

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 0069

September Term, 2024

DOMINIQUE COLLINS

v.

STATE OF MARYLAND

Nazarian,
Ripken,
Kenney, James A., III,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Ripken, J.

Filed: November 7, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Dominique Collins (“Appellant”) was tried before a jury in the Circuit Court for Baltimore City on a variety of charges arising out of a traffic incident. She was convicted of a single count of fleeing and eluding on foot. Thereafter she was sentenced to six months of incarceration, with all but time served suspended; a \$400.00 fine; and nine months of supervised probation. Appellant noted a timely appeal, and presents the following issue for our review:¹

Whether the trial court erred in determining that the body worn camera footage depicting Sgt. Queen’s post-arrest conduct was irrelevant.

For the reasons that follow, we shall affirm the judgment of the trial court.

FACTUAL AND PROCEDURAL BACKGROUND

In October of 2023, Appellant, a long-term resident of the Pimlico neighborhood in Baltimore City, was driving a vehicle. With her in the car were her husband Adepoju Oney (“Oney”) and their two teenage sons. They encountered Sergeant Antonio Queen (“Sgt. Queen”), an officer with the Baltimore Police Department. According to the arrest report, Sgt. Queen and Lieutenant Jerre Frazier (“Lt. Frazier”) were patrolling a street that had been temporarily converted to one-way access due to a city tailgate event. During that patrol, the officers encountered Appellant driving the incorrect way on the street. Sgt. Queen indicated that he advised Appellant to turn the vehicle around and drive the other direction; however, Appellant did not turn around, instead turning to drive through an alley

¹ Rephrased from:

Did the trial court err when it refused to permit Ms. Collins to introduce into evidence the part of Sergeant Queen’s body-worn camera footage which depicted what happened after Ms. Collins was arrested?

onto a different street. Sgt. Queen explained that in making this turn, Appellant drove her vehicle towards him and struck his lower body, and then fled from him by car and later fled on foot. Sgt. Queen noted that Appellant's husband and her two children were in the vehicle during these events; he further noted that the vehicle was subsequently towed. Sgt. Queen placed Appellant under arrest, charging her by way of a statement of charges with second-degree assault and reckless endangerment. He additionally issued citations to Appellant for failure to obey a traffic device, attempt to elude police by vehicle, and attempt to elude police on foot.

The matter proceeded to a two-day trial held before a jury. The State called Sgt. Queen as its sole witness. Sgt. Queen testified that on the day in question, there was a tailgate festival being hosted at the Pimlico Race Course in Baltimore City. He further testified that he had been assigned to patrol the outer perimeter of the event, which included Rogers Avenue. Sgt. Queen indicated that although Rogers Avenue was ordinarily a two-way street, it was temporarily converted to a one-way street to allow for traffic to "flow[] outward from the tailgate." Sgt. Queen indicated that he observed a Lincoln Navigator, which he described as an SUV, driving down Rogers Avenue in what was at that time the wrong way. He indicated that the vehicle stopped, and that Appellant got out to speak with him, informing him that she lived in the neighborhood. He testified that Appellant did not turn her car around as per his direction, instead turning and driving through an alley and proceeding onto Northern Parkway. Sgt. Queen testified that during the process of

Appellant driving through the alley, her vehicle struck the lower part of his legs.² He explained that he and Lt. Frazier then pursued Appellant by vehicle, eventually activating their lights and sirens and pulling up next to Appellant at the intersection of Northern Parkway and Rogers Avenue. Sgt. Queen further testified that he then instructed Appellant to exit the vehicle, and that she “jump[ed] out and attempt[ed] to flee on foot,” and hence he was not able to immediately apprehend Appellant.

