Circuit Court for Prince George's County
Case No. CT17-0642X

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2618

September Term, 2018

SEDRICK STOKES

v.

STATE OF MARYLAND

Meredith,
Friedman,
Battaglia, Lynne A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: May 15, 2020

After a jury trial in the Circuit Court for Prince George's County, Sedrick Stokes was convicted of second-degree murder and use of a handgun in the commission of a felony. He was sentenced to 30 years' incarceration for the second-degree murder conviction and a consecutive term of 20 years, with all but 10 years suspended, five of which without the possibility of parole, for the handgun conviction. This timely appeal followed.

QUESTIONS PRESENTED

Stokes presents the following questions for our consideration:

> I. Did the trial court err in admitting evidence of out-of-court statements made by non-testifying declarants to the 911 operator?
>
> II. Did the trial court unduly restrict cross-examination of the victim's wife?

For the reasons set forth below, we shall affirm.

FACTUAL BACKGROUND

On March 3, 2017, Alexis Autry heard a loud sound—like a "crash"—outside her home. When she went outside, she saw a man lying on her front lawn at the corner of Plaza Drive and Great Oak Drive in District Heights. She heard the "squealing sound" of a "car speeding off" and observed the back of a "silver-ish blue" car heading toward Silver Hill Road. She and other neighbors called 911. The man lying on the lawn, later identified as Nathan Slye, Jr., was transported to Prince George's County Hospital Center for a gun shot wound and was later pronounced dead.

Various items were recovered from Slye's body, including lottery tickets bought at a convenience store. Surveillance video from a barber shop located next to the convenience store, taken on the day Slye's body was found, showed Slye with another individual—later identified as Stokes—walking towards the barber shop. The surveillance video also showed Stokes, wearing a burgundy knit hat, driving a light-colored Chrysler with Slye in the passenger seat. Stokes and Slye returned to the car and exited the parking lot down Silver Hill Road. Two detectives testified that it takes about five minutes to drive from the barber shop to where Slye's body was recovered. When Detective David Gurry interviewed Stokes, he was wearing the same burgundy hat that was worn by the man with Slye in the surveillance video.

On March 5, 2017, at about 3 a.m., Prince George's County Police Officer Aaron Thompson attempted to initiate a traffic stop on a dark gray Chrysler 300 with Maryland tag 3CV5324, for speeding. The driver refused to stop, drove to an apartment complex at 4509 23rd Parkway, jumped out of the Chrysler, and ran into an apartment building. The vehicle was impounded and towed by J.D. Towing Company.

On March 10, 2017, Prince George's County Police Department crime scene investigator Tahicia McCaskill assisted in the execution of a search warrant at 4509 23rd Parkway, Apartment 3, in Temple Hills, Prince George's County. A vehicle release form from J.D. Towing Company was seized from the kitchen counter.

Yaminah Karaun Stokes, the mother of Stokes' child, testified that in March 2017 she lived at 4509 23rd Parkway, Apartment 104, and that Stokes sometimes lived there.[1] At that time, a Chrysler 300 was registered in Yaminah's name. On March 5, 2017, Yaminah retrieved the Chrysler from the impound lot and Stokes drove off in it. When he returned to the house, Stokes was not driving the Chrysler. On March 6, 2017, Yaminah purchased a Mercedes Benz that Stokes drove.

The police obtained information that Stokes was operating the Mercedes Benz and a search and seizure warrant was obtained for that vehicle. From the trunk of the car, police recovered a Maryland tag, number 3CV5324, and a vehicle registration connected to that tag was found in the glove compartment.

DISCUSSION

I.

Stokes contends that the trial court erred in admitting evidence of out-of-court statements made to a 911 operator by two unidentified individuals, neither of whom testified at trial. Of the two 911 calls admitted at trial, Stokes challenges the call made by Alexis Autry. While Autry testified at trial, the two unidentified men also recorded on the 911 call did not. Over objection, those statements were played for the jury. The transcript of the challenged portion of the call provides:

OPERATOR: Is he – is he breathing?

[1] The State makes much of the fact that Yaminah Karaun Stokes and Stokes were unsuccessful in their attempt to establish that they were married and invoke the spousal privilege at trial. There is no issue before us with respect to their marital status and we shall not address it.

UNIDENTIFIED SPEAKER 1: Yeah. He breathing. I don't know if he was walking.

