

Circuit Court for Carroll County
Case No: 06-K-18-048721

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2512

September Term, 2018

GREGORY A. WILLIAMS, II

v.

STATE OF MARYLAND

Nazarian,
Wells,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 9, 2019

*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.

Gregory A. Williams, II, appellant, was convicted by a jury in the Circuit Court for Carroll County of possession of cocaine and possession with intent to distribute cocaine. On appeal, Mr. Williams contends that the trial court erred in qualifying Deputy Brett Lookingbill as an expert in the field of controlled substance detection, observation, packaging, and street level distribution, and further, that the error was not harmless. He argues that the deputy lacked the “knowledge, skill, experience, training, or education” required under Maryland Rule 5-702 to testify as an expert in these fields. We disagree and shall affirm.

“The decision whether to admit or exclude expert testimony is a matter within the discretion of the trial court, and the court’s decision in this regard will seldom constitute a ground for reversal.” *Easter v. State*, 223 Md. App. 65, 79 (2015) (quotations omitted). We, therefore, review the trial court’s decision to admit Deputy Lookingbill’s expert testimony for an abuse of discretion. *See Alford v. State*, 236 Md. App. 57, 71 (2018).

We perceive no abuse in the trial court’s discretion in admitting Deputy Lookingbill’s expert testimony. As the Court of Appeals has stated, “a witness may be competent to express an expert opinion if he is reasonably familiar with the subject under investigation, regardless of whether this special knowledge is based upon professional training, observation, actual experience, or any combination of these factors.” *Radman v. Harold*, 279 Md. 167, 169 (1977).

Deputy Lookingbill’s testimony revealed that he acquired knowledge relevant to the detection, observation, and packaging of controlled dangerous substances from multiple sources. Specifically, during a two-day course at the police academy, drug samples,

including cocaine, were displayed for observation as they had been packaged on the street, and he was instructed on the details of the cases associated with those drugs. During a sixteen-hour training course, he was trained on drug interdiction, and on identifying clues, characteristics, and deception related to drug trafficking. The deputy further testified to conducting an estimated twenty to twenty-five investigations of “personal use” drug cases in which he observed that such cases are typically characterized by “one or two baggies” of drugs and not large quantities of drugs. Through his investigations, he also learned the street value of drugs. He testified that the knowledge that he gained through his own experience was consistent with his observations of other cases handled by more experienced officers.

Deputy Lookingbill’s testimony also revealed that he acquired knowledge relevant to street level distribution from multiple sources. He testified to receiving a broad overview at the academy of the difference between “personal use” drug cases versus “distribution” drug cases. He also learned the common characteristics of drug distribution cases by regularly conferring with drug task force officers and by observing an officer’s handling of a drug distribution case. He testified that such cases are typically characterized by a “large amount of drugs,” often in “a brick-like” form or “broken down” into a large number of “baggies,” and associated with a sum of money found on the suspect. Throughout his testimony, Deputy Lookingbill acknowledged that his education, training, observations, and experience had given him an increased understanding of the difference between “personal use” and distribution drug cases.

Mr. Williams contends, however, that Deputy Lookingbill’s training was fairly limited in scope. We are not persuaded by this argument because, as we have previously stated, an expert is qualified to give an opinion if he or she demonstrates a “minimal amount of competence or knowledge in the area in which the individual purports to be an expert.” *Naughton v. Bankier*, 114 Md. App. 641, 655 (1997). We are satisfied that the deputy’s testimony displayed at least the minimal amount of competency required to testify as an expert.

Mr. Williams further contends that the deputy was a patrol officer with no specialized experience in narcotics enforcement. Based on the record, this assertion is debatable. Nonetheless, the Court of Appeals has held that an expert need not have hands-on experience with the subject about which he proposes to testify. *Radman*, 279 Md. at 170-71. His knowledge can come from “professional training, observation, actual experience, or any combination of these factors.” *Id.* at 169.

Accordingly, we hold that the trial court had a sufficient factual basis for finding that Deputy Lookingbill qualified as an expert in the fields of controlled substance detection, observation, packaging, and street level distribution.

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