UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2382

September Term, 2015

KENNETH EUGENE SNOWDEN

v.

STATE OF MARYLAND

Meredith,
Leahy,
Beachley,

JJ.

Opinion by Beachley, J.

Filed: February 22, 2017

A jury in the Circuit Court for Prince George's County convicted Kenneth Eugene Snowden, appellant, of two counts of second-degree burglary, two counts of conspiracy to commit second-degree burglary, one count of unlawful taking of a motor vehicle, one count of unauthorized removal of a motor vehicle, and one count of malicious destruction of property having a value of over five hundred dollars. The trial court sentenced Snowden to a term of fifteen years of imprisonment for the first count of second-degree burglary, a consecutive term of ten years for the second count of second-degree burglary, and a consecutive term of five years for unlawful taking of a motor vehicle. The remaining convictions merged for sentencing purposes. In this appeal, Snowden presents the following questions for our review:

1) Did the circuit court err in denying Snowden's motion to suppress, when a Howard County Circuit Court Judge issued a search warrant that was executed in Prince George's County and Virginia?

2) Did the circuit court err in denying Snowden's *Batson* challenge?

3) Did the circuit court abuse its discretion by denying Snowden's motion for mistrial after three separate witnesses impermissibly referred to prior bad acts similar to the ones charged in this case?

For the reasons set forth below, we shall affirm.

FACTUAL BACKGROUND

This appeal arises out of the burglary of a warehouse located at 9212 Hampton Overlook in the Capital Heights area of Prince George's County. The Alkaline Water Company ("Alkaline") was a tenant in the warehouse. Alkaline's warehouse had a loading bay door for entry and shared an interior wall with a warehouse for the Bella Furniture Company ("Bella").

On March 22, 2014, at approximately 11:30 p.m., Kenneth Snowden ("Snowden"), Robert Caldwell ("Caldwell"), and Malik Salam ("Salam") drove a blue Toyota Camry from a gas station in Alexandria, Virginia to the Hampton Overlook warehouse. According to Salam, who testified for the State, the three had discussed burglarizing the Bella Furniture warehouse, believing it to contain "high dollar furniture." After arriving at the warehouse, the men stole a box truck to use in the burglary. Snowden and Salam drove the box truck to the warehouse and backed it into Alkaline's loading bay. Meanwhile, Caldwell parked the blue Toyota Camry at a nearby automobile dealership to serve as a lookout.

The Howard County Police Department had been investigating Snowden and Caldwell for some time. Pursuant to a search warrant, a global positioning system ("GPS") device was affixed to the blue Toyota Camry known to be used by Caldwell and Snowden. The police also obtained a warrant to track the men through one of their cell phones. The GPS and cell phone tracking information led the Howard County police to the Hampton Overlook warehouse in Prince George's County. Posing as utility workers near the warehouse, Howard County Police Detective Joseph Pugliese and Sergeant Dwayne Pierce observed Caldwell driving the blue Toyota Camry. They also observed a box truck backing into a loading bay of the warehouse.

Meanwhile, at the loading bay, Snowden cut a hole in the door to Alkaline's warehouse. Once inside, Snowden drove a forklift through the interior wall shared with Bella's warehouse, leaving a hole large enough for the men and the furniture to fit through. A security alarm went off and Salam dismantled it using a hammer he found in the

warehouse. At that point, Salam and Snowden decided to leave the warehouse and wait with Caldwell in the blue Toyota to see if anyone would respond to the alarm. After waiting for about a half hour, Salam and Snowden returned to the warehouse.

The two men proceeded to remove furniture from Bella's warehouse through the demolished wall and load it onto or near the box truck. At approximately 6:10 a.m., marked and unmarked police vehicles moved into the area around the warehouse. At some point, Snowden received a phone call from Caldwell, but the call was disconnected. According to Salam, when Snowden returned the call, someone other than Caldwell answered the phone. Snowden told Salam, "let's get up out of here." The two men ran out of the bay door and behind a nearby fence where they encountered Detective Pugliese with his gun drawn. Salam tried to run away, but slipped, and was arrested. Snowden ran into a wooded area toward a creek.