UNIDENTIFIED SPEAKER 2: No. He got out of the car.

UNIDENTIFIED SPEAKER 1: He was pushed out the car?

UNIDENTIFIED SPEAKER 2: Yeah. He – he looked like he stumbled out of that car.

OPERATOR: Okay. Sir, so you did see the vehicle?

UNIDENTIFIED SPEAKER 2: The vehicle looked to be a blue 300 Chrysler.

CALLER: Yes. (Indiscernible).

OPERATOR: Okay. The car's a 300? What direction were they going?

UNIDENTIFIED SPEAKER 2: He went up Plaza Drive towards the 7-11.

OPERATOR: Down towards the 7-11?

UNIDENTIFIED SPEAKER 2: Right.

CALLER: Silver Hill.

UNIDENTIFIED SPEAKER 2: Towards Silver Hill Road.

OPERATOR: Towards Silver Hill?

UNIDENTIFIED SPEAKER 2: Right.

OPERATOR: Did you see the driver or anyone inside the vehicle?

UNIDENTIFIED SPEAKER 2: No, no. I didn't see the driver.

At trial, the State argued that the statements of the unidentified speakers were not testimonial and were admissible under the exception to the rule against hearsay for present sense impressions. The State argued that the callers were experiencing an ongoing emergency, describing events that had just taken place, and were calling to obtain medical assistance for the victim and possibly to apprehend a dangerous person who might have a weapon. The trial court agreed and found that the statements were admissible under "a multitude of hearsay exceptions," including the present sense exception and the excited utterance exception. The trial court noted that Autry was "clearly distraught" and "breathing heavy," that "[y]ou could hear in her voice she was panicked and not really sure what to do, calling for help and seeking guidance." The trial court also noted that Autry's neighbors were "heard in the background yelling what happened[,]" that "[i]t was clearly a chaotic situation[,]" and that the "gist of it is they were seeking help." After discussing some Maryland cases, the trial judge stated:

> The other case is *Head v. State*, 171 Md. App. 642 [2006,] I do think the primary purpose of the interrogation was to enable the police, the 911, which is the equivalent in this case, to meet the ongoing emergency. They found that the crime scene was chaotic. I think it was at this point, the police were not there at that point, the only people there were the neighbors who were there calling for help. The 911 officer wanted to know whether the attacker was still in the area, an ongoing emergency, and that the victim was crying for help, which also indicates that it was an ongoing emergency.
>
> *Langley* [*v. State*, 421 Md. 560 (2011),] is closer than the two cases I'm citing. I do think it is non-testimonial. I do think it is a hearsay exception. I find that it is a cry for help. The people – I think the farthest thing from these peoples' mind is to think that they would appear in court on a later day.

> It was an ongoing emergency. It wasn't the functional equivalent of any long police interrogation or testimony. It was a couple of brief questions and yelling.
>
> Your objection is to the part about the car. I'm allowing that over the objection of the defense. You are not complaining about the part before the car is mentioned, are you?
>
> **DEFENSE COUNSEL:** No.
>
> **THE COURT:** Okay. I will let it in over your objection.

Stokes argues that the statements made by the two unidentified speakers should have been excluded because they were inadmissible hearsay precluded by the Confrontation Clause of the Sixth Amendment[2] and Article 21 of the Maryland Declaration of Rights.[3] Specifically, he points to Unidentified Speaker 2's statements that "the vehicle looked to be a blue 300 Chrysler," that the victim "looked like he stumbled out of that car," and that the car "went up … towards … Silver Hill Road." Stokes asserts that because the evidence played a significant role in the State's circumstantial case against him, reversal is required. On that point, he directs our attention to the following portions of the State's closing argument and rebuttal closing argument:

> That is a Chrysler 300 that the decedent, Nathan Slye, gets into on March 3, 2017.
>
> It is a Chrysler 300 that these witnesses, these witnesses who don't know anybody who are in their neighborhood

[2] The Sixth Amendment, applicable to the states through the Fourteenth Amendment, guarantees that, in "all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him[.]" U.S. Const. Amend. VI.

[3] Article 21 of the Maryland Declaration of Rights provides, in relevant part, that "in all criminal prosecutions, every man hath a right . . . to be confronted with the witnesses against him[.]" Md. Const. Decl. of Rts. art. 21.

minding their own business and hear the sound. They don't even know who Mr. Slye is.

These witnesses in that moment of panic say they see a Chrysler 300. They say – one of the neighbors mentions he sees the decedent actually stumble out of the car and sees a Chrysler 300 fleeing the scene.

* * *

We see that they get into the car together, and six minutes later, to be exact, six minutes and 30 seconds later you all hear a 911 call that goes out. You heard the dispatcher say 12:20, 911.

* * *

You hear multiple callers calling in giving, essentially, the same account, just from a different perspective. You can tell that there is a chaos and pandemonium going on because at 12:20 in the afternoon there is a dead body laying on Ms. Autry's front lawn. All of these people see a Chrysler 300 speeding away.

* * *

They want you to believe that our theory is because the defendant was the last person seen with the victim that that is why we believe that the defendant is guilty.

No, we believe that the defendant is guilty because we know in the period of time, and you all know in the period of time from which it would have taken that car to travel to that address, two to three people say they saw this person stumbling, this victim stumbling out of this Chrysler 300M.

* * *

The victim was shot one time. This wasn't a massacre. He was shot one time. From what we heard witnesses say on the scene, he stumbled out of the car, pushed out of the car.

We are not persuaded by Stokes' argument.

Hearsay Exceptions

"'Hearsay' is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." MD. RULE 5-801(c). "Except as otherwise provided by [the Maryland Rules] or permitted by applicable constitutional provisions or statutes, hearsay is not admissible." MD. RULE 5- 802. Although we ordinarily apply the abuse of discretion standard when reviewing evidentiary rulings, whether "evidence is hearsay is an issue of law reviewed *de novo*." *Bernadyn v. State*, 390 Md. 1, 8 (2005). The "factual findings underpinning this legal conclusion," however, "necessitate a more deferential standard of review." *Gordon v. State*, 431 Md. 527, 538 (2013). Thus, any factual findings will not be "disturbed absent clear error." *Id*.

The only statements that were of any evidentiary significance were Unidentified Speaker 2's statements that the victim stumbled out of a blue Chrysler 300 that drove away on Plaza Drive in the direction of a 7-Eleven store and Silver Hill Road. Those statements were properly admitted in evidence as present sense impressions. Maryland Rule 5- 803(b)(1) defines a present sense impression as a "statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter." In *Booth v. State*, the Court of Appeals explained the spontaneity requirement of the present sense exception as follows:

> Although statements offered under this exception will usually be those made at the time an event is being perceived, we recognize that precise contemporaneity is not always possible, and at times there may be a slight delay in converting observations into speech. However, because the presumed

> reliability of a statement of present sense impression flows from the fact of spontaneity, the time interval between observation and utterance must be very short. The appropriate inquiry is whether, considering the surrounding circumstances, sufficient time elapsed to have permitted reflective thought.

306 Md. 313, 324 (1986). The Court also explained that "[a]lthough the declarant need not have been a participant in the perceived event, it is clear that the declarant must speak from personal knowledge, *i.e*., the declarant's own sensory perceptions." *Id*. at 324-25.

The evidence presented at trial established that the shooting occurred at around 12:20 p.m. Autry's call to 911 occurred at 12:20 p.m. and just minutes into that call, Unidentified Speaker 2 made statements that he had seen the victim stumble out of a blue Chrysler 300 that drove away on Plaza Drive toward Silver Hill Road. The statements of Unidentified Speaker 2 were made very shortly after observing the events, while the victim was still lying on the ground, and witnesses were attempting to secure assistance for him. This evidence supports a finding that the statements were sufficiently close in time to the event to satisfy the requirements of the present sense exception. Moreover, as the State points out, the statements were accompanied by "special corroborative circumstances." *Booth*, 306 Md. at 324. They were calls to 911 for the purpose of securing assistance for the victim, there was a contemporaneous 911 call reporting the same incident, and Autry testified that she witnessed a "silver-ish blue" colored car speeding away from the scene. Therefore, we hold that the statements of the unidentified speaker, though hearsay, were properly admitted under the present sense impression exception.[4]

[4] The statements were also admissible pursuant to the excited utterance exception to the rule against hearsay. An excited utterance is defined as a "statement relating to a

Confrontation Clause

Stokes argues that the admission of the statements made by the unidentified speaker violated his rights under the Confrontation Clause of the Sixth Amendment and Article 21 of the Maryland Declaration of Rights because the statements were testimonial in nature. He maintains that the purpose of the statements was not to request assistance as part of an ongoing emergency, but to provide details regarding a crime that had already taken place and information to assist the police in apprehending the suspect, and for use at the shooter's eventual trial. We disagree.

Whether the admission of a statement is proper under the Confrontation Clause is a question of law that we review *de novo*. *Langley v. State*, 421 Md. 560, 567 (2011). Although Stokes references both the Sixth Amendment of the United States Constitution and Article 21 of the Maryland Declaration of Rights, he made no argument that the reach of Article 21 was different than that of the federal constitution. We, therefore, will consider his contention as a federal constitutional issue only. *See generally Taylor v. State*, 226 Md. App. 317, 333 (2016) (interpreting Article 21 of the Maryland Declaration of Rights as "generally provid[ing] the same protection to defendants" as its federal counterpart).

startling event or condition made while the declarant was under the stress or excitement caused by the event or condition." MD. RULE 5-803(b)(2). The evidence at trial established that the time between the events witnessed by Unidentified Speaker 2 and his statements recorded on the 911 call was very brief. Unidentified Speaker 2 witnessed a homicide occur and the trial judge found that the situation was "chaotic[.]" Thus, even if the statements were not properly admitted under the hearsay exception for present sense impressions, they would have been admitted properly as excited utterances.

Whether a witness's statement offends the Confrontation Clause depends on if the statement is testimonial or nontestimonial. *See Crawford v. Washington*, 541 U.S. 36, 53-54 (2004); *Derr v. State*, 434 Md. 88, 106 (2013) ("[T]he Confrontation Clause only applies when an out-of-court statement constitutes testimonial hearsay."). Testimonial statements are those made with "the primary purpose of accusing a targeted individual of engaging in criminal conduct" for later use in a criminal prosecution and include "formalized statements such as affidavits, depositions, prior testimony, or confessions." *Derr*, 434 Md. at 111-12; *see also Ohio v. Clark*, 135 S.Ct. 2173, 2183 (2015) (noting that the proper inquiry is whether a statement was given with the "'primary purpose of creating an out-of-court substitute for trial testimony'") (quoting *Michigan v. Bryant*, 562 U.S. 344, 358 (2011)). In contrast, statements made to a police officer are nontestimonial when the officer's primary purpose for the interrogation is to assist and resolve an ongoing emergency. *See Langley*, 421 Md. at 571. Whether an emergency exists is a "'highly context-dependent inquiry.'" *Id*. at 575 (quoting *Bryant*, 562 U.S. at 363). In *Bryant*, the Supreme Court explained:

> The existence of an ongoing emergency is relevant to determining the primary purpose of the interrogation because an emergency focuses the participants on something other than 'prov[ing] past events potentially relevant to later criminal prosecution.' Rather, it focuses them on 'end[ing] a threatening situation.'

Bryant, 562 U.S. at 361 (citing *Davis v. Washington*, 547 U.S. 813, 822, 832 (2006)). Further, "when a court must determine whether the Confrontation Clause bars the admission of a statement at trial, it should determine the 'primary purpose of the

interrogation' by objectively evaluating the statements and actions of the parties to the encounter, in light of the circumstances in which the interrogation occurs." *Id*. at 370. The mere absence of an ongoing emergency, however, is not dispositive "of the testimonial inquiry." *Langley*, 421 Md. at 578 (citing *Bryant*, 562 U.S. at 374). In *Lucas v. State*, 407 Md. 307 (2009), the Court of Appeals identified a number of factors a court must consider when analyzing the primary purpose of an interrogation, including:

> (1) the timing of the statements, *i.e.*, whether the declarant was speaking about actually happening or past events; (2) whether the "reasonable listener would recognize that [the declarant] . . . was facing an ongoing emergency"; (3) the nature of what was asked and answered, *i.e.*, whether the statements were necessary to resolve the present emergency or simply to learn what had happened in the past; and (4) the interview's level of formality.

407 Md. at 323 (citing *Davis*, 547 U.S. at 827). To assess the formality of the interrogation, we look to several other factors, such as "the interview's location; whether the declarant was actively separated from the defendant; whether "the officer receiv[ed] [the declarant's] replies for use in his investigat[ion]; and whether the statements "deliberately recounted, in response to police questioning, how potentially criminal past events began and progressed." *Id*. (citing *Davis*, 547 U.S. at 830).

Reviewing the facts of the case at hand, we conclude that the statements of the unidentified speakers were nontestimonial because their primary purpose was to resolve the ongoing emergency relating to the presence of a gunshot victim on the lawn outside Autry's house and not to collect testimonial evidence against Stokes. This case is similar to *Langley*—where the caller told a 911 operator that "a shooting had 'just occurred'" and

provided identifying information about the fleeing gunman to the dispatcher—and the Court, holding that the primary purpose of the call was to communicate an ongoing emergency, explained that:

> all that matters for purposes of the 'ongoing emergency' analysis is that the caller in the present case was reporting a shooting that was 'just happening,' and that the shooter was fleeing, thus remaining potentially a threat to responding authorities and the public at large.

Id. at 577-78.

Here, the primary purpose of the 911 call was to alert the police that a shooting had just occurred and to request medical assistance for the victim, who was severely injured. The concern of the unidentified callers was to request assistance, not to create evidence for use in a future trial. Thus, we conclude that the trial court properly determined that the statements on the 911 recording were nontestimonial, and therefore, by admitting them, the trial court did not violate Stokes' right to confront the witnesses against him.[5]

[5] Even if it was error to admit the challenged statements from the 911 call, we would conclude that such error was harmless beyond a reasonable doubt. An error is harmless when "a reviewing court, upon its own independent review of the record, is able to declare a belief, beyond a reasonable doubt, that the error in no way influenced the verdict[.]" *Dorsey v. State*, 276 Md. 638, 659 (1976)). The only significant information provided by the unidentified caller was the make and model of the car that drove away from the scene. The surveillance video from the barber shop showed Stokes and Slye together just moments before the shooting. It also showed appellant getting into the driver's seat of a light-colored Chrysler, Slye getting into the passenger side of the vehicle, and the vehicle departing the barber shop parking lot at 12:13.29 p.m. Approximately six and a half minutes later, Autry heard the "loud sound" outside her house, found Slye on her lawn, bleeding, and called 911. Moreover, other evidence established that Stokes drove a light-colored Chrysler 300 around the time of the murder and that the registration and license plates for that vehicle were found in his new vehicle on March 15, 2017. The timeline established by the other evidence at trial convinces us that the admission of the statements from the 911 call in no way influenced the verdict and were harmless beyond a reasonable doubt.

II.

Stokes argues that the trial court improperly restricted his cross-examination of the victim's wife, Nickole Davis-Slye, and in doing so, improperly excluded evidence that would have bolstered his argument that the victim was shot and killed by someone else. At trial, just prior to Davis-Slye's cross-examination, defense counsel advised the trial court that it intended to question her about whether she recalled her husband being assaulted in January 2017, whether she was in the vehicle with her husband on February 14, 2017[6] when someone shot at their car, and whether her husband sold drugs. The State objected on the ground that those incidents were unrelated to the shooting at issue, they were "completely irrelevant and confusing for the jury," that it could have been Stokes who shot at Slye's car, whether Slye sold drugs was prejudicial, and the proposed inquiries confused the issues and were too prejudicial.

The trial court permitted the defense to cross-examine Davis-Slye about whether Slye sold drugs. When asked if defense counsel could proffer any connection between the other incidents and the shooting at issue, defense counsel stated:

> We are arguing that other people may have had a motive to kill Mr. Slye, someone other than my client, given that this was an incident that occurred where he was shot and killed. If he was a person who was previously attacked and assaulted and went to the hospital, as well as someone shot at a vehicle that he was traveling in prior to March the 3rd, within the same time range, a two-month range, that is argument for the defense of someone else taking attempts on his life.

[6] Defense counsel initially proffered that the shooting incident occurred in January 2017, and the assault occurred on February 14, 2017, but later indicated that the assault occurred in January and the shooting occurred in February.

The trial court denied defense counsel's request to question Davis-Slye about the two events that occurred in January and February 2017, stating:

> It is prejudicial. If you go there then the State can bring up other stuff about what they did to show what happened. To show that he is unpopular, basically, or maybe ticked people off.
>
> I think it can confuse the jury. There is not a link between the two. It doesn't rule out this gentleman. I will deny your request to go there, but you can go into the drugs. I think that is fair. It is preserved. If I'm wrong – I just don't see the connection.

