Circuit Court for Baltimore City
Case No. 117108001

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2614

September Term, 2018

RICHARD JONES

v.

STATE OF MARYLAND

Arthur,
Reed,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Reed, J.

Filed: October 13, 2020

After a jury trial in the Circuit Court for Baltimore City, Richard Jones ("Appellant") was convicted of first-degree murder, use of a firearm in the commission of a crime of violence, and possession of a regulated firearm after having been convicted of a disqualifying crime. The court sentenced him to life for the first-degree murder conviction, a consecutive term of 20 years for use of a firearm in a crime of violence, and a consecutive term of 12 years, the first five without the possibility of parole, for the possession of a regulated firearm conviction. This timely appeal followed. Appellant presents the following questions for our consideration:

> I. Did the trial court err in denying his supplemental motion for new trial without a hearing?
>
> II. Did the trial court err in allowing a witness for the State to testify to specific instances of witness intimidation on redirect examination?

For the reasons set forth below, we shall affirm.

FACTUAL BACKGROUND

This appeal arises from the shooting death of Lawrence Lee Jones ("Jones"), who was also known as "Rabbit." On the night of February 3, 2017, Baltimore City Police Officer Stephen Tandy ("Officer Tandy") responded to a call for a shooting in the 2600 block of Ulman Avenue and Park Heights Avenue. When he arrived, he found Jones lying on the ground and unresponsive. Medics arrived and transported Jones to the hospital where he was pronounced dead. An autopsy was performed, and an assistant medical examiner determined that the cause of Jones's death was multiple gunshot wounds and the manner of death was homicide.

A number of items were found at the crime scene, including a soda can with a false top that contained 11 blue baggies filled with a suspected controlled dangerous substance, Jones's wallet, an identification card, a cell phone, clothing, 16 nine-millimeter shell casings, and three bullet fragments. No firearm was recovered at or near the scene of the shooting.

The shooting was captured on surveillance video cameras in the area. On February 16, 2017, Baltimore City Police Detective Stephen Henson ("Detective Henson") recovered surveillance video from a food market located at 3601 Park Heights Avenue. According to Detective Henson, nine cameras were associated with the video recording system. He extracted the video from the surveillance system and saved it on a flash drive. The video recordings were admitted in evidence.

The police investigation revealed that the gun shots were fired from the front porch of a house located at 2606 Ulman Avenue. Shell casings found on and near the steps at the location were consistent with the nine-millimeter shell casings recovered from the place where Jones's body was found. Baltimore City Police Detective Joseph Brown, Jr. ("Detective Brown"), the primary detective on the case, testified that typically, shell cases are ejected from the top of semi-automatic weapons about three to seven feet to the right, depending on how the shooter is moving. The gun that fired the bullets found near the market and near 2606 Ulman Avenue was recovered in Baltimore County in April 2017.

Police interviewed Oliver Alexander ("Alexander"), who was also known as "Buster," Kaii Myles ("Myles")[1], and Darrell Owens ("Owens"). Alexander lived in the area of Ulman and Park Heights Avenues. At the time of the shooting, he was a drug addict who had used heroin on a daily basis for about thirty-six years. He made money to support his drug habit by working as a lookout for Appellant, Myles, and Owens in the area of Ulman and Park Heights Avenues. According to Alexander, Appellant and Owens looked alike and it was easy to mix up the two men. On the evening of the shooting, Alexander observed Appellant, Myles, and Owens in the area of Ulman and Park Heights Avenues, as well as Jones with a baton in his hand. He did not see Myles, Owens, Jones, or Appellant with firearms. As he was walking down Park Heights Avenue to go home for the evening, Alexander heard seven or eight gun shots. He picked up his pace, continued down Park Heights Avenue, and went to his house on the corner of Park Heights Avenue and Reisterstown Road. Later, when he saw the police arrive, he returned to the area to see what had happened. On the way there, Alexander ran into Appellant by a sub shop at the corner of Park Heights Avenue and Reisterstown Road. Appellant asked, "what the hell happened?" Alexander responded "something happened up top. They was up there shooting guns and shit." The two men walked back to the food market. The police went to Alexander's home about a week after the shooting and had him review video recordings.