During the direct examination of Sgt. Queen, the footage from his body worn camera was admitted as an exhibit and played for the jury. The video showed Appellant’s vehicle stopped prior to a “do not enter sign.” After Sgt. Queen and Lt. Frazier informed Appellant and Oney that the street was one-way at that location, and she was directed to turn her vehicle around, Appellant and Oney re-entered the vehicle. They then exited the vehicle again, attempting to explain that they lived in the neighborhood and that other cars had previously driven the same way that they did. The video displayed Sgt. Queen verbally engaging with Oney in a heated discussion. When Oney suggested that Sgt. Queen ought not talk to citizens in that manner, Sgt. Queen stated, “I can talk to you however I want.” As Oney entered the vehicle, Sgt. Queen stated, “You’re not scaring me, bro.”

The video displayed another vehicle approaching from the same direction from which Appellant had approached; the occupant of that vehicle was unaware of the event in

² During cross examination of Sgt. Queen, Appellant’s counsel played footage from Lt. Frazier’s body worn camera, which was admitted as an exhibit. The footage from Lt. Frazier’s body worn camera demonstrated that Appellant’s vehicle did not strike Sgt. Queen’s legs. After watching Lt. Frazier’s body worn camera footage, Sgt. Queen acknowledged that Appellant’s vehicle did not strike him in the legs, and that his legs connected with her vehicle after he opened her car door.

the area and was also instructed to make a U-turn to drive the other way. While the other vehicle began making the U-turn, a vehicle from the City of Baltimore approached from the opposite direction and the driver stopped to speak with Lt. Frazier and Sgt. Queen. When Sgt. Queen asked the driver if someone from his team was posted at any earlier location in the road, the driver in the City of Baltimore vehicle indicated that there was not anyone posted earlier in the road.

In the meantime, the vehicle that had been blocking Appellant from behind completed the U-turn and parallel parked on the opposite side of the road. As that driver completed the parallel maneuver, Oney exited Appellant's vehicle and walked toward a driveway or alley connected to a nearby business. Sgt. Queen then stated, "Imma write her a ticket." However, he did not write Appellant a ticket, instead approaching her window and asking if she was going to turn around. Oney re-entered the vehicle, and Sgt. Queen gestured to Appellant to turn the vehicle around. Appellant backed up and instead of making a U-turn in the middle of the street as requested by Sgt. Queen, began to turn right into the alley or driveway adjacent to a store. Sgt. Queen then approached the vehicle and stated, "You're not cutting through here! Go back that way!" He then placed his hands on the hood of Appellant's car and pushed against it in an effort to stop her from driving forward. Appellant made a startled exclamation and accelerated. Sgt. Queen opened the door to Appellant's vehicle while the vehicle was in motion. Appellant continued driving away.

Sgt. Queen exclaimed, "Oh, hell no" and entered the police car and indicated that he intended to arrest Appellant. He and Lt. Frazier then pursued Appellant's vehicle. The

officers activated their lights and sirens approximately ten seconds prior to stopping Appellant and exiting the police vehicle. Once the vehicle was stopped, Sgt. Queen continued to repeat the command “stop the car” to Appellant. Appellant exited the vehicle and approached Sgt. Queen, informing him that the car was already stopped. Sgt. Queen told her to sit down, and when Appellant stated that she did not have to sit down, Sgt. Queen moved towards her with handcuffs. When Sgt. Queen attempted to place Appellant in handcuffs, she jerked her arm away and sidestepped him, and then ran towards the rear of the vehicle. She continued running past the vehicle until Sgt. Queen reached her and was able to grab her shirt. After a short interaction, Appellant was placed on the ground.³ Sgt. Queen informed Appellant that she was under arrest. Appellant verbally responded “no” to requests by Sgt. Queen that she place her hands behind her back, instead placing her hands under her body. The video recording continued for several minutes thereafter until Appellant was placed in handcuffs and placed in a sitting position. During this time, the video also showed Appellant asking Oney and their children to return to the vehicle, and asking passersby not to leave and to continue filming.