Standard of Review

Relevant evidence is "evidence having any tendency 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." MD. RULE 5-401. Pursuant to Md. Rule 5-402, "all relevant evidence is admissible [and] [e]vidence that is not relevant is not admissible." Relevant evidence, however, "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by consideration of undue delay, waste of time, or needless presentation of cumulative evidence." MD. RULE 5-403.

To establish the evidentiary relevance of crimes committed by another, a defendant "must show that 'the proffered evidence exculpates the defendant or gives credence to the theory that someone else other than the defendant committed the crime.'" *Allen v. State*, 440 Md. 643, 665 n.16 (2014) (citing *Moore v. State*, 154 Md. App. 578, 603-04 (2004), *aff'd*, 390 Md. 343 (2005)). If relevant, the proffered evidence must also pass the balancing

test set forth in Md. Rule 5-403. An accused "may introduce any legal evidence tending to prove that another person may have committed the crime with which the defendant is charged," but, such evidence "may be excluded where it does not sufficiently connect the other person to the crime, as, for example, where the evidence is speculative or remote, or does not tend to prove or disprove a material fact in issue at the defendant's trial." *Holmes v. South Carolina*, 547 U.S. 319, 327 (2006) (quoting 40A Am. Jur.2d, Homicide § 286, pp. 136-38 (1999)); *see also Taneja v. State*, 231 Md. App. 1, 11 (2016) ("'[A]n item of evidence can be relevant only when, through proper analysis and reasoning, it is related logically to a matter at issue in the case, *i.e.*, one that is *properly provable* in the case.'"). We review a trial court's conclusion as to whether evidence is relevant without deference. *Sweeney v. State*, 242 Md. App. 160, 183 (2019). We review a trial court's determination as to whether evidence is inadmissible under Maryland Rule 5-403 for abuse of discretion. *State v. Simms*, 420 Md. 705, 725 (2011).

Excluded Evidence

In *Taneja v. State*, we addressed a similar issue. In that case, the defendant sought to introduce evidence to insinuate that his wife's son had committed the murder for which he had been charged by questioning the son about:

> the replevin lawsuit he brought against [the victim] in 2010, a statement he made about her around that time that "someone should kill that b[itch]"; living in the area where [the victim] was murdered; being familiar with weapons; selling Taneja's Germantown home after he was given power of attorney following Taneja's arrest; and a statement he made to Taneja in late 2011 or early 2012 that Taneja should go to a shooting range.

Taneja, 231 Md. App. at 18. The trial judge excluded the proffered testimony on the ground that it would not "make more probative the defense in this case, that [Taneja] was not directly involved in" the criminal activity for which he was being prosecuted. *Id*. at 16-17. In affirming the decision of the trial court, we noted that "[a]lthough the right of a defendant in a criminal trial to present witnesses in his defense is a critical right, it is not absolute." *Id*. at 10 (citing *Taylor v. Illinois*, 484 U.S. 400, 407-10 (1988)). A defendant may be excluded from propounding evidence "'if it merely cast[s] a bare suspicion upon another or raise[s] a conjectural inference as to the commission of the crime by another.'" *Id*. at 12 (quoting *Holmes*, 547 U.S. at 323-24). We agreed that the testimony proffered by Taneja "would have been, at best, only tangentially relevant and had a high probability of confusing, distracting, and misleading the jury." *Id*. at 18. We concluded that the evidence Taneja sought to introduce was "disconnected and remote" with "no other effect than to raise the barest of suspicion" that Taneja's stepson might have murdered the victim. *Id*.

We reach the same conclusion in this case. Defense counsel did not point to any person by name, or even in the abstract, who had a motive to harm Slye. There was no evidence as to why Slye had been assaulted or shot in January and February 2017 or to identify in any way the person or persons who perpetrated those crimes. Stokes' proffer was merely speculation that "other people may have had a motive to kill" Slye. For this reason, the trial court properly noted that exploration of the January and February 2017 incidents would confuse the jury. The trial judge's decision to deny Stokes' request to question Davis-Slye about the assault and the shooting was based on a sound use of the trial court's discretion.

JUDGMENTS OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.