[1] Mr. Myles' name is spelled several different ways throughout the record, but we shall use this spelling for consistency.

Myles testified that he moved to 2606 Ulman Avenue about three to four months before the shooting. He stated that he knew Appellant and Jones and explained that he had known Jones "[s]ince [he] was little," but did not know the full name of either Appellant or Jones. On the day of the shooting, Myles stated that he was selling drugs for Appellant. At the time of the shooting, Myles was on his front porch and Appellant was on the front porch of the house next door, about four to five feet away from Myles. Jones was walking toward the food market when Myles heard gun shots. In a statement to the police, Myles acknowledged that he saw Appellant leave the front porch and shoot at Jones. After hearing the gun shots, Myles took off running. He continued to run to Cottage Avenue, where he stopped, turned around, and saw Appellant. Myles thought that Appellant was going to "hit [him] next," but Appellant said he "was good," so Myles kept running. Myles noted that he "cut off from" Appellant and ran through some woods at "the bottom" of Cottage Avenue.

A day or two after the shooting, police went to Myles's house and brought him in to the police station for questioning. Myles told police that at some time prior to the shooting, there had been a dispute between Appellant and Jones regarding Jones' decision to use blue baggies to package his drugs.

Appellant, who was also known as "Squeaky,"[2] denied shooting Jones and testified on his own behalf. Appellant explained that he was married to Jones's sister, had known Jones for more than 20 years, and was close to him. In February 2017, Appellant lived on

[2] Appellant is also referred to in the record as "Squeek" and "Squeeky."

Wabash Avenue and sold drugs in the area of Ulman and Park Heights Avenues to make money. Jones, Myles, Owens, Jones's brother, and someone named Jerome also sold drugs in that area. Appellant testified that Alexander was a "lookout." Appellant mentioned that Jones also sold drugs in other areas, but he did not.

The shooting occurred near a food market, which contained a liquor store. Appellant testified that he frequently went in the market and was aware that there were surveillance cameras there and at a nearby building used by a charitable organization that he referred to as "the Green Doors." Appellant acknowledged that he and Jones had had a "conversation about the different color of bags" used to package their drugs, but it "was resolved." According to Appellant, "[i]t wasn't as big as how everybody making it to be and we continued on. Sometimes [Jones] looked out for me. Sometimes I looked out for him. It wasn't no big deal." At the time of the shooting, Appellant packaged the drugs he sold in clear baggies.

On February 3, 2017, Appellant testified that he was out on the street most of the day, but he went "back and forth" to the home of his mother's ex-boyfriend at 3443 Park Heights Avenue, because his mother was there visiting. He returned to the area in the evening to see someone who wanted to make a drug purchase and to purchase a few items from the market. He stated that he saw Jones, Myles, and Owens. According to Appellant, he and Owens are similar in appearance. Owens had the same build, size, complexion, and facial hair. On the day of the shooting, Owens wore the same clothes as Appellant, specifically a "bubble coat," blue pants, a hoodie, and black shoes.

Appellant testified that he did not see the shooting, but as he was walking on Park Heights Avenue near Cottage Avenue, he heard "a lot" of gun shots. Appellant stated that he ran away and continued running until he saw Alexander at a sub shop at "the bottom" of Park Heights Avenue, "[i]n between Park Heights and Reisterstown." Later that night, after he heard who had been shot, Appellant returned to the market. He stated that he did not contact the police because he did not see anything. Appellant denied having had an argument with anyone, but he claimed that Jones had had a dispute with "a guy on Hillsdale and Norfolk" about "serving somebody on that side[.]"

