

Circuit Court for Dorchester County
Case No. 09-K-16-16146

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 5

September Term, 2017

ALPRENTICE WILLIAMS

v.

STATE OF MARYLAND

Woodward, C.J.,
Friedman,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 7, 2017

*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.

Following a jury trial in the Circuit Court for Dorchester County, Alprentice Williams, appellant, was convicted of second-degree assault. Williams’s sole claim on appeal is that the trial court abused its discretion in permitting him to be impeached with a prior conviction for possession with intent to distribute narcotics. For the reasons that follow, we affirm.

Maryland Rule 5-609 “creates a three part test for determining whether a conviction is admissible for impeachment purposes.” *Jackson v. State*, 340 Md. 705, 712 (1995). For a prior conviction to be admissible: (1) it “must fall within the eligible universe,” that is, it must be either an “infamous” crime, or it must be a crime “relevant to the witness’s credibility;” (2) “the proponent must establish that the conviction is less than fifteen years old;” and (3) “the trial court must weigh the probative value of the impeaching evidence against the danger of unfair prejudice to the defendant” and determine that the former outweighs the latter. *Id.* at 7120-13 (citations omitted). Williams concedes that his prior conviction for possession with intent to distribute falls within the “eligible universe” of impeachable crimes because it was relevant to his credibility. *See State v. Woodland*, 337 Md. 519, 524 (1995). Moreover, the conviction occurred in 2004, approximately thirteen years before trial, so it was not excluded by the fifteen-year time limit. Therefore, the sole issue before this Court is whether the probative value of his conviction was outweighed by the danger of unfair prejudice.

In *Jackson*, the Court of Appeals set forth factors to consider “in weighing the probative value of a past conviction against [its] prejudicial effect.” These factors include: “(1) the impeachment value of the prior crime; (2) the point in time of the conviction and

the defendant’s subsequent history; (3) the similarity between the past crime and the charged crime; (4) the importance of the defendant’s testimony; and (5) the centrality of the defendant’s credibility.” *Id.* at 717. Balancing these factors is a matter within the trial court’s discretion. *Cure v. State*, 195 Md. App. 557, 576 (2010). “When the trial court exercises its discretion in these matters, we will give great deference to the court’s opinion,” and we “will not disturb that discretion unless it is clearly abused.” *Jackson*, 340 Md. at 719 (internal citations omitted).

Williams claims that his conviction had little probative value because it was thirteen-years old. However, it was still significant for impeachment purposes, in part because “a narcotics trafficker lives a life of secrecy and dissembling in the course of that activity, being prepared to say whatever is required by the demands of the moment, whether the truth or a lie.” *State v. Giddens*, 335 Md. 205, 217 (1994) (citation and quotation marks omitted) (holding that a prior conviction for cocaine distribution was admissible for impeachment purposes). Moreover, Williams’s testimony and his attendant credibility were central to his defense, because he was the only witness who could have contradicted the victim’s testimony. Finally, there are no similarities between the two crimes – possession with intent to distribute and second-degree assault – which alleviated some of the danger of unfair prejudice faced by Williams. *See Jackson*, 340 Md. at 716 (The risk of prejudice inherent in Md. Rule 5–609 is “particularly great where the crime for which the defendant is on trial is identical or similar to the crime of which

he has previously been convicted.”). Consequently, we hold that the trial court did not abuse its discretion in admitting evidence of Williams’s prior conviction.

**JUDGMENT OF THE CIRCUIT
COURT FOR DORCHESTER
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**