During cross-examination, Appellant’s counsel inquired of Sgt. Queen regarding his demeanor on the day of the incident. When asked to explain his comment that Oney did not scare him, Sgt. Queen responded that the video did not pick up what Oney was saying,

³ During her cross examination, Appellant testified that she voluntarily laid on the ground. It is unclear from the body worn camera footage whether Appellant placed herself on the ground or whether Sgt. Queen placed her on the ground; however, immediately prior to Appellant being placed on the ground, she stated to Sgt. Queen to “get your hands off of me.”

and that “[f]or every action there is a reaction.” When asked about his increased volume in the video, Sgt. Queen indicated that he believed Appellant and Oney escalated the situation. Counsel also asked Sgt. Queen about ripping Appellant’s shirt, and he responded that he did not recall ripping her shirt; however, if the shirt did rip, Sgt. Queen asserted that was caused by Appellant pulling away.⁴ Appellant’s counsel attempted to ask Sgt. Queen questions regarding his behavior at the end of the encounter; however, the court sustained an objection from the State and an extensive discussion regarding Sgt. Queen’s body worn camera footage ensued.

Appellant’s counsel indicated that he wanted to inquire of Sgt. Queen information regarding towing Appellant’s car and pushing her son, events which he proffered were on body worn camera footage which had not yet been played for the jury.⁵ The State indicated that testimony concerning these events should not be permitted because the State contended that “[e]verything that is in the video after the arrest is not relevant for this proceeding[.]” Appellant responded that the post-arrest events were relevant because they demonstrated Sgt. Queen’s “aggressive nature,” his “anger” and the “power trip” he was on, which formed the basis for Appellant’s defense. The court ruled that anything that occurred post-arrest was irrelevant. When Appellant’s counsel inquired whether he could elicit

⁴ The video depicted Appellant standing with her shirt intact when she exited her vehicle for the last time, and then with her shirt ripped after she was placed on the ground.

⁵ State’s Exhibit 1—which contained the excerpts of Sgt. Queen’s body worn camera offered by the State—had already been admitted into evidence without objection and played for the jury. This version of the footage concluded after Appellant had been placed in handcuffs. Counsel possessed a copy of the complete body worn camera footage that included the events following the arrest which he indicated he wanted to play for the jury.

information from Sgt. Queen regarding the post-arrest events, the State responded that such information would be irrelevant because they occurred after the arrest. The court indicated that it had ruled that “anything that happened post-arrest is not relevant” and that although arguments regarding that topic were noted and preserved, the court would not hear further argument on the subject.⁶

At the conclusion of Sgt. Queen’s testimony, the State rested. Appellant moved for a judgment of acquittal as to the charges of reckless endangerment, failure to obey a traffic device, and attempt by driver to elude police by vehicle. The court granted the motion on the charges of failure to obey a traffic device and attempt by driver to elude police by vehicle.

Appellant then presented a defense wherein both she and her husband testified. Oney testified that he and Appellant had lived in the neighborhood for over twenty years. When events were held at Pimlico requiring road closures, police officers typically allowed residents of the neighborhood to pass. However, during this encounter, Oney described Sgt. Queen’s behavior as rude, disrespectful, and aggressive. In contrast with other police encounters in the neighborhood over the past twenty years, Oney described the interaction with Sgt. Queen as a “shouting match.”⁷

⁶ Appellant’s counsel also noted an objection to the exclusion of video evidence containing footage of post-arrest evidence based on the rule of completeness.

⁷ Although Appellant’s counsel did not attempt to elicit information from Oney regarding post-arrest events, the court reminded counsel at a bench conference that objections to post-arrest testimony would be sustained.