After Jones died, Appellant testified that he provided financial assistance to his family. Appellant did not see Myles or speak with him after Jones was killed. Appellant denied having anything to do with threats against Myles.

The parties stipulated that Appellant was prohibited from possessing a regulated firearm, but appellant denied that he was in possession of a firearm at the time of the shooting.

We shall include additional facts as necessary in our discussion of the issues presented.

DISCUSSION

I. Motion and Supplemental Motion for New Trial

A. Appellant's Contentions

Appellant contends that the trial court erred in denying his supplemental motion for new trial without a hearing. In considering this issue, it is helpful to review the procedural background pertaining to the supplemental motion for new trial.

The jury rendered its verdict in Appellant's case on June 27, 2018. Nine days later, on July 6, 2018, Appellant filed a motion for new trial and a request for a hearing. He argued that the verdict was against the weight of the evidence and the evidence was insufficient to send the case to the jury. He also asserted that defense counsel had "received information from members of [Appellant's] family that Myles . . . provided substantively false testimony during the trial[,]" and that defense counsel was in the process of investigating that information. The circuit court denied the motion for new trial six days later.

Several months later, on October 5, 2018, Appellant filed a supplemental motion for new trial in which he repeated the arguments made in his initial motion and provided additional details about his assertion that new information from one of his family members could show that Myles's trial testimony was false. The supplemental motion involved Amy Jackson ("Jackson"), a witness who had been interviewed by police and disclosed prior to trial as a witness for the defense. Appellant argued that Jackson was unable to testify or be served with a summons because she was in the hospital at the time of trial, but she could testify "that following the shooting in this case a family member of hers was approached by [] Myles who was in possession of a handgun and indicated that the gun had "a body" on it. Jackson could further testify "that her family member told her that the gun was in [] Myles' house when a search and seizure warrant was executed, and his younger brother took the gun out of the house." Appellant argued that Jackson's testimony would "materially impact[ ] the veracity of Mr. Myles' testimony at trial."

At the start of the sentencing hearing on October 12, 2018, defense counsel advised the court that Jackson was planning to attend the hearing but was not then in the courtroom. The judge announced that she would not rule on the supplemental motion for new trial and that the hearing would be limited to the disposition. The judge stated that she had received the supplemental motion the day before, and the State's opposition the night before, and had not had an opportunity to review the State's opposition motion. Jackson spoke on Appellant's behalf at the sentencing hearing, stating "I just know that their so-called eyewitness lied about a lot of things." The circuit court responded, "[w]e're not having this motion because it was not timely filed, and I have not had the opportunity, the State filed – motion in opposition at 6:00 p.m. last night."[3]

On October 31, 2018, without holding a hearing, the circuit court denied Appellant's supplemental motion for new trial. The circuit court determined that the evidence was legally sufficient to send the case to the jury, that Appellant failed to identify any newly discovered evidence pertaining to Myles's purported "false testimony" that would entitle him to a new trial, and that the proffered testimony of Jackson did not rise "to the level of credibility or significance that would warrant" a new trial. The court recognized that Jackson's statements "could have been used for impeachment purposes," but ruled that Appellant failed to identify any newly discovered evidence material to [his] trial[,]" because evidence that could be used for testimonial impeachment did not qualify as such. The court also noted that because Jackson was listed as a defense witness prior to trial, her

[3] The parties do not dispute the fact that the motion was timely filed. Ultimately, the court did not deny the motion on that basis.

testimony "would have come to light prior to trial through Defense Counsel's due diligence."

B. Standard of Review

A new trial based on newly discovered evidence is governed by Md. Rule 4-331(c), which provides:

> (c) **Newly discovered evidence.** The court may grant a new trial or other appropriate relief on the ground of newly discovered evidence which could not have been discovered by due diligence in time to move for a new trial pursuant to section (a) of this Rule:
>
> (1) on motion filed within one year after the later of (A) the date the court imposed sentence or (B) the date the court received a mandate issued by the final appellate court to consider a direct appeal from the judgment or a belated appeal permitted as post conviction relief; and
>
> (2) on motion filed at any time if the motion is based on DNA identification testing not subject to the procedures of Code, Criminal Procedure Article, § 8-201 or other generally accepted scientific techniques the results of which, if proved, would show that the defendant is innocent of the crime of which the defendant was convicted.