A short time later, Howard County Police Detective Jason Noble conducted a traffic stop of a blue Toyota Camry occupied by Caldwell. Caldwell was arrested and taken into custody by Prince George's County police officers. Detective Noble stayed in the area where Caldwell had been stopped and looked for other suspects. He later observed Howard County Police Officer Deshawn Luckey make a traffic stop involving a white Toyota Camry. The driver of that vehicle was a woman, later identified as Snowden's wife. Snowden was in the front passenger seat and was taken into custody.

We shall include additional facts as necessary in our discussion of the issues presented.

I.

Snowden contends that the circuit court erred in denying his motion to suppress evidence gathered as a result of a search warrant issued by the Circuit Court for Howard County that allowed for the installation of a GPS tracking device on the blue Toyota Camry used in the burglary. Snowden argues that because the search was conducted outside the jurisdictional authority of the issuing court, specifically in Virginia and Prince George's County, all information obtained as a result of that search, including his location and the police officers' visual observations of him, should have been suppressed.[1] We shall not reach the question presented because we agree with the trial court that Snowden failed to demonstrate standing to raise that issue.

We review the denial of a motion to suppress based on the record of the suppression hearing, and we view the facts in the light most favorable to the prevailing party, here the State. *Lee v. State*, 418 Md. 136, 148-49 (2011); *State v. Donaldson*, 221 Md. App. 134, 138, *cert. denied*, 442 Md. 745 (2015). We extend great deference to the fact finding of the suppression judge and accept the facts as found, unless clearly erroneous. *Myers v. State*, 395 Md. 261, 274 (2006); *Donaldson*, 221 Md. App. at 138 (citing *Brown v. State*, 397 Md. 89, 98 (2007)). We make our own independent constitutional appraisal by

[1] As the State notes, shortly after the order authorizing the installation of the GPS device in the instant case, the Legislature enacted Md. Code (2008 Repl. Vol., 2015 Supp.), § 1-203.1 of the Criminal Procedure Article, which became effective on October 1, 2014. That statute defines the term "Court" as "the District Court or a circuit court having jurisdiction over the crime being investigated, regardless of the location of the electronic device from which location information is sought." In the instant case, Snowden did not assert that the GPS tracking device was installed outside the jurisdiction of the Circuit Court for Howard County.

reviewing the law and applying it to the facts of the case. *State v. Wallace*, 372 Md. 137, 144 (2002).

The Fourth Amendment to the United States Constitution, applicable to the states through the Fourteenth Amendment, provides for "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend IV. The government's installation of a GPS device on a vehicle, and its use of that device to monitor the vehicle's movements, constitutes a search under the Fourth Amendment. *United States v. Jones*, 565 U.S. 400, 404 (2012); *Kelly v. State*, 436 Md. 406, 423 (2013).

It is well established that rights under the Fourth Amendment are personal and may not be vicariously asserted. *Rakas v. Illinois*, 439 U.S. 128, 133-34 (1978); *State v. Savage*, 170 Md. App. 149, 174-75 (2006). In order to invoke Fourth Amendment protection, a defendant must establish a property right in the thing or location searched or that he or she had "a legitimate expectation of privacy in the house, papers, or effects searched or seized." *Whiting v. State*, 389 Md. 334, 345 (2005) (internal quotations and citations omitted). *See also*, *Rakas*, 439 U.S. at 143; *Katz v. United States*, 389 U.S. 347, 353 (1967). The defendant bears the burden of establishing standing. *Savage*, 170 Md. App. at 177.