Appellant also testified that on the day of the incident, she and her family were preparing to do errands and take the children to tennis practice. She explained that she had attempted to speak to Sgt. Queen initially to explain that they lived in the neighborhood. She indicated that she was perturbed, upset, and frustrated by Sgt. Queen’s yelling and aggressive demeanor. Because Sgt. Queen continued to yell, she indicated that she stopped attempting to speak with him and returned to the vehicle. She testified that in her mind, it did not make sense for Sgt. Queen to slam his hands against her vehicle, open her door, or “interact with us at all[.]” Because she had not been instructed to stop and she had not been detained, she continued to drive away. When Sgt. Queen eventually signaled her to pull over once she reached Northern Parkway, Appellant testified that she exited her vehicle to speak with Sgt. Queen and Lt. Frazier because she did not want the officers near her husband or children. She indicated that she had already observed Oney upset due to the interaction with Sgt. Queen, and she wanted to prevent further interactions with Sgt. Queen and her children. She testified that once she had run to the back part of the car, she stopped voluntarily.

After both the State and the defense rested, the case was submitted to the jury. During the jury deliberations, the State entered a *nolle prosequi* as to the charge of reckless endangerment. The jury then reached a verdict, finding Appellant guilty of attempting to elude police officers by fleeing on foot. The jury found Appellant not guilty of second-degree assault.

Following the jury's discharge, the court proceeded to sentencing. The court sentenced Appellant to a term of six months' incarceration, suspending all but time served; a \$400.00 fine; and nine months of supervised probation.⁸

This timely appeal followed.

DISCUSSION

THE CIRCUIT COURT DID NOT ERR IN DETERMINING THAT THE BODY WORN CAMERA FOOTAGE DEPICTING SGT. QUEEN'S POST-ARREST CONDUCT WAS IRRELEVANT.

A. Party Contentions

Appellant contends that the remaining portion of the body worn camera footage was relevant to her defense. She asserts that a theme of her defense was that Sgt. Queen's aggressive behavior contributed to the events of the day in question, which she posits is important because the statute under which she was charged prohibits an attempt to elude, and eluding the police was not her goal. She asserts that her move to the rear of the vehicle was prompted by Sgt. Queen's aggressive behavior and was not an attempt to elude police; rather, she asserts it was an attempt to move out of her family's view and thus shield them from another aggressive interaction. Appellant argues that the footage was therefore relevant because it displayed additional aggressive behavior by Sgt. Queen during the incident in question and made an element of the crime she was charged with less likely. Appellant asserts that because the remainder of the body worn camera footage supported her defense, the court's exclusion of it was not harmless.

⁸ The State noted at the conclusion of the sentencing hearing that Appellant's conviction for attempt to elude on foot was also accompanied by twelve points on her driver's license, which would be revoked.

The State contends that the trial court properly excluded the body worn camera footage because it was not relevant to any issues at trial. The State claims that nothing occurring after Appellant’s arrest would have impacted her decision to run toward the back of her vehicle because the offense was completed at the time of her arrest. Therefore, the State asserts, the remainder of the body worn camera footage was not relevant. The State argues that even if the court erred in excluding the footage, the error was harmless because Sgt. Queen’s demeanor leading up to the arrest was displayed to the jury; therefore, Appellant was still able to present the same argument, and there was “not a reasonable probability that footage from after her arrest would have changed the jury’s verdict.”

B. Standard of Review

“The determination of whether an item of evidence is legally relevant under Md. Rule 5-401—i.e., whether the evidence has ‘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’”—is subject to *de novo* review. *Wallace-Bey v. State*, 234 Md. App. 501, 548 (2017) (quoting Md. Rule 5-401). *See also State v. Simms*, 420 Md. 705, 725 (2011) (“The de novo standard of review is applicable to the trial judge’s conclusion of law that the evidence at issue is or is not of consequence in the determination of the action.”) (quoting *Ruffin Hotel Corp. of Md. v. Gasper*, 418 Md. 594, 619 (2011)) (internal alterations and further citation omitted). Trial courts do not have discretion to admit irrelevant evidence. *Id.* at 724–25.