A motion based on subsection (c) must satisfy the requirements of subsections (e) and (f). Subsection (e) requires, among other things, that the party requesting a new trial "state in detail the grounds upon which" the motion for new trial is based and "describe the newly discovered evidence[.]" Md. Rule 4-331(e). Subsection (f), provides, in relevant part:

> (f) **Disposition**. The court may hold a hearing on any motion filed under this Rule. Subject to section (d) of this Rule, the court shall hold a hearing on a motion filed under section (c) if a hearing was requested and the court finds that: (1) if the motion was filed pursuant to subsection (c)(1) of this Rule, it was timely filed, (2) the motion satisfies the requirements of

> section (e) of this Rule, and (3) the movant has established a prima facie basis for granting a new trial.

As section (f) makes clear, the party seeking a new trial based on newly discovered evidence must allege facts on a *prima facie* basis to be entitled to a hearing. Md. Rule 4-331(f). The moving party bears the "'burden of producing enough evidence to permit the trier of fact to infer the fact at issue.'" *Cornish v. State*, 461 Md. 518, 527 (2018) (quoting *Stanley v. State*, 313 Md. 50, 60 (1988) (internal quotations omitted)). In *Cornish*, the Court of Appeals stated:

> Black's Law Dictionary defines *prima facie* as "[s]ufficient to establish a fact or raise a presumption unless disproved or rebutted; based on what seems to be true on first examination, even though it may later be proved to be untrue[.]" *Black's Law Dictionary*, at 1382 (10th ed. 2014). For the purposes of pleading a *prima facie* case, the statements need not be proven to be true when pled, but the statements must establish a cause for relief if proved to be true.

Id. at 530.

In contrast to a decision on the merits of a motion for new trial, which we review for abuse of discretion, the issue of whether a *prima facie* case has been established is a legal determination that we review *de novo*. *Cornish*, 461 Md. at 527-28. Our review in the instant case is limited to the trial court's decision to deny appellant a hearing.

C. Analysis

There are two threshold issues that must be considered before a court may grant a new trial based on newly discovered evidence. First, the evidence must be newly discovered evidence that could not have been discovered "by the exercise of due diligence, within ten days after the jury has returned a verdict." *Argyrou v. State*, 349 Md. 587, 600-

01 (1998); *accord Cornish*, 461 Md. at 529. In addition, the evidence must be material to the result. *Argyrou*, 349 Md. at 601 (citing *Stevenson v. State*, 299 Md. 297, 302 (1984)). Materiality requires the proffered evidence "be more than 'merely cumulative or impeaching.'" *Id*. (quoting *Jones v. State*, 16 Md. App. 472, 477 (1973)). According to *Cornish*, "impeaching a witness on inconsequential details of his testimony would not warrant a new trial. But, impeaching evidence that directly calls into question a significant issue in the case may result in a new trial if the evidence raises core issues on the merits of the case." *Cornish*, 461 Md. at 534. If the evidence could not have been discovered by due diligence and it is material, then we consider whether there is "a substantial or significant possibility that the verdict of the trier of fact would have been affected" by it. *Cornish*, 461 Md. at 530.

Appellant contends that he was entitled to a hearing on his supplemental motion for new trial because he established a *prima facie* basis for the grant of a new trial and the impeachment evidence at issue went "to the very core of [] Myles' testimony at trial" and was material. We are not persuaded.