A. Appellant Had No Proprietary or Privacy Interest In The Vehicle

In *Savage*, Judge Moylan concisely described the concept of proprietary standing:

> In terms of the objective component of the reasonable expectation of privacy test, one who enjoys an actual possessory or proprietary interest in the place searched or the thing seized invariably has no problem. An expectation of privacy by such a person is almost as a matter of course deemed to be objectively reasonable. Conversely, when a defendant who has

> claimed standing pursuant to an ostensible property right is shown to have no such property right, that is invariably fatal to the defendant's claim.

170 Md. App. at 181 (citations omitted).

Here, appellant produced no evidence to establish any proprietary interest in the blue Toyota Camry. While trial counsel argued at the suppression hearing that appellant "utilized" the Toyota Camry, appellant produced no testimony concerning his possessory interest in the car. Indeed, appellant makes no argument in his brief that he established a proprietary interest in the vehicle.

Nor has appellant produced any evidence that he had an expectation of privacy in the Toyota Camry. In *Whiting*, the Court of Appeals explained what is required to establish a legitimate expectation of privacy, stating:

> In order to evaluate the legitimacy of a privacy expectation, Justice Harlan, in a concurring opinion in *Katz v. United States*, 389 U.S. 347, 353, 88 S.Ct. 507, 512, 19 L.Ed.2d 576, 583 (1967), formulated a two-prong test which requires that the person claiming protection under the Fourth Amendment must have exhibited an actual (subjective) expectation of privacy in the item or place searched, as well as have proven that the expectation is one that society is prepared to recognize as "reasonable." *Id.* at 361.

Whiting, 389 Md. at 348. Appellant here failed to produce any evidence that he had an actual subjective expectation of privacy in the Toyota Camry. He therefore cannot claim any standing regarding the installation of the GPS unit on the car. *Cf. Commonwealth v. Arthur*, 62 A.3d 424 (Pa. Super. Ct. 2013) (holding that defendant failed to establish a legitimate expectation of privacy in a vehicle when she had not shown: 1) a possessory interest in the vehicle; 2) that she had ever driven the vehicle; or 3) that she was a passenger when the GPS was installed on the car).

In summary, once the State raised the issue of standing at the motions hearing, the burden shifted to appellant to prove that he had a legitimate expectation of privacy in the vehicle. *Savage*, 170 Md. App. at 177. Appellant here failed to sustain that burden.

B. Target Standing

Snowden argued at the motions hearing that because the police were "aiming" at both him and Caldwell by placing the GPS on the vehicle, he had a reasonable expectation of privacy. He continues this argument in his brief, asserting that the motions court incorrectly focused on the privacy interest in the car, which the police had no interest in searching, instead of the individual privacy interest in his real-time location information. Specifically, appellant asserts that the interest which gives him standing here "was not the possessory interest in the car or the privacy interest in the car's interior, it was the individual privacy interests in real-time location information." We reject this argument. In *Jones*, the Supreme Court conceptualized a GPS tracking search as "The Government physically [occupying] private property for the purpose of obtaining information." *Jones*, 565 U.S. at 404. The Court did not discuss any privacy interest Jones had in his real-time location information, but rather the physical placement of the GPS on the vehicle. *See id.* 404-07 (equating the GPS search to a common-law trespass, protected against by the Fourth Amendment). In essence, by contending that he has standing because the police were "aiming" their investigation at him, Snowden argues for "target standing," a theory that "the defendant's status as the target of an investigation should confer standing on him to challenge any search or seizure" as a result of that investigation. *Savage*, 170 Md. App. at 178. The Supreme Court and Maryland courts have routinely rejected target standing.

See id. ("The Supreme Court regularly rejected target standing as a launching pad for raising a Fourth Amendment challenge."); *see also Rakas*, 439 U.S. at 133-34 (1978). As Snowden failed to assert a viable theory to establish standing, the trial court did not err in denying the motion to suppress.[2]

II.

