy could not overhear any conversations at the trial table, was a proper exercise of discretion.

Id. at 720.

Although additional, even more obvious, security measures occurred later in that trial, none were found to be unreasonable or prejudicial. Specifically, defense counsel objected to: the presence of "'at least four marshals that are in suits, plain clothes, in the courtroom, in addition to approximately two bailiffs that are in the courtroom"; the "close proximity to the defendant . . . of a uniformed sheriff's deputy in the courtroom and a

bailiff"; and an instance when jurors were inadvertently allowed to see handcuffs being removed from the defendant as they entered the courtroom. *Id*. at 720-21. The Court of Appeals held that those security measures were reasonable and not inherently prejudicial, contrasting them "with an inherently prejudicial practice like shackling during trial, which can only be justified by compelling state interests in the specific case[,]" and "an extensive security force so close to the defendant that it could 'create the impression in the minds of the jury that the defendant is dangerous or untrustworthy.'" *Id*. at 721-22 (citations omitted).

More recently, in *Campbell*, 243 Md. App. at 521, this Court approved the use of courtroom security officers to accompany the *pro se* defendant as he moved about the courtroom during bench conferences and examinations of witnesses. We found "nothing in the record to suggest that the presence of the sheriffs was in any way remarkable or even noticeable by the jury, much less an 'unmistakable indication' that appellant was in jail or that he needed to be separated from the community at large." *Id*. at 521 (footnote omitted). In those circumstances, the trial court did not abuse its discretion by allowing "courtroom security personnel to be positioned near [the defendant] during certain portions of the trial." *Id*. at 524.

Compared to the uniformed officers who moved around the courtroom with the defendant during trial in *Bruce* and *Campbell*, the routine procedure of escorting Appellant into the courtroom, in the trial judge's view, was less apparent to the jury as a security measure aimed at Appellant. Bringing Appellant into the courtroom through a separate door also was not unreasonable *per se* nor inherently prejudicial, considering that other

courtroom personnel, including the judge and courtroom clerk, also used separate entrance into the courtroom. Given the broad range of benign inferences regarding the presence of uniformed officers in courtroom proceedings, the trial judge determined that this escort would not convey a level of dangerousness that might risk unconstitutionally undermining the presumption of Appellant's innocence.

Based on the sparse record made by Appellant, we find nothing to distinguish this case from *Holbrook, Bruce,* and *Campbell*. *See Holbrook*, 475 U.S. at 570-71; *Bruce*, 318 Md. at 721-22; *Campbell*, 243 Md. App. at 524. As in those cases, the presence of uniformed officers in the courtroom was reasonable and not unfairly prejudicial. As the trial judge explained, in language consistent with the case law, "[t]here is nothing inherently prejudicial about the presence of one or more security guards near a defendant during trial . . . ." *Campbell*, 243 Md. App. at 521. Jurors could view the escort as a standard courtroom security protocol reflecting "a normal concern for the safety and order of the proceedings." *Holbrook*, 475 U.S. at 571. Rather than officers protecting people in the courtroom from a dangerous defendant, the officers reasonably could be perceived as providing routine courtroom security for the benefit of the jury itself, the judge, witnesses, and even Appellant. *Cf. Campbell*, 243 Md. App. at 522 ("Even if we assume that the jury could observe and actually took note of the fact that there were one or more security guards near Appellant during trial, that circumstance is fairly routine and subject to a wider range of inferences than other inherently prejudicial indicators like shackles or prison garb.").

The mere possibility that the jury could view this escort as a security measure did not require the trial judge to alter the procedure. If the sustained deployment of security

personnel during trial in *Bruce* and *Campbell* was reasonable, then the trial court did not abuse its discretion in concluding that the security escort challenged by Appellant was reasonable. *See Bruce*, 318 Md. at 721. Likewise, if Appellant entered the courtroom as anticipated, that preliminary security measure posed no greater risk of prejudice than did the escorts that took place in *Bruce* and *Campbell*, as those defendants moved about the courtroom throughout trial. Consequently, we hold that the trial judge did not abuse his discretion in declining to alter that security procedure.

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