Appellant failed to establish that Jackson's testimony could not have been discovered prior to trial or within 10 days of the verdict. The defense knew that Jackson had been interviewed by police prior to trial and, in fact, disclosed Jackson as a defense witness. Although Appellant asserted that Jackson was hospitalized and, therefore, unable to be served with a summons or testify at trial, he could have moved for a postponement when he learned that Jackson was unavailable. As the Court recognized in *Cornish*, due diligence required Appellant to "act reasonably and in good faith to obtain the evidence, in

light of the totality of the circumstances and the facts known to him[.]" *Cornish*, 461 Md. at 532-33(quoting *Argyrou*, 349 Md. at 605). Moreover, "[e]ven a good explanation for not having exercised due diligence is not the same thing as the actual exercise of that due diligence. It is the latter that is required, not the former." *Love v. State*, 95 Md. App. 420 at 436 (1993). Here, Appellant's argument that Jackson's hospitalization excused his inability to uncover the evidence is essentially "a good explanation for not having exercised due diligence." *Id*. There is no indication that Appellant made any attempts to depose Jackson from the hospital. Moreover, Appellant offers no explanation for his failure to uncover the evidence before trial. Namely, Appellant has not claimed that he made any attempt to interview Jackson, nor obtain any statement reflecting Jackson's testimony, prior to calling Jackson to testify. Appellant's apparent failure to interview his own witness before calling that same witness to testify at trial is antithetical to due diligence requirements.[4] Thus, Appellant failed to demonstrate the "actual exercise" of due diligence. *Id*. Because Appellant failed to make a *prima facie* showing of due diligence, the trial court did not err in failing to hold a hearing on his motion.

[4] In fact, we note that Appellant's failure to interview his own witness prior to trial is directly at odds with defense attorney standards outlined by the American Bar Association. *See* ABA Criminal Justice Standards for the Defense Function 4-4.3(c) ("Defense counsel or counsel's agents should seek to interview all witnesses, including seeking to interview the victim or victims…"). While ABA Standards are not binding law, the ABA Criminal Justice Standards have been utilized by the Court of Appeals as guidance in reaching a due diligence determination. *See e.g. State v. Syed*, 463 Md. 60 at 83 (2019) (Using ABA Standards for Criminal Justice as a basis for due diligence required by a defense attorney during pre-trial investigation).

In addition, the information supplied by Jackson was not sufficiently material to qualify as newly discovered evidence. As we have already noted, newly discovered evidence must be material to the result of the trial, not "'merely cumulative or impeaching.'" *Id.* at 533 (quoting *Argyrou*, 349 Md. at 601). In the case at hand, the evidence did not directly call into question a significant issue in the case. Appellant did not identify any testimony by Myles that was substantively false. The information from Jackson was that Myles told one of her family members that he had a gun with "a body" on it. There was no evidence that the gun referenced by Jackson was the gun used in the case at hand. Because there was no connection made between the gun allegedly possessed by Myles and the shooting in this case, Jackson's testimony that Myles possessed a gun was "merely impeaching" and did not warrant a new trial. *See Cornish*, 461 Md. at 534. As a result, the trial court did not err in failing to hold a hearing on Appellant's supplemental motion for new trial because the information provided by Jackson was not sufficiently material to qualify as newly discovered evidence.

II. Myles' Testimony

A. Appellant's Contentions

Appellant contends that the trial court abused its discretion in allowing the State to elicit testimony about threats made against Myles because that testimony exceeded the proper scope of redirect examination and implied, absent any evidence in the record, that Appellant or his agents had threatened Myles in order to affect his testimony. We disagree.