Snowden next argues that the trial court erred in denying his challenge to the State's decision to strike an African-American juror pursuant to *Batson v. Kentucky*, 476 U.S. 79 (1986). At his trial, Snowden made two *Batson* challenges. The first occurred after the State exercised a peremptory challenge on an African-American male. The trial judge determined that no prima facie pattern of racial discrimination had been established, as four other African-American jurors had been empaneled. After the State sought to exercise a second peremptory challenge on an African-American male, the following colloquy occurred:

> [COUNSEL FOR SNOWDEN]: Your Honor, I would object to that juror being excused. He's a black gentleman who's 52 years old. He answered one question. In '94 he had a gun charge that was dropped. He answered no other questions. And I believe that once again we have got two black males on two strikes, and I think we at least are beginning a pattern. Your Honor, I would urge it's a pattern. And for those reasons, Your Honor, I would object to that man being struck.
>
> THE COURT: The State's response to is there a pattern?

[2] Even if Snowden did have standing to challenge the GPS search, it is likely that the evidence would still have been admissible under the good faith exception to the exclusionary rule. *See U.S. v. Leon*, 468 U.S. 897, 919 (1984); *Patterson v. State*, 401 Md. 76 (2007). The warrant, however, was not included in the record and, as a result, we cannot adequately review the State's argument on this issue.

> [PROSECUTOR]: Your Honor, I would only choose to exercise my strikes in that regard out of, hum – it's strikes in the process of picking this jury.
>
> The Court has previously pointed out I have not objected to several African American males who have been sat on this jury. And I would also note that statistically speaking, the pool was made of a majority of African Americans, in particularly males. And it's statistically possible that two African Americans would be struck for two different reasons having absolutely nothing to do with race.
>
> THE COURT: All right, the Court has right now has four potential for 11 jurors. The Court doesn't find a pattern. She didn't object to four black males. And she struck two black males. I'm going to deny the challenge.

With regard to the second challenge, Snowden argues that the trial court "seemed to progress past the first step of the *Batson* analysis" by "asking the State for its race-neutral reason for that particular strike." He maintains that even though the State failed to give a race-neutral reason for the strike, the trial court erred when it returned to the first step of the analysis. We disagree.

As a preliminary matter, we need not reach the merits of Snowden's *Batson* challenge because he waived this claim. The Court of Appeals held in *Gilchrist v. State*:

> When a party complains about the exclusion of someone from or the inclusion of someone in a particular jury, and thereafter states without qualification that the same jury as ultimately chosen is satisfactory or acceptable, the party is clearly waiving or abandoning the earlier complaint about that jury. The party's final position is directly inconsistent with his or her earlier complaint.

340 Md. 606, 618 (1995). *Compare Edmonds v. State*, 372 Md. 314, 328 (2002) (holding that appellant's *Batson* challenge was *not* waived for several reasons, including the fact that appellant had taken exception to the final composition of the jury).

On two occasions following Snowden's *Batson* challenge, the trial judge asked if Snowden was satisfied with the jury panel. On both occasions, defense counsel answered in the affirmative.[3] Accordingly, Snowden waived this issue.

Even if the issue had been preserved, Snowden would fare no better. Striking a potential juror solely based on his or her race, gender, or ethnicity violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Batson*, 476 U.S. at 89. Recently, the Court of Appeals, in *Ray-Simmons v. State*, 446 Md. 429, 435 (2016), discussed the three-step process a trial court must undertake in considering a *Batson* challenge. First, the party opposing the strike "must make a prima facie showing – produce some evidence – that the opposing party's peremptory challenge to a prospective juror was exercised on one or more of the constitutionally prohibited bases." *Id.* at 436. This showing may be satisfied where "'the totality of the relevant facts gives rise to an inference of discriminatory purpose.'" *Id.* (quoting *Johnson v. California*, 545 U.S. 162, 168 (2005)). For example, "a 'pattern' of strikes against black jurors in the particular venire . . . might give rise to or support or refute the requisite showing." *Ray-Simmons*, 446 Md. at 436 (quoting *Stanley v. State*, 313 Md. 50, 60-61 (1988)). If the preliminary showing is made, the court proceeds to the second step, which requires the proponent of the strike to provide "a clear and reasonably specific explanation of his legitimate reasons

