

Circuit Court for Howard County  
Case No.: C-13-CR-22-000274

UNREPORTED

IN THE APPELLATE COURT  
OF MARYLAND

No. 2190

September Term, 2022

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SHAIAN SEYEDAN

v.

STATE OF MARYLAND

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Arthur,  
Tang,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 22, 2023

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

A jury in the Circuit Court for Howard County convicted Shaian Seyedian, appellant, of misuse of telephonic facilities and equipment. At trial, the State impeached Seyedian with a document bearing his signature and name and agreeing not to contact the victim. The State received the document the morning of trial but did not provide it to Seyedian before impeaching him with it. The trial court ruled that the document was not a statement and that the State was thus not obligated to produce it prior to trial. On appeal, Seyedian contends the State's failure to produce the document was a discovery violation. The State agrees. So do we.

We first conduct a *de novo* review of whether a discovery violation has occurred. See *Cole v. State*, 378 Md. 42, 56 (2003). Then, “[w]e review any discovery violation for harmless error.” *Alarcon-Ozoria v. State*, 477 Md. 75, 91 (2021).

Maryland Rule 4-262(d)(2)(A)<sup>1</sup> requires the State, upon request, to “provide the defense . . . [a]ll written and oral statements of the defendant . . . that related to the offense charged[.]” A “written statement” “includes a statement in writing that is made, signed, or adopted by that person.” Md. Rule 4-263(b)(6)(A); Md. Rule 4-262(b) (adopting Rule 4-263(b)’s definition). “A party who has responded to a request or order for discovery who obtains further material information shall supplement the response promptly.” Md. Rule 4-262(h). “The State’s compliance with these rules is never discretionary, as the Maryland Rules of Procedure have the force of law; they are not mere guides but are ‘precise rubrics’

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<sup>1</sup> This case was transferred from the District Court to the circuit court when Seyedian prayed a jury trial. It was therefore governed by the discovery rule that applies to District Court cases: Rule 4-262, rather than 4-263, which requires the State to provide a defendant’s statements without the necessity of a request.

to be strictly followed.” *Williams v. State*, 364 Md. 160, 171 (2001), *abrogated on other grounds by State v. Jones*, 466 Md. 142 (2019) (cleaned up).

Here, Seyedian requested copies of “all written and oral statements of the defendant” in his pretrial discovery request. The at-issue document was purportedly an agreement to not contact the victim signed by Seyedian—a written statement within the meaning of Rule 4-263(b)(6)(A). Thus, when the State received the document on the morning of trial, it was under a continuing obligation to provide a copy to Seyedian. Its failure to do so was a discovery violation. That the document was used for impeachment purposes or that Seyedian disavowed it during cross-examination did not reach back in time and obviate the State’s pre-existing obligation to promptly disclose it to the defense. The trial court’s ruling that no discovery violation occurred was error.

The State also concedes that the error was not harmless. Seyedian’s credibility was essential to his defense. Without the document, before he elected to testify, Seyedian could not have known the extent to which he might be impeached. Seyedian admitted that he repeatedly called the victim, but he argued that he lacked the requisite intent because he had a legitimate reason to call the victim, did not act maliciously, and received no notice to stop contacting the victim. The State undercut his credibility when it confronted him with the document after he denied having signed it. The State compounded the discovery error when, in closing, it relayed to the jury the contents of the document, which was not admitted into evidence or authenticated by any witness. In short, the discovery violation

inhibited Seyedian’s ability to prepare a defense and possibly impacted his credibility. Reversal of his conviction is appropriate. *Dionas v. State*, 436 Md. 97, 110 (2013).<sup>2</sup>

**JUDGMENT OF THE CIRCUIT  
COURT FOR HOWARD COUNTY  
REVERSED. COSTS TO BE PAID BY  
APPELLEE.**

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<sup>2</sup> Also pending before the Court is Seyedian’s “Unopposed Motion for Summary Reversal.” Given our resolution of the issues here, the motion is denied as moot.