

Circuit Court for Montgomery County
Case No. C-15-CR-22-001031

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2128

September Term, 2023

SCORPIO ALEXANDER STANDFIELD
(A/K/A SCORPIO ALEXANDER
STANFIELD)

v.

STATE OF MARYLAND

Friedman,
Albright,
Getty, Joseph A.,
(Senior Judge, Specially Assigned)

JJ.

Opinion by Albright, J.

Filed: June 10, 2026

*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).

After confessing to police that he had stabbed a man at a bus stop by a 7-Eleven convenience store, Appellant Scorpio Alexander Standfield¹ was convicted in the Circuit Court for Montgomery County of first-degree assault and second-degree murder.² Mr. Standfield was sentenced to a total of sixty-five years' imprisonment.³ Here, Mr. Standfield appeals his convictions, asking us to consider whether the circuit court erred in declining to suppress his confession.⁴ We conclude that the suppression court did not err. Accordingly, we affirm the judgments of the circuit court.

BACKGROUND

On September 3, 2022, at approximately 9:57 p.m., Rockville and Montgomery County Police responded to a reported stabbing at the 7-Eleven on Rockville Pike in Montgomery County. When they arrived, they found Mr. Alhaji Keita laying in the parking lot, bleeding from a stab wound. Mr. Keita and other witnesses provided a description of the suspect and Rockville Police located Mr. Standfield about one quarter

¹ The record refers to him alternatively as “Mr. Stanfield” throughout the briefs. We use the name he provided police: Standfield.

² Mr. Standfield was indicted on four counts, which were subsequently severed for the purposes of trial. The charges arising out of the first-degree assault of Mr. Keita were tried May 19–22, 2023. The charges arising out of the murder of Mr. Moore were tried May 23–25, 2023. The charges were consolidated for the purposes of sentencing and appeal.

³ Mr. Standfield was sentenced to forty years for his second-degree murder conviction and twenty-five years for his first-degree assault conviction.

⁴ Mr. Standfield presents the following question: “[d]id the trial court err in denying Mr. Standfield’s motions to suppress his statements to police?”

mile from the 7-Eleven. At a show-up,⁵ three witnesses identified Mr. Standfield as the individual who stabbed Mr. Keita. Mr. Standfield was taken into custody at 10:04 p.m. and searched, which revealed a plastic package for a kitchen knife on his person. Mr. Standfield later testified that he stole the knife from the Giant (a grocery store) across the street from the 7-Eleven. The knife itself was not found.

During the search for the knife, officers discovered Mr. Jonathan Moore in a car with a stab wound about five hundred feet from where Mr. Keita was lying. Mr. Moore was pronounced dead on the scene after life-saving attempts failed.

After arrest, at approximately 11:08 p.m., Mr. Standfield was taken to Shady Grove Hospital to be treated for foot pain. Mr. Standfield told Aimee Kokotakis, M.D., that he had consumed cannabis, alcohol (potentially laced with lighter fluid), and methylenedioxy-methamphetamine (MDMA) that evening. After treatment, at approximately 12:48 a.m., Mr. Standfield was transported to the police station for interrogation.

Custodial Interrogation of Mr. Standfield

The custodial interrogation of Mr. Standfield began around 2:12 a.m. At approximately 2:22 a.m., Detective Eric Glass handed Mr. Standfield a waiver form acknowledging and relinquishing his *Miranda* rights. Mr. Standfield affirmed that he understood each of his rights as Detective Glass read them aloud to him:

⁵ A “show-up” is when law enforcement brings a suspect to the eyewitness shortly after the crime occurs, usually at the scene of the crime, to try and identify the perpetrator.

[Detective Glass]: You have the right now and at any time to remain silent. You understand that?

[Mr. Standfield]: Uh-huh.

[Detective Glass]: Anything you say may be used against you. Do you understand that?

[Mr. Standfield]: Uh-huh.

[Detective Glass]: You have the right to a lawyer before any -- before and during any questioning. Do you understand that?

[Mr. Standfield]: Uh-huh.

[Detective Glass]: If you cannot afford a lawyer, one will be appointed for you. Do you understand that?

[Mr. Standfield]: Uh-huh.

[Detective Glass]: All right. This one you got to pay attention to. You have the right to be taken promptly before a District Court commissioner, who is a judicial officer not connected with the police. A commissioner will inform you of each offense you are charged with and the penalties for each offense, provide you with a written copy of the charges against you, advise you of your right to counsel, make a pre-trial custody determination, and advise you whether you have a right to a preliminary hearing before a judge at a later time. Do you understand that?