[3] A careful reading of the transcript reveals that, after twelve qualified jurors were seated in the jury box, both the State and appellant approved the jury as seated. While the trial court did not expressly state that it was proceeding to select an alternate juror, the record is clear that after appellant struck Juror 30, both parties agreed to Juror 31 as the alternate juror. For a second time, appellant expressed satisfaction with the jury and alternate as seated.

for exercising the challenge.'" *Id.* at 436 (citation omitted) (internal quotations omitted). Finally, if the striking party offers a neutral explanation, the court must then decide "whether the opponent of the strike has proved purposeful racial discrimination." *Id.* at 437 (citation omitted) (internal quotation omitted). Because a trial court's evaluation of a *Batson* challenge is essentially a factual inquiry, we give great deference to its decision and shall not reverse unless it is clearly erroneous. *Id.*

Maryland courts have also held that if the State volunteers an explanation for using a strike, then "the question of whether the challenger has made a prima facie case under step one becomes moot." *Id.* This is so because "[i]t is the 'circumstances' concerning the prosecutor's use of peremptory challenges which may create a prima facie case . . . not the reasons given for the challenges." *Tolbert v. State*, 315 Md. 13, 18 (1989). For example, in *Ray-Simmons*, after the defendant asserted a *Batson* challenge, the trial court asked for a response from the State. *Id.* at 443. The prosecutor responded with her rationale for excusing the jurors in question. *Id.* The Court of Appeals held that "[the prosecutor's] explanations automatically move[d] the *Batson* inquiry from the first to the second step." *Id. See also Edmonds*, 372 Md. at 332; *Elliot v. State*, 185 Md. App. 692, 717 (2009).

In this case, the transcript reveals that the discussion between the trial judge and counsel focused on whether Snowden had made a prima facie showing of discriminatory purpose on the part of the State. Appellant attempted to make out his prima facie case by alleging "a pattern" of striking black males. The court then allowed the State to respond to the alleged pattern. Unlike in *Ray-Simmons*, the State did not give reasons for its decision to strike the jurors in question and thus move the *Batson* analysis on to its second

step. Indeed, appellant concedes this point in his brief, noting the State "provided a 'how' for the striking of two African American jurors . . . but, it did not provide a 'why.'" The State simply responded to the assertion that a pattern existed as part of the first step of the *Batson* analysis. The trial court agreed that no pattern existed and therefore concluded that appellant had not made a prima facie case of discrimination. As a result, no further analysis was needed. In our view, the trial court did not err in its *Batson* analysis.

III.

Prior to trial, the court granted, in part, a motion in limine to limit testimony with respect to the joint investigation conducted by the Howard and Prince George's County Police Departments. The court stated that it would allow testimony that, as part of an investigation, police officers were at the scene and "observed whatever they observed." The court explained further that it would allow testimony pertaining to "part of a [sic] investigation or as part of our duty . . . but not that those duties were specifically related to suspicions [police officers] had about either defendant." In other words, the trial court allowed the State's witnesses to testify that they were at the scene of the burglary as part of an investigation, as long as they did not identify Snowden or Caldwell as the targets of that investigation. Snowden argues that the trial court abused its discretion by denying his motions for mistrial after three witnesses impermissibly referred to prior bad acts that were similar to the crimes charged in the instant case. Snowden does not challenge the denial of each individual motion for mistrial, but asserts that "the third denial, after the accumulation of all the improper testimony, alone constituted an abuse of discretion." We disagree and explain.