B. Standard of Review

It is ordinarily within the sound discretion of the trial court to determine the admissibility of evidence. *Moreland v. State*, 207 Md. App. 563, 568 (2012); Md. Rule 5-104(a)("[p]reliminary questions concerning . . . the admissibility of evidence shall be determined by the court."). Rebuttal evidence is "any competent evidence which explains, or is a direct reply to, or a contradiction of any new matter that has been brought into the case by the defense." *Collins v. State*, 373 Md. 130, 142 (2003) (internal quotations and citations omitted). *See also, State v. Booze*, 334 Md. 64, 70 (1994) (holding same). The trial court has the discretion to determine what constitutes rebuttal evidence and will be reversed only if there is a clear abuse of such discretion. *Booze*, 334 Md. at 68. No abuse of discretion will be found unless the trial court's actions are "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *North v. North*, 102 Md. App. 1, 14 (1994).

C. Analysis

The Maryland Rules allow a court to limit the scope of cross-examination to matters brought up during direct examination and issues of credibility, but no mention is made with respect to the scope of redirect examination. *See* Md. Rule 5-611(b). We have held that generally the rules governing the scope of cross-examination apply to the scope of redirect examination. *See e.g., Thurman v. State*, 211 Md. App. 455, 470 (2013) (discussing the scope of redirect examination); *Tirado v. State*, 95 Md. App. 536, 552-53 (1993) (evidence on redirect examination properly admitted because defendant "opened the door" during cross-examination); *Van Meter v. State*, 30 Md. App. 406, 422 (1976) (redirect examination proper because questions were directly aimed at rehabilitating the witness

after cross-examination). We have also held that the trial judge's discretion with respect to the scope of redirect examination is wide, and trial courts are generally permitted to exceed the normal restrictions. In *Daniel v. State,* we stated that the:

> trial judge's discretion in controlling the scope of redirect examination is wide. Even inquiry into new matters not within the scope of cross-examination may be permitted, and a party is generally entitled to have his witness explain or amplify testimony that he has given on cross-examination and to explain any apparent[ ] inconsistencies. The judge's discretion is particularly wide where the inquiry is directed toward developing facts made relevant during cross-examination or explaining away discrediting facts.

Daniel v. State, 132 Md. App. 576, 583 (2000) (citations omitted).

In *Bailey v. State*, the trial court permitted the State, on redirect, to readdress testimony that had already been covered on direct examination and to elicit testimony that went beyond the scope of cross-examination. *Bailey*, 16 Md. App. 83, 110-11 (1972). In finding both of those decisions proper, we stated:

> The trial judge's discretion in permitting inquiry on redirect examination is wide, particularly where the inquiry is directed toward developing facts made relevant during cross-examination or explaining away discrediting facts. That the [prosecutor] . . . attempted to shore up his strong points and to clear away ambiguities created by the cross-examination was simply a sound trial tactic . . . . [Furthermore,] not only is the control of redirect examination within the sound discretion of the trial judge, but he would be permitted to go so far as to allow the State to reopen its case, after it had been closed[.]

Id. (internal citations omitted).

On direct examination, Myles testified that after the shooting, he was "grabbed" by the police and brought to the police station for questioning. He said that "at the time of questioning, [he] was being implicated[,]" and that he was "under duress that entire time." On cross-examination, Myles was questioned about the police officers who brought him in

for questioning. He testified that "[l]ike, six" armed, plain clothed officers arrived at his house and picked him up. He stated that they were implicating him in the shooting and he had no choice but to go with them. At the police station, he was locked in a room, was not fed, and was not free to leave. After he was questioned, a police officer drove him back to his house.

On redirect examination, the prosecutor questioned Myles as follows about people who had approached him after the shooting:

> [PROSECUTOR]: Mr. Myles, after the shooting of Rabbit, were you approach[ed] by any people that weren't law enforcement –
>
> [MYLES]: Yes.
>
> [PROSECUTOR]: -- in this case? Who were you approached by?
>
> [DEFENSE COUNSEL]: Objection.
>
> [MYLES]: I'm not sure.
>
> THE COURT: Overruled. I'm sorry?
>
> [MYLES]: I'm not sure.
>
> [PROSECUTOR]: All right. Well did you recognize any of the people that approached you afterwards?
>
> [MYLES]: No.
>
> [PROSECUTOR]: Did they ever identify themselves to you?
>
> [MYLES]: No.
>
> [PROSECUTOR]: And in – this contact, how did that make you feel?
>
> [DEFENSE COUNSEL]: Objection.
>
> THE COURT: Overruled.