[Mr. Standfield]: Uh-huh.

[Detective Glass]: Okay. And do you understand everything I've just said?

[Mr. Standfield]: Uh-huh.

After this exchange, Mr. Standfield signed the waiver, while Detective Glass left the room. When Detective Glass returned, Mr. Standfield was asleep.

Detective Glass woke Mr. Standfield and proceeded to interrogate him about when and where he had consumed cannabis, alcohol, and MDMA.

At this point, Mr. Standfield stated, in response to an inquiry about when he went to the liquor store, "I read my paperwork, I don't want to talk anymore." When Mr. Standfield made this statement, neither Detective present—Detective Glass nor Detective

Peter Marigold⁶—heard the statement because Mr. Standfield was speaking very softly. A transcript of the interrogation indicates that Mr. Standfield’s statement, which he made at 1:06:52,⁷ was “[unintelligible].”

Detective Glass continued through a chronological account of the evening with Mr. Standfield from the time he consumed the drugs and alcohol to the time he was arrested. Mr. Standfield repeatedly indicated that he was tired and wished to go to sleep. Mr. Standfield was also able to answer a variety of questions with specificity, including the names of the streets he walked down, the proximity to other landmarks, and the flavor of drink he purchased from 7-Eleven. He changed his narrative of events with regard to smoking with other people and denied having seen a fight at the 7-Eleven where Mr. Keita and Mr. Moore were stabbed.

Detective Glass questioned Mr. Standfield about the plastic packaging for a knife the police had found in his pants when he was detained. Mr. Standfield denied knowledge of the knife, before admitting that he had stolen it from Giant and then disposed of it behind a dumpster after he had a “demonic episode.” This episode allegedly consisted of him lying on the ground and stabbing at the air.

⁶ Detective Marigold is alternatively referred to as “Detective Marabel” and “Detective Marable” in the earlier filings. We use “Detective Marigold” because that is the name used in the appellate briefs and transcript.

⁷ We understand this to mean one hour, six minutes, and fifty-two seconds into the recording, not 1:06 a.m.

Mr. Standfield then stated that he was going to “stop playing stupid . . . [and] tell the truth.” After this, he admitted to stabbing Mr. Keita after Mr. Keita propositioned him for sex. He claimed after that to have fainted, had another demonic episode, and walked up the street, whereupon he was detained by the police.

When asked why he stabbed Mr. Keita after allegedly being propositioned, he stated that he had something to prove to “Bird Man.” Detective Marigold asked Mr. Standfield who Bird Man was, and Mr. Standfield stated that he did not wish to talk about it anymore. This was at 1:36:25 in the recording. Detective Glass testified that he heard this statement and interpreted that, in the context of the line of inquiry about Bird Man, it was a desire to cease speaking about Bird Man, as opposed to an invocation of Mr. Standfield’s right to remain silent.

Mr. Standfield indicated again two minutes later (at 1:38:52 in the recording and 3:16 a.m.) that he wished to invoke his right to remain silent pursuant to the Fifth Amendment. Detective Glass acknowledged the 1:38:52 invocation and terminated the interrogation.

Motion to Suppress

Mr. Standfield moved to suppress the incriminating statements he made on the ground that he did not “knowingly and voluntarily” waive his Fifth Amendment rights. Mr. Standfield claimed that he was too intoxicated to knowingly and voluntarily and waive his Fifth Amendment rights and pointed to a number of factors as proof thereof,

including the variety of substances he consumed that evening, the late hour, and his conduct from the time he arrived at the police station to the end of the interrogation.

The Suppression Hearing

The suppression court received evidence and argument on Mr. Standfield’s suppression motion over several days. Mr. Standfield made two arguments: (1) that any waiver of his Fifth Amendment rights was not “knowing and voluntary” because Mr. Standfield was too intoxicated at the time to make a knowing and voluntary waiver; and (2) that because Mr. Standfield invoked his right to remain silent at the outset of the interrogation, any statements made thereafter were inadmissible.⁸

Regarding Mr. Standfield’s first argument, Detective Glass testified that he had been trained on identifying people who are intoxicated and that while Mr. Standfield may have been intoxicated by alcohol and marijuana, he had no reason to doubt Mr. Standfield’s ability to understand the rights being read to him. Detective Glass noted that Mr. Standfield had been medically discharged from the hospital and that he appeared “subdued,” “lethargic,” and “sleepy,” but able to communicate.