The decision to grant a motion for mistrial rests in the discretion of the trial judge. *Parker v. State*, 189 Md. App. 474, 493 (2009). A mistrial is "an extreme sanction that sometimes must be resorted to when such overwhelming prejudice has occurred that no other remedy will suffice to cure the prejudice." *Coffey*, 100 Md. App. 587, 597 (quoting *Burks v. State*, 96 Md. App. 173, 187. We shall not reverse a trial court's denial of a motion for mistrial "unless the defendant was so clearly prejudiced that the denial constituted an abuse of discretion." *Hunt v. State*, 321 Md. 387, 422 (1990) (citing *Johnson v. State*, 303 Md. 487, 516 (1985).

In determining whether the trial court abused its discretion in denying the motion for mistrial, we consider several factors, including:

> "whether the reference to [the inadmissible evidence] was repeated or whether it was a single, isolated statement; whether the reference was solicited by counsel, or was an inadvertent and unresponsive statement; whether the witness making the reference is the principal witness upon whom the entire prosecution depends; whether credibility is a crucial issue; [and] whether a great deal of other evidence exists[.]"

Rainville v. State, 328 Md. 398, 408 (1992) (alteration in original) (quoting *Guesfierd v. State*, 300 Md. 653, 659 (1984)). With these factors in mind, we shall examine each of the challenged portions of testimony.

A. First Motion for Mistrial

The first instance of challenged testimony occurred during the cross-examination of Detective Pugliese, as follows:

> [COUNSEL FOR SNOWDEN]: When was the first time that the date and the time and the place or just the date and the time rather was the first date and the time that you met Mr. Snowden?

[DET. PUGLIESE]: Hum, I have – my investigation was a whole year –

[COUNSEL FOR SNOWDEN]: That's not what I asked –

THE COURT: Ask counsel to approach.

Counsel for both parties then approached the bench. The court asked Snowden's counsel if he was inquiring about the prior investigation that it had ruled was excluded from the trial. Snowden's counsel indicated this was not his intent, but the trial court and prosecutor both agreed that his question opened the door to testimony on that subject. Snowden's counsel argued his question had not opened the door, but rather that Detective Pugliese's nonresponsive answer had done so. Nonetheless, Snowden's counsel withdrew the question. After the bench conference, counsel for Snowden asked that Detective Pugliese's response be stricken and requested a mistrial on the grounds that Pugliese knowingly "threw [information about the investigation] . . . in a non-responsive way." The court denied the motion for mistrial and declined to strike the detective's testimony.

We find no abuse of discretion on the part of the trial court in denying Snowden's motion for mistrial or declining to strike the detective's testimony. Detective Pugliese's testimony was in response to a question that was admittedly "inartfully crafted" by Snowden's counsel. The detective's statement was isolated and did not include specific information about Snowden or any other investigations. Viewing the testimony in context, we find no abuse of discretion on the part of the trial court.

B. Second Motion for Mistrial

The second instance of challenged testimony occurred during the testimony of Prince George's County Police Detective Michael Bassaro, when the following occurred:

[PROSECUTOR]: And did there come a time when you arrived in the area of Capitol Heights, Prince George's County, Maryland?

[DETECTIVE BASSARO]: Yes, there was.

Q. Is that your typical jurisdiction?

A. No, not normally. However, we were requested by Howard County Police Department. They were conducting a burglary investigation, and it ended up coming into Prince George's –

[COUNSEL FOR CALDWELL]: Objection.

THE COURT: Sustained.

[PROSECUTOR]: So, you indicated that you were working with another police department. Is that correct?

[DETECTIVE BASSARO]: Yes, ma'am.