[MYLES]: What you mean?

[PROSECUTOR]: Well, when people approached you after this incident had unfolded, how did it make you feel?

[MYLES]: Vulnerable, if you mean, like – there's nothing I could do. I don't know what you mean.

[PROSECUTOR]: Why did you feel vulnerable?

[DEFENSE COUNSEL]: Objection.

THE COURT: Overruled.

[MYLES]: Because there was nothing I could do [inaudible]. Nothing I could do.

[PROSECUTOR]: Nothing that you could do for who?

[MYLES]: About anything. About anything.

[PROSECUTOR]: Where you ever threatened?

[MYLES]: Yes.

[PROSECUTOR]: Who were you threatened by?

[DEFNSE COUNSEL]: Objection.

THE COURT: Overruled. If you know.

[MYLES]: I don't know.

[PROSECUTOR]: How were you threatened?

[DEFENSE COUNSEL]: Objection.

THE COURT: Basis?

[DEFENSE COUNSEL]: Your Honor, may we approach?

THE COURT: Yes.

> BENCH CONFERENCE (All Counsel approach the bench where the following ensues):
>
> THE COURT: Yes?
>
> [DEFENSE COUNSEL]: Your Honor, this entire line of questioning is beyond the scope of the cross examination. This was not brought up on direct, nor did he – was he questioned regarding this on cross examination.
>
> THE COURT: Uh-huh. All right. So it is rehabilitation because you impeached him, trying to – in his testimony that the only reason why he was – gave that statement to the homicide detective was the possibility of getting out and going back to [inaudible] and that was the only reason and that he was forced by six officers, at homicide, he wasn't free to go. So those were the possible reasons why he would be testifying the way he is and he's come back now on rehabilitation and stating, well, this might be a reason why he's testifying this way as well. So –
>
> [DEFENSE COUNSEL]: Okay.
>
> THE COURT: Okay. Overruled.

Myles went on to testify that at some unspecified time after the shooting, some people he did not know approached him on "the Heights," "pulled a pistol out on" him, and made him feel vulnerable. After that, Myles stated that he "[d]isappeared."

As the State notes, defense counsel initially made general objections to Myles' testimony on redirect examination, but when asked by the court to state the basis of the objection, counsel specified that "this entire line of questioning is beyond the scope of cross-examination." Appellant did not bring to the attention of the trial court his argument that Myles's testimony was improperly admitted because it implied that Appellant or his agents had made threats against him. Accordingly, that issue is not properly before us. Md. Rule 8-131(a) (ordinarily, we will not decide an issue "unless it plainly appears by the

record to have been raised in or decided by the trial court[.]"); *Thomas v. State*, 183 Md. App. 152, 177 (2008) (when "party asserts specific grounds for an objection, all other grounds not specified by the party are waived.").

Even if preserved, however, we conclude that the trial court did not abuse its discretion in admitting Myles's testimony on redirect examination. On cross-examination, Myles's credibility was challenged with testimony suggesting that his statements implicating Appellant had been coerced by the police who, during questioning, inferred that they thought Appellant was responsible for the shooting and suggested that Myles would be able to go home if he told them that. The prosecutor's questioning of Myles on redirect examination countered the notion that Myles's identification of Appellant as the shooter was solely the result of police pressure by bringing forth evidence that Myles was reluctant to identify Appellant because a threat had been made to his safety by an unidentified individual. The inquiry on redirect examination was directed toward rehabilitating Myles's credibility by developing facts made relevant during cross-examination and explaining why Myles was reluctant to identify appellant. The trial court acted well within its discretion in deciding to allow such testimony on redirect examination.

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