Mr. Standfield called Dr. Wilkie Wilson,⁹ an expert in the field of neuropharmacology. Dr. Wilson reviewed Mr. Standfield’s medical records and a video

⁸ Mr. Standfield did not include this second argument in his written suppression motion, bringing it up for the first time at the suppression hearing. The suppression court agreed to receive further testimony and argument about this second basis for suppression at a further hearing.

⁹ Dr. Wilson is sometimes referred to in Appellant’s brief as “Dr. Wilkie Wilkerson.”

of the interrogation conducted by Detective Glass. To Dr. Wilson, Mr. Standfield “was quite intoxicated to the point of hardly being able to stay awake.” Dr. Wilson “concluded that [Mr. Standfield’s] cognitive function was very likely to be impaired by the drugs that he had consumed.” It was Dr. Wilson’s ultimate opinion that, after reviewing the video recording of the interview of Mr. Standfield, in which he appeared “agitated and uncomfortable” and couldn’t sign his own name, that “[i]f [Mr. Standfield] was intoxicated to the degree that he was physically behaving as he did, I think, by that point, his cognitive function was going to be considerably impaired.”

After considering the arguments of counsel, the suppression court found that Mr. Standfield, while “under the influence of some materials,” was nonetheless able “to make a free and voluntary statement to the officers.”

All right. Well, clearly, [the] defendant is under the influence of some materials. He indicates marijuana at 6 o’clock, alcohol at 8:00. There’s indications in the hospital records of further substance. Unfortunately, we don’t have the levels. We don’t have timing as to when. We don’t have strength of the drugs. We don’t have his tolerance. We’re missing a lot on the issues of intoxication. We do have a video. I agree that the first, give or take, half hour of his statement, he is rocking. . . . Sometimes his head goes back, sometimes his eyes do look up, you know, go back. . . . There’s really no statements made about what’s going on. He very well could have been tired as that seems to be the theme throughout the statement that he was tired.

But the correct *Miranda* rights were read to him. He did, as I said, grunt approval. There is a difference between grunting disapproval. And he did seem to be saying, uh-huh, to each of them. He did seem to appear on the video to be reading along with it, and looking at the form while going through the *Miranda* rights. He did appear to have comprehension, and it’s the part, just indicated by the defense, said he read his papers. So he, himself, apparently, says, I guess if that’s what his papers are, his advice of rights. And so he did seem to comprehend his advice of rights forms. As I pointed out during question, he didn’t seem to have, at any time, a non-responsive answer. He did appear slurred at some times. But if you look at it, it looks

like sometimes it improves and then it deteriorates as he’s slurring. And there is the much talked about statement of, I’ll stop acting stupid.

I did listen to [Dr. Wilson’s] testimony and, again, I think it goes to weight. He has very limited information, just like I do, about the level of intoxication. No clear indications about how much this person’s tolerance or when things were taken. . . . Without a blood report, what was said, we have no witnesses as to what happened at the hospital.

For his second argument, Mr. Standfield contended that during the interrogation, he had properly invoked his right to remain silent, making the subsequent interrogation unlawful. Mr. Standfield pointed to two such statements. First, Mr. Standfield contended that at 1:06:52, he said, “I don’t want to talk anymore[.]” Second, he contended that at 1:36:25, he said that he did not wish to talk “about it[.]”

The suppression court found the first statement to be constitutionally insufficient because it was “unintelligible.” On May 1, 2023, Detective Glass and Detective Marigold testified before the suppression court that they did not hear Mr. Standfield’s 1:06:52 statement that he did not wish to keep talking:

[State]: Okay, so when you were in that interview room, did you hear what he said that I just played?

[Detective Glass]: Well, I heard him communicating to me, but it wasn’t until you brought it to my attention, and I watched it about three or four times that I made sort of sense of that he was saying I don’t want to talk about it anymore or something like that.

[State]: Okay. In the interview room, did you hear that?

[Detective Glass]: I did not.^[10]

. . .

[State]: Do you recall hearing that at all in the interview?

¹⁰ Detective Glass also testified that he has some hearing loss and wears hearing aids to allow him to pick up sounds he would otherwise have difficulty hearing.

[Detective Marigold]: Not at the time, no.

[State]: Okay.

[Detective Marigold]: I've watched it since, but not at the time.

[State]: Okay. And if there is something that is said in an interview that Detective Glass didn't hear and you did hear, would you kind of give your input as to what you heard?

[Detective Marigold]: Yes.

[State]: Okay. And if you didn't hear something in an interview, would you ask for clarification?

[Detective Marigold]: Yes, I would.

On May 10, 2023, the suppression court rendered its finding that the 1:06:52 statement was “unintelligible” and, therefore, not an “unambiguous unequivocal invocation of a right to remain silent[::]”

The issue before the Court now is whether or not the defendant invoked his right to remain silent. . . . It's applying those facts to the law that it has to be unambiguous and unequivocal assertion of his right to remain silent.

We have three allegations, or three times when it's alleged that it occurred. I believe 1:06:5[2] . . . 1:36:2[5] and 1:38[:52]. 1:38:[5]2 is where the defendant says, “I'll stop acting stupid,” and **I note that he had to say it three times because the officers couldn't understand him the first two times as they asked for clarification as to what he was saying then.** And the critical one right now is the 1:06[:52] one and as I was listening to it before, I noticed that there was a statement made right before this “invocation” and that is basically ignored by the officers because it is unintelligible.

...

And I do find that would be invoking his right to remain silent if heard by the officers. I find the officers did not hear this, I find that reasonable officers could not hear this. I credit the officer's testimony as to not hearing that, both of them. I, myself, did not hear that when we started this, and I had listened to this at least a couple times. . . . if they listen to it in real time, one-time, normal volume, and if they hear that statement being made, I clearly find that a reasonable person would not have made out that statement in any way. . . . So therefore, I do not find that was unambiguous unequivocal invocation of a right to remain silent.

(Emphasis added.)

Although the court found that the words Mr. Standfield used at 1:06:52—“I don’t want to talk anymore”—would have been sufficient to invoke his right to remain silent, Detectives Glass and Marigold did not hear and could not reasonably have heard this invocation. It was, therefore, not an “unambiguous unequivocal invocation of a right to remain silent” and the Detectives did not behave unreasonably. The suppression court found that this did not warrant suppression.

Regarding his 1:36:25 statement that he did not “want to talk about it anymore,” the suppression court agreed with the defense that this was a proper invocation and that it was “unambiguous and unequivocal.” This invocation did, therefore, warrant suppression of the statements that followed. Detective Glass testified at the May 1, 2023 suppression hearing that while he heard Mr. Standfield’s 1:36:25 statement that he did not wish to talk “about it anymore,” he interpreted “it” in the context of the immediate conversation to be the “bird man,” rather than the entire interrogation itself:¹¹

[State]: So you heard the defendant say he doesn’t want to talk about it anymore, correct?

[Detective Glass]: Well, honestly, I didn’t hear it in this segment you just played, but I do recall when I watched it again last week, there was the talk about Bird Man, and I don’t want to talk about it, being said.

[State]: Okay.

[Detective Glass]: I may have missed it, I apologize, it’s kind of hard to hear it.

[State]: Okay, so what did you think it meant when the defendant said that?

¹¹ Detective Marigold testified that he did not recall having heard this second invocation at all.

[Defense]: Objection.

[Court]: Overruled.

[Detective Glass]: I mean so I take it to mean in the context of the conversation or interview that he doesn't want to talk about it, means what we were just talking about, Bird Man, or I don't know what that was in relation to as I sit here, but you know, I don't want to talk about it. Not that I don't want to talk to you, or I want this interview to end, or be over, I don't want to talk about Bird Man, for example, in this instance.

Having heard this testimony, the suppression court found the invocation sufficient.

Specifically, it found that the Detectives heard the statement, that by the statement Mr.

Standfield invoked his right to remain silent, and that it was unreasonable for the

Detectives to infer that this statement was referring to the "Bird Man[:]"

As to 1:36[:25], "I don't want to talk about it anymore," there is no testimony from the officers about not hearing that. The State says they indicated they did hear it. . . . And the question is, now is that unambiguous or unequivocal. . . . I find it is an invocation. I think it is not in any way referring to the Bird Man that they were just talking about. He says, "I don't want to talk about it anymore." I find that "it" is the entire rant. I find that unequivocal unless the Bird Man, chosen pronoun, is an "it," I don't think he would have said "I don't want to talk about it" when referring to the said Mr. Bird Man.

Because Mr. Standfield properly invoked his right to remain silent at 1:36:25, the Detectives erred by failing to cease the interrogation at that time.

Having determined that Mr. Standfield properly invoked his right to remain silent at 1:36:25, the court did not make any findings regarding the alleged 1:38:52 invocation:

Therefore, anything stated after that which goes into – it's after some admissions, but before statements about the knife [which] will not be admissible in the State's case in chief. So I do not have to make a ruling about the 1:38 time.

Ultimately, the suppression court declined to suppress the statements Mr. Standfield made between 1:06:52 and the 1:36:25, but it did suppress the statements Mr. Standfield made thereafter.

The Jury Trials

The State’s case against Mr. Standfield for the stabbing of Mr. Keita rested on Mr. Keita’s eyewitness testimony, testimony from additional witnesses, hospital records, footage and photographs of the crime scene and the arrest, the knife packaging found in Mr. Standfield’s pocket, and Mr. Standfield’s confession. At the conclusion of this trial, the jury returned a verdict of guilt for first-degree assault.

The State’s case against Mr. Standfield for the murder of Mr. Moore rested on testimony by emergency services personnel who responded to or investigated the killing, Mr. Moore’s autopsy (showing that he was stabbed with a knife from the left, where his window had been open), surveillance footage of the suspect approaching and “pouncing on” Mr. Moore’s car, a 911 call describing the suspect as resembling Mr. Standfield, the EMS report, photographs of the scene, and the knife packaging, as well as Mr. Standfield’s confession. At the conclusion of this trial, the jury found Mr. Standfield guilty of second-degree murder.

On December 1, 2023, the trial court sentenced Mr. Standfield to forty years’ imprisonment for the second-degree murder of Mr. Moore and a consecutive twenty-five years for the first-degree assault of Mr. Keita.

Mr. Standfield then noted this timely appeal.

DISCUSSION

The Fifth Amendment, as interpreted by *Miranda v. Arizona*, 384 U.S. 436 (1966), requires that a criminal defendant be warned of their rights, including their right to remain silent, prior to custodial interrogation. 384 U.S. at 444. The Fifth Amendment was incorporated against the states by the Fourteenth Amendment. U.S. Const. amend. XIV; *Brown v. State*, 452 Md. 196, 209 (2017). Article 22 of the Maryland Declaration of Rights provides for the same rights under the Maryland Constitution. Md. Const. Declaration of Rights, art. 22; *Brown*, 452 Md. at 209. The right to remain silent may be waived “provided the waiver is made voluntarily, knowingly, and intelligently.” *Miranda*, 384 U.S. at 444. The State bears the burden of proving that the defendant was mentally capable of making a knowing and intelligent waiver. *Madrid v. State*, 474 Md. 273, 310 (2021), *aff’d* 474 Md. 273 (2021); *Lee v. State*, 418 Md. 136, 160 (2011).

Building on this “voluntarily, knowingly, and intelligently” framework, the confession must clear “three hurdles” to be “use[d] as evidence against a criminal defendant” in Maryland. *Madrid*, 247 Md. App. at 715). That is, the statement must be (1) voluntary under Maryland nonconstitutional law; (2) voluntary under the Due Process Clause of the Fourteenth Amendment of the United States Constitution and Article 22 of the Maryland Declaration of Rights; and (3) it must have been “elicited in conformance with the mandates of *Miranda*.” *Id.* (citing cases).

As we read it, Mr. Standfield’s appellate challenge is that his confession failed each of the above three hurdles, albeit for somewhat different reasons. Below, after

discussing the applicable standard of review, we take up Mr. Standfield’s arguments hurdle by hurdle.

I. Standard of Review

In reviewing a suppression court’s denial of a suppression motion, our review is restricted to the “evidence contained in the record of the suppression hearing.” *Gupta v. State*, 452 Md. 103, 129 (2017) (cleaned up). Factual findings are “accepted unless clearly erroneous.” *Id.* “The credibility of the witnesses, the weight to be given to the evidence, and the reasonable inferences that may be drawn from the evidence come within the province of the suppression court.” *Gonzalez v. State*, 429 Md. 632, 647–48 (2012). “We review the evidence and the inferences that may be reasonably drawn in the light most favorable to the prevailing party” and “undertake our own independent constitutional appraisal of the record by reviewing the law and applying it to the facts of the present case.” *Gupta*, 452 Md. at 129 (cleaned up).

II. The suppression court did not err in finding that Mr. Standfield’s statements properly waived his right to remain silent.

As to the **first hurdle**, that the confession be voluntary under Maryland nonconstitutional law, Mr. Standfield contends that the suppression court erred in determining that the waiver of his right to remain silent was knowing and voluntary. Specifically, Mr. Standfield contends that “[b]ecause [he] was substantially impaired, the *Miranda* waiver was not voluntary in the sense that it was the product of a free and deliberate choice or knowingly made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.”

“A confession is voluntary under Maryland nonconstitutional law if it is freely and voluntarily made at a time when the defendant knew and understood what he was saying.” *Hoey v. State*, 311 Md. 473, 480–81 (1988) (cleaned up). “The first step in determining whether a confession is voluntary under Maryland nonconstitutional law is to determine whether the defendant was mentally capable of making a confession.” *Id.* at 481. A confession is “involuntary when the defendant, at the time of his confession, is so mentally impaired that he does not know or understand what he is saying.” *Id.* at 482.

Nonetheless, and as we have held repeatedly, “mere mental deficiency is insufficient to automatically make his confession involuntary.” *Id.* at 482. This is true even where the defendant is impaired by drugs or alcohol. *Hof v. State*, 337 Md. 581, 620 (1995). In *Harper v. State*, 162 Md. App. 55, 84–85 (2005), although the defendant was allegedly “under the influence of marijuana, alcohol, and cocaine” and sleep-deprived at the time of the interview, we affirmed the denial of his motion to suppress his incriminating statements because he could recount the events in great detail and “had the presence of mind” to use a fake name to avoid being arrested for violating his probation. *See also Rodriguez v. State*, 191 Md. App. 196, 224–25 (2010) (affirming trial court’s determination that, even though the defendant vacillated between outrage and “act[ing] like he was going to pass out[,]” he was not too mentally impaired to know what he was saying because he “directly and appropriately” responded to the questions).

Against this background, we see no clear error in the suppression court’s finding that Mr. Standfield was not so impaired by drugs or alcohol as to have been mentally

incapable of making a voluntary confession. As above, “the reasonable inferences that may be drawn from the evidence come within the province of the suppression court.” *Gonzalez*, 429 Md. at 647–48. After noting that the best evidence of Mr. Standfield’s level of intoxication was the video of the interrogation, the suppression court found that Mr. Standfield was able to answer questions, and that while the officer had to “prompt” Mr. Standfield “a few times,” it did not “seem to be anything where [Mr. Standfield did] not understand what [was] going on, just the opposite. After [that] [Mr. Standfield] says, ‘I’ll stop acting stupid,’ and tell them things that are going on.” From this evidence, the suppression court’s inference that Mr. Standfield was not so intoxicated as to be unable to make a voluntary confession was a reasonable one.

Mr. Standfield’s contention that he was, in fact, substantially impaired, as shown by the testimony of Dr. Wilson, does not persuade us otherwise. Again, the credibility of witnesses and the weight to be given to the evidence are matters for the suppression court. *Gonzalez*, 429 Md. at 647–48. Although Dr. Wilson testified that in his opinion, Mr. Standfield’s cognitive function was considerably impaired, the suppression court did not ascribe much weight to this testimony.

He has very limited information, just like I do, about the level of intoxication. No clear indications about how much this person’s tolerance or when things were taken. . . . Without a blood report, what was said, we have no witnesses as to what happened at the hospital.

That the suppression court did not ascribe as much weight to Dr. Wilson’s testimony as Mr. Standfield would have liked is not a basis for concluding that the

suppression court's factual findings were in clear error. Mr. Standfield's statements do not fail the first hurdle.

As to the **second hurdle**, that the statement is voluntary under the Due Process Clause of the Fourteenth Amendment of the United States Constitution and Article 22 of the Maryland Declaration of Rights, Mr. Standfield argues that whatever his level of intoxication, the mere fact that he was intoxicated, combined with the “inherently coercive environment” of the police station where the interrogation took place, deprived him of the ability to knowingly and voluntarily waive his rights under the Fifth Amendment and Article 22. In other words, given his substantial impairment and the inherently coercive police environment, his confession was involuntary.

An incriminating statement is voluntary under the Due Process Clause of the Fourteenth Amendment and Article 22 of the Maryland Declaration of Rights when, looking at the totality of the circumstances, the statement is “the product of an essentially free and unconstrained choice by its maker,” *State v. Tolbert*, 381 Md. 539, 558 (2004) (cleaned up), rather than “the result of police conduct that overbears the will of the suspect and induces the suspect to confess,” *Lee v. State*, 418 Md. 136, 159 (2011).

We have also held repeatedly that the custodial environment of a police station is not enough on its own to be deemed “coercive.” *Id.* at 160; *Madrid*, 247 Md. App. at 725-26. Instead, the police must overreach so much that it “overbears the will of the suspect and induces the suspect to confess” in order for the statement to violate the Due Process

Clause of the Fifth Amendment and Article 22 of the Maryland Declaration of Rights.

Lee, 418 Md. at 160.

Other than his contention that he was intoxicated, Mr. Standfield provides no evidence whatsoever to suggest that police overreach occurred. Moreover, we have rejected Mr. Standfield’s intoxication argument. Accordingly, we have no basis on which to conclude that the use of Mr. Standfield’s statement against him fails the second hurdle.

III. The suppression court did not err in finding that Mr. Standfield did not properly invoke his right to remain silent before 1:36:25.

As to the **third hurdle**, that the confession must have been “elicited in conformance with the mandates of *Miranda*,” Mr. Standfield argues that he properly invoked his right to remain silent at 1:06:52. Therefore, according to Mr. Standfield, the suppression court erred in declining to suppress all incriminating statements made thereafter.

Under the Fifth Amendment to the United States Constitution, “[n]o person . . . shall be compelled in any criminal case to be a witness against himself[.]” In *Miranda*, the U.S. Supreme Court recognized that in-custody interrogation “contains inherently compelling pressures which work to undermine the individual’s will to resist and . . . compel him to speak where he would not otherwise do so freely[.]” 384 U.S. at 467. Accordingly, the Court held, “in order to combat these pressures and permit a full opportunity to exercise the privilege against self-incrimination, the accused must be adequately and effectively apprised of his rights and the exercise of those rights must be fully honored.” *Id.*

In order to properly invoke the right to remain silent, the defendant must unambiguously and unequivocally declare that they are invoking those rights. *Berghuis v. Thompkins*, 560 U.S. 370, 381 (2010). The “unambiguous and unequivocal” requirement is to ensure “an objective inquiry that avoids difficulties of proof and provides guidance to officers on how to proceed in the face of ambiguity.” *Id.* at 382. Once a defendant has been warned of his rights, his extended silence is insufficient to constitute an invocation of his right to remain silent. *Id.* at 386.

Once a suspect properly invokes his right to remain silent, law enforcement must promptly cease their interrogation. *Id.* at 473–74. The use of colloquial language does not make an invocation ambiguous. *Ballard v. State*, 420 Md. 480, 485 (2011). Should law enforcement fail to timely cease their custodial interrogation, suppression of subsequently gathered evidence is a proper remedy. *Reynolds v. State*, 461 Md. 159, 178–79 (2018). This is known as the exclusionary rule. *Id.* at 179.

We see no error, factual or legal, in the suppression court’s conclusion that Mr. Standfield did not invoke his right to silence by his 1:06:52 statement, “I read my papers, don’t want to talk.” As above, in order to properly invoke the right to silence, the defendant must unambiguously and unequivocally declare that he is invoking those rights. *Berghuis*, 560 U.S. at 381. Here, the suppression court found that Mr. Standfield’s statement was not such an invocation because the Detectives did not, and reasonably could not, hear it:

And I do find that would be invoking his right to remain silent **if heard by the officers**. I find the officers **did not hear this**, I find that reasonable

officers **could not hear this**. I credit the officer[s'] testimony as to not hearing that, both of them. I, myself, did not hear that when we started this, and I had listened to this at least a couple times. I went looking for it, all right, I'll be honest about that, and we were here at the bench listening to what, again, maybe it's not the highest quality, but could not make it out, so I went back in chambers, turned up as loud as I can, speakers, and could hear what I believe to be, "I read my papers, I don't want to talk anymore."

I don't find a reasonable officer could hear that in real time. . . . I would have, like the officers, thought it was another non-intelligible grunt. . . . It was not during the high substantive talking about a crime, it was talking about a liquor store, so it was not of a significant area where you would expect a person to be invoking their rights at that time or any type of admission of anything wrong.

...

Now I understand we are in uncharted territory on, who knows, a new area of mumble law, but I don't believe that anyone could hear that, and I don't believe a reasonable officer would have been able to comprehend what was said during that statement. So therefore, **I do not find that was unambiguous unequivocal invocation of a right to remain silent**.

(Emphasis added.) Without an unambiguous and unequivocal invocation from Mr.

Standfield, there was no basis to conclude that Mr. Standfield's statements fail the third hurdle.¹²

¹² The suppression court also found that the subsequent invocation at 1:36:25 was proper and suppressed all statements made thereafter:

As to 1:36, ["I don't want to talk about it anymore,["] there is no testimony from the officers about not hearing that. The State says they indicated they did hear it. . . . I find it is an invocation. I think it is not in any way referring to the Bird Man that they were just talking about. He says, "I don't want to talk about it anymore." I find that "it" is the entire rant.

. . . So I don't find that to be unequivocal and so I did find the State failed to invoke his right to remain silent at 1:36. I have 23 at that point.

Therefore, anything stated after that which goes into -- it's after some admissions, but before statements about the knife will not be admissible in the State's case in chief. So, I do not have to make a ruling about the 1:38 time.

In an attempt to overcome this conclusion, Mr. Standfield argues that “police officers cannot be permitted to continue questioning a suspect after the objective evidence shows his invocation of his right to silence with the simple claim that he did not invoke his right to silence because they did not hear him utter it.” Again, we disagree. As above, factual findings are “accepted unless clearly erroneous.” *Gupta*, 452 Md. at 129. Here, there was evidence before the suppression court that the Detectives did not hear Mr. Standfield’s statement:

[State]: Okay. In the interview room, did you hear [the 1:06:52 invocation]?

[Detective Glass]: I did not.

...

[State]: Do you recall hearing [the 1:06:52 invocation] at all in the interview?

[Detective Marigold]: Not at the time, no.

And the suppression court judge himself did not hear it:

I, myself, did not hear that when we started this, and I had listened to this at least a couple times.

Ultimately, we cannot agree that the objective evidence showed that the Detectives heard Mr. Standfield’s statement and simply claimed not to. In other words, we cannot say that the suppression court’s findings were clearly erroneous.¹³

¹³ To the extent that Mr. Standfield argues that the inaudibility of his statement means that its effectiveness as an invocation should be judged by a standard other than the “unambiguous and unequivocal invocation” of *Berghuis*, 560 U.S. at 381, we decline to take up his argument. *See* Md. Rule 8-504(a)(6) (requiring that an appellate brief contain “[a]rgument in support of the party’s position on each issue”). Here, although Mr. Standfield appears to argue that a different standard should apply here, he cites no authority in support of such a position. Nor have we found any such authority.

IV. To the extent that the suppression court erred, it was harmless.

In relation to the murder of Mr. Moore,¹⁴ Mr. Standfield argues, in conclusion, that if we find that the suppression court erred, then we must find that error to be harmful. In essence, Mr. Standfield argues that the State’s case for the murder of Mr. Moore rested squarely on his incriminating statements during the custodial interrogation. He highlights the lack of DNA evidence that Mr. Standfield stabbed Mr. Moore, the absence of a murder weapon, and the witness testimony that does not include any direct eyewitnesses to the crime itself to suggest that the trial court’s error in admitting his statements was not harmless. We address this argument even though we have found no error on the part of the suppression court.

An error is “harmful” if we are not convinced, beyond a reasonable doubt, that “the error in no way influenced the verdict.” *Dorsey v. State*, 276 Md. 638, 659 (1976). Moreover, the “defendant’s own confession is probably the most probative and damaging evidence that can be admitted against him.” *Arizona v. Fulminante*, 499 U.S. 279, 296 (1991). Nonetheless, even if the suppression court erred in admitting Mr. Standfield’s statements, we are convinced beyond a reasonable doubt that in the murder trial, that error was harmless.

Regarding the murder of Mr. Moore, the State introduced several additional pieces of evidence tying Mr. Standfield to the murder. These included surveillance footage

¹⁴ Mr. Standfield does not raise a harmless error argument in relation to the first-degree assault of Mr. Keita.

placing an individual matching Mr. Standfield's description at the scene of the murder at the time that it occurred and in immediate proximity to Mr. Moore's car; an autopsy report that reflected that Mr. Moore had been stabbed from the left, where his window was open; and the presence of plastic packaging on Mr. Standfield's person that had previously contained a knife like the one used in the murder. Thus, there was sufficient evidence beyond Mr. Standfield's incriminating statements from which the jury could have determined beyond a reasonable doubt that Mr. Standfield killed Mr. Moore. We are convinced that Mr. Standfield's incriminating statements, if they should have been suppressed, did not influence the outcome of the case here.

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