Q. And that was Howard County. Correct?

A. Yes, ma'am.

Counsel for Caldwell requested a mistrial, arguing that the testimony that the Howard County Police Department was conducting its own investigation and requested assistance from the Prince George's County Police Department violated the trial court's prior order precluding evidence with regard to the specific circumstances that led Howard County police officers into Prince George's County. Snowden's counsel joined in the motion. The trial judge acknowledged that both parties and the court were using their best efforts to comply with the pre-trial order precluding evidence concerning any investigation of Snowden and Caldwell prior to this incident. The court noted that it had sustained the objection and offered a curative instruction, which Snowden declined. The court ultimately

found that Detective Bassaro's statement was inadvertent and denied the motion for mistrial.

The trial court did not abuse its discretion in denying the motion for mistrial. As noted previously in granting the pre-trial motion in limine, the trial court permitted witnesses to testify that they were at the scene of the burglary for an investigation, but prohibited any identification of either defendant as the subject of that investigation. The trial court did not, however, expressly prohibit testimony that the investigation that brought the police to the scene was for burglary. In this particular instance, however, the trial judge recognized that there was a danger that the jury might infer, based on Detective Bassaro's testimony, that he was investigating the defendants, from which jurors might assume that the defendants had committed a prior burglary, and ultimately that the defendants may have a propensity to commit burglaries. For that reason, the trial court sustained Snowden's objection and offered to give a curative instruction, which Snowden declined.

Detective Bassaro's testimony did not violate the court's evidentiary ruling because, although he mentioned a burglary investigation, he did not indicate that appellant was a target of the investigation. It was also limited and not repeated, and the case did not hinge on Detective Bassaro's testimony, as numerous other police officers and Salam also implicated Snowden. For these reasons, we hold that the trial court did not abuse its discretion in denying Snowden's motion for mistrial.

C. Third Motion for Mistrial

The third instance of challenged testimony occurred during the testimony of Salam, who stated that he was testifying for the State because he had "made a statement implicating [himself] into this crime," and because he "was getting jerked out of money. I was upset." When asked to explain how he was being "jerked out of money," Salam stated that he "was going through a very strenuous time, but [he] knew that once the value of the furniture was – was estimated, [he] knew that [he] wasn't getting a fair deal because of previous deals." The State acknowledged that it had agreed not to elicit testimony about "previous deals," and advised the court that it would not "delve further in that area." Finding that the State did not expect Salam to testify the way he did, and that there was no bad faith on the part of the State, the court denied appellant's and Caldwell's requests for a mistrial, but offered to strike Salam's testimony or give a curative instruction. Snowden's counsel declined both the court's offer to strike Salam's testimony as well as the offer to provide a curative instruction.

We find no abuse of discretion in the court's decision to deny Snowden's motion for mistrial. The State's question was an appropriate attempt to provide jurors with information from which to assess Salam's credibility. The State did not solicit evidence of Snowden's prior bad acts. Salam's statement was isolated, was not specific with respect to the prior deals that were mentioned or that Snowden was involved, was not specifically solicited by the prosecutor, and did not pertain to any actions on the part of law enforcement officers or their investigations, which is what the motion in limine was designed to address. Salam's testimony was also of minimal probative value relative to the testimony of

numerous other witnesses at trial. We find no abuse of discretion in the court's conclusion that Salam's testimony did not compromise the integrity of the trial so as to warrant a mistrial.

D. Cumulative Prejudice

Our review of the challenged testimony leads us to conclude that the cumulative prejudice was not so substantial as to deprive Snowden of a fair trial. The court did not abuse its discretion in denying each of the motions for mistrial, the court sustained the objection with respect to Detective Bassaro's reference to the Howard County Police Department's investigation, and the court offered to give curative instructions. Moreover, the jury was aware of the joint investigation involving both the Howard County and Prince George's County Police Departments, and there was no evidence to show that Snowden was the subject of that joint investigation.

The trial court's responses to appellant's objections were measured attempts to allow the State to present its case while simultaneously ensuring appellant's right to a fair trial. Under these circumstances, the trial court did not abuse its discretion in declining to impose the extreme remedy of declaring a mistrial.

JUDGMENTS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANT.