Circuit Court for Baltimore City
Case No.: 819224002

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2416

September Term, 2019

HAKIM LAWRENCE

v.

STATE OF MARYLAND

Fader, C.J.,
Kehoe,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 4, 2021

Following trial in the Circuit Court for Baltimore City, a jury found Hakim Lawrence, appellant, guilty of second-degree assault.[1] The court sentenced appellant to ten years' imprisonment.

On appeal, appellant contends that the trial court erroneously admitted certain testimony that appellant deems irrelevant and unfairly prejudicial, and that the evidence was legally insufficient. For the reasons explained below, we shall affirm.

BACKGROUND

Matthew Glenn, the victim, testified that, on November 29, 2018, when he was leaving for work at about 5:00 a.m., he saw appellant sitting on the steps across the street. Glenn knew appellant because appellant had a child with Glenn's then live-in girlfriend, Ladonna Hubbard, who was at Glenn's side. Appellant, who appeared hostile, got off the steps and approached Glenn and accused him of "talking bad about him." Glenn and appellant then began to fight, and appellant stabbed Glenn in the abdomen with an unknown object. Glenn testified that, because it happened so fast, he never saw the object with which appellant stabbed him.

Glenn testified that Appellant had, in the past, told him that he "could not speak to" Hubbard. Also, Glenn said that appellant "was not happy with the fact of where the child was staying." In addition, in the weeks leading up to the attack, Glenn and appellant, "were not getting along properly" and "it finally escalated and exploded."

[1] The jury acquitted appellant of one count of wearing, carrying, or transporting a deadly weapon openly with the intent to injure.

Appellant did not testify at trial, and he called no witnesses.

DISCUSSION

I.

Appellant contends that the trial court erroneously admitted certain testimony from Glenn that he believes was irrelevant and prejudicial. During a portion of the State's direct examination of Glenn where the State elicited testimony concerning Glenn's familiarity with appellant, Glenn testified that he had seen appellant about five times before the attack, and appellant had been to his house three times. The following exchange occurred:

THE STATE:	And if at any time did the defendant ever come to visit the child?
GLENN:	Three times.
THE STATE:	He physically came to your house?
GLENN:	No, he popped up once and the other two times were, you know, of his own free will, and we were trying to mediate –
DEFENSE:	Objection, Your Honor. Relevance.
THE COURT:	Overruled.
GLENN:	We were trying to mediate and basically help him build whatever bond he wanted, but he was not happy with the fact of where the child was staying.
THE STATE:	And on November 29th, 2018, did anything of significance happen that day?
GLENN:	Not that day. It was more or less prior. There was an incident.
THE STATE:	What was the incident prior?
GLENN:	There was a debate with Ms. Hubbard and him in the hallway –

DEFENSE: Objection, Your Honor.

THE COURT: What is the basis?

DEFENSE: Your Honor, we have no – we've never been given any evidence of this incident. This is the first time we're hearing of it, in court right now as the witness is testifying.

The court then invited the parties to approach the bench, after which the court sustained appellant's objection and the parties returned to the trial tables.[2]

With respect to the first objection, appellant contends that the trial court erred in allowing the evidence concerning the mediation between Hubbard and appellant over their custody/visitation "battle" because that evidence, according to appellant, was irrelevant and prejudicial.

"All relevant evidence is generally admissible unless its probative value is substantially outweighed by the danger of unfair prejudice." *Donaldson v. State*, 200 Md. App. 581, 595 (2011) (citation omitted). "Evidence is relevant if it tends to 'make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.'" *Walter v. State*, 239 Md. App. 168, 198 (2018) (quoting Md. Rule 5-401).

In determining the admissibility of evidence on relevance grounds, we analyze two questions: "whether the evidence is legally relevant, and if relevant, whether the evidence is inadmissible because its probative value is outweighed by the danger of unfair prejudice ... During the first consideration, we test for legal error, while the second consideration

[2] Whatever conversation that took place at the bench was not transcribed.

requires review of the trial judge's discretionary weighing and is thus tested for abuse of that discretion." *State v. Simms*, 420 Md. 705, 725 (2011) (citations omitted).

We discern neither error nor an abuse of discretion on the part of the trial court in overruling appellant's first objection. Glenn's identification of appellant as his attacker was the only contested issue at trial. As a result, evidence concerning Glenn's familiarity with appellant was relevant, as was evidence of appellant's motive.

In any event, even if the testimony about a mediator was irrelevant, any error in its admission was harmless beyond a reasonable doubt. *Dorsey v. State*, 276 Md. 638, 659 (1976). This is so for several reasons. First, there was already evidence presented to the jury that appellant and Glenn had a hostile relationship which "exploded" on the day of the attack. Moreover, the mere fact that appellant and Hubbard utilized a mediator does not necessarily lead to the conclusion that appellant was an obstructionist or unreasonable or that there was a custody/visitation "battle." The comment was isolated and never brought up again. And, finally, the fact that the jury acquitted appellant of the weapons offense tends to show that the comment did not poison the minds of the jury. *See Degren v. State*, 352 Md. 400, 435 (1999) (noting the relevance of the fact that the jury acquitted the defendant of some charges in the harmless error analysis).

With respect to the second objection, appellant contends that the trial court erred because, after it sustained his second objection, the court did not announce to the jury that it had sustained the objection or instruct them to disregard the testimony. We decline to address this argument because appellant did not request that the trial court take any of those measures. *See Hyman v. State*, 158 Md. App. 618, 631 (2004) (where defendant objected

to testimony, but did not ask the court to strike the statement, seek a curative instruction, or move for a mistrial, he "effectively waived all other potential review on appeal").

II.

Appellant next contends that the evidence was legally insufficient to prove his criminal agency. In making that argument, appellant points to various perceived weaknesses in the State's case, including the fact that appellant testified that during his fight with appellant he "noticed [he] had a stab wound" but did not see who stabbed him or the weapon used. Appellant also finds it significant that Hubbard did not testify at trial and Glenn testified that he never saw her again after the attack. Finally, appellant points to various inconsistencies in the responding officer's testimony about whether Glenn gave a statement to police.

In reviewing the sufficiency of the evidence, we review the record to determine whether, "'after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" *Pinheiro v. State*, 244 Md. App. 703, 711 (2020) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

We believe that, in the light most favorable to the State, the evidence was legally sufficient to support appellant's criminal agency. Glenn testified on direct examination, in part, as follows:

> GLENN: All right. I came out the door, took about four steps. [appellant] was across the street. He came over. I approached him, he approached me, and there was just like an altercation. He went to, like, physically fight, but I had no idea he had a concealed weapon. So, I was

caught off-guard.

THE STATE: And where did he stab you?

GLENN: Lower abdomen.

THE STATE: And did you see what he stabbed you with?

GLENN: No. Everything happened so quickly.

THE STATE: And what did the defendant do after he stabbed you?

GLENN: Ran.

The foregoing testimony, if credited, was sufficient to sustain appellant's conviction for second-degree assault. *Turner v. State*, 242 Md. 408, 416 (1966); *Rodgers v. State*, 4 Md. App. 407, 414 (1968).

Consequently, we shall affirm the judgment of the circuit court.

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