

Circuit Court for Baltimore City
Case No. 118353005

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2257

September Term, 2019

KEANTE BLAKE

v.

STATE OF MARYLAND

Fader, C.J.,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 8, 2021

*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.

Convicted by a jury in the Circuit Court for Baltimore City of attempted second degree murder and related offenses, Keante Blake, appellant, presents for our review a single question: whether the court abused its discretion in denying his motion for new trial. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State called Ronald Williams, who testified that on November 17, 2018, Mr. Blake twice struck Mr. Williams in his face with a gun, attempted to rob him, and shot him in his shoulder. Following trial, Mr. Blake filed a motion for new trial in which he stated, *inter alia*: “There was a black flag in the victim’s pocket[] when he left the witness stand. This signifies BGF.”¹ At the hearing on the motion, defense counsel argued:

[T]here was a black flag in Mr. Williams[’s] back pocket. I was unaware of that until my client indicated that to me during the course of – when Mr. Williams was leaving the witness stand.

I didn’t know the significance of that. I did notice it, but I didn’t notice any significance to it other than the fact my client, Mr. Blake, said something to me about it. So I believe that it was relevant . . . and pertinent to this case.

The prosecutor countered:

With regards to the black flag, when I saw that in [d]efense counsel’s motion I went back and re-watched Mr. . . . Williams, who is here today, the victim is here today. I watched him walk in. I watched him walk across . . . and as you know in that particular courtroom the witness stand is way across the room. I watched him walk all the way across the room. I watched him get up and watched all the way back. I didn’t see anything black sticking in his pockets.

* * *

¹Mr. Blake does not specify the meaning of these initials. We assume that he refers to the Black Guerrilla Family.

And so even if there was something, I'm – I'm making an argument that the jury couldn't even see him.

Second, there was nothing in the trial to give any significance to the black item, okay. There was – he called it an “item”, he said it was a flag, but there – there wasn't anything in the trial to give the jury any context of what that could be. So that couldn't be unfair, . . . looking back . . . Monday morning quarterback.

The court subsequently denied the motion.

Mr. Blake contends that the court abused its discretion in denying the motion, because “the State's star witness . . . displayed gang signage on the witness stand,” “there was significant evidence in this case that the shooting of Mr. Williams was gang-related,” and “the potential prejudice from a gang symbol being flashed by a witness mid-trial in Baltimore City cannot be overstated.” The Court of Appeals has stated that “an abuse of discretion occurs where no reasonable person would take the view adopted by the circuit court.” *Montague v. State*, 471 Md. 657, 674 (2020) (internal citations, quotations, and brackets omitted). Despite the State's clear dispute with defense counsel's assertion that Mr. Williams displayed a black “flag,” and Mr. Williams's presence at the hearing on the motion for new trial, Mr. Blake did not present any testimony under oath that Mr. Williams was in possession of such a “flag,” or that possession of such a “flag” indicates membership in a gang. Assuming, *arguendo*, that Mr. Williams displayed an item from his pocket, Mr. Blake did not present any testimony that the jury saw the item, or if they saw the item, that they concluded that the item indicated membership in a gang. In light of this dearth of evidence, we cannot say that no reasonable person would have rejected Mr. Blake's

argument at the hearing on the motion for new trial, and hence, the court did not abuse its discretion in denying the motion.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**