

Circuit Court for Montgomery County
Case No. 128529-C

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1373

September Term, 2016

PHANTA U. DARAMY

v.

STATE OF MARYLAND

Woodward, C.J.,
Graeff,
Moylan, Charles E. Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 11, 2017

*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.

A jury sitting in the Circuit Court for Montgomery County convicted Phanta U. Daramy, appellant, of obtaining the property of a vulnerable adult by deception, intimidation or undue influence; obtaining the property of an adult, over the age of 68, by deception, intimidation or undue influence; and theft scheme. On appeal, Daramy asks whether the trial court erred in admitting evidence that, after she obtained money and jewelry from the victim, she made a fraudulent insurance claim based on a false report that the jewelry had been stolen. We conclude that Daramy waived her right to appellate review of the issue and affirm her convictions.

Daramy claims, and the State agrees, that the trial court granted a continuing objection to evidence relating to the fraudulent insurance claim. The State asserts, however, that the continuing objection was later waived because defense counsel did not renew it after testimony unrelated to the insurance claim was offered. The State additionally maintains that any objection to evidence regarding the insurance claim was affirmatively waived. We agree with the State.

“Continuing objections do not persist in perpetuity.” *Choate v. State*, 214 Md. App. 118, 150, *cert. denied*, 436 Md. 328 (2013). “[I]f the improper line of questioning is interrupted by other testimony or evidence and is thereafter resumed, counsel must state for the record that he or she renews the continuing objection.” *Id.* at 151 (citations omitted). Here, any continuing objection that the court may have granted during the direct examination of Detective Brandon Mengedoht was not in effect during the examination of witnesses who testified later on the same issue, because the line of questioning regarding the fraudulent insurance claim was interrupted by testimony unrelated to the insurance

claim, and the continuing objection was not renewed. Consequently, the continuing objection was not preserved.

Furthermore, any objection to evidence that Daramy filed a fraudulent insurance claim was affirmatively waived because: (1) defense counsel specifically advised the court that there was “no objection” to the admission of the police report dated December 15, 2015, which contained a list of property that Daramy reported as stolen, including the jewelry in question; (2) defense counsel stipulated to the admissibility of an audiotape of Daramy’s phone call to her insurance company, in which she reported that her home had been burglarized, and that jewelry, including the jewelry in question, was missing; and (3) defense counsel specifically advised the court that there was “no objection” to photographs taken during execution of a search warrant of Daramy’s hotel room in February 2016 (after Daramy reported that the jewelry had been stolen), depicting the contents of the hotel safe, which included the jewelry in question. Cumulatively, this evidence demonstrated that Daramy made a fraudulent insurance claim. Therefore, any claim of error in admitting the evidence was waived. *See Benton v. State*, 224 Md. App. 612, 627 (2015) (“[o]bjections are waived if, at another point during the trial, evidence on the same point is admitted without objection.”) (citations omitted). *See also Scott v. State*, 64 Md. App. 311, 321-22 (1984) (“[I]f a pretrial motion is denied and at trial [the defendant] says he has no objection

to the admission of the contested evidence, his statement effects a waiver[.]” (citation omitted).¹

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

¹ We decline Daramy’s invitation to consider her claim of ineffective assistance of counsel in this direct appeal. “Generally, the appropriate avenue for the resolution of a claim of ineffective assistance of counsel is a post-conviction proceeding[.]” *Washington v. State*, 191 Md. App. 48, 71 (2010). *See also Robinson v. State*, 404 Md. 208, 219 (2008) (“We have held repeatedly that a claim of ineffective assistance of counsel should be raised in a post-conviction proceeding[.]” (citation omitted)).