C. Analysis

Evidence is relevant if it has “any tendency to make 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. The threshold for evidence to have “any tendency” to make a fact of consequence more probable or less probable “is a very low bar to meet.” *Montague v. State*, 471 Md. 657, 674 (2020) (quoting *Williams v. State*, 457 Md. 551, 564 (2018)). In general, unless there is an exception providing to the contrary, “all relevant evidence is admissible.” Md. Rule 5-402. “Evidence that is not relevant is not admissible.” *Id.*

There are two primary characteristics courts examine in establishing relevance of evidence: (1) materiality and (2) probative value. *Smith v. State*, 218 Md. App. 689, 704 (2014) (quoting *Williams v. State*, 342 Md. 724, 737 (1996), *overruled on other grounds*, *Wengert v. State*, 364 Md. 76, 89 n.4 (2001)).

Evidence is material if it tends to establish or to disprove “a proposition that has legal significance to the litigation.” *Jackson v. State*, 87 Md. App. 475, 484 (1991) (quoting *Paige v. Manuzak*, 57 Md. App. 621, 632 (1984)); *see also Williams*, 342 Md. at 736–37 (citing *State v. Joynes*, 314 Md. 113, 119–20 (1988)). Materiality examines “the relation between the propositions for which the evidence is offered and the issues in the case.” *Williams*, 342 Md. at 736–37 (quoting *Joynes*, 314 Md. at 119). A fact is of consequence, or material, if it falls within the range of the litigated controversy; whether the fact is of consequence is therefore primarily determined by the pleadings, charging documents, and the applicable substantive law. *See Jackson*, 87 Md. App. at 484; *see also 1 McCormick on Evid.* § 185.1, at 1206 (9th ed. 2025).

Evidence is material if it establishes facts to which the applicable substantive law assigns legal consequences in the case. Stated differently, evidence is material when a link exists between the factual proposition that the evidence tends to prove and the substantive law. The substantive law sets the periphery of those facts that have legal consequences and are, therefore, material.

Anderson v. Litzenberg, 115 Md. App. 549, 571–72 (1997). In general, evidence is not material, and therefore, not admissible, where “the truth or falsity of the proposition that the evidence is offered to prove has no implications for an element of the claim or offense charged or to a recognized defense.” 1 *McCormick on Evid.* § 185.1 at 1207–08.

The probative value of evidence concerns its tendency to establish the proposition it is offered to prove. *Williams*, 342 Md. at 737 (quoting *Joynes*, 314 Md. at 119). Evidence is probative if it is “related logically” to a material issue in the case, or in other words, if “its admission increases or decreases the probability of the existence of a material fact.” *Snyder v. State*, 361 Md. 580, 591 (2000).⁹ “Probative value relates to the strength of the connection between the evidence and the issue, to the tendency of the evidence ‘to establish the proposition that it is offered to prove.’” *Smith v. State*, 218 Md. App. 689, 704 (2014) (quoting *Williams*, 342 Md. at 737). See *Vitek v. State*, 295 Md. 35, 40 (1982) (holding that evidence that the defendant was indigent at the time of the charged robbery was irrelevant where, despite the prosecution’s attempt to suggest the indigence was a motive, there was no direct link between that status and the crime); see also *Thomas v. State*, 372 Md. 342, 357–58 (2002) (holding that where evidence of defendant’s refusal to give the police a

⁹ We note that a relevance determination “is not made in isolation”; rather, when examining probative value, “the test of relevance is whether, in conjunction with all other relevant evidence” the proffered evidence “tends to make the proposition asserted more or less probable.” *Snyder*, 361 Md. at 592.

blood sample did not bear a connection between the consciousness of guilt evidence and guilt of the murder crime charged, it lacked probative value and was therefore inadmissible).

Here, Appellant was charged with an attempt to elude uniformed police by fleeing on foot. The statute prohibiting such conduct states that “[i]f a police officer gives a visual or audible signal to stop and the police officer is in uniform, prominently displaying the police officer’s badge or other insignia of office, a driver of a vehicle may not attempt to elude the police officer by[. . . fleeing on foot[.]” Md. Code Ann., (1977, 2020 Repl. Vol.), § 21-904(b)(2) of the Transportation Article. Appellant asserts that the excluded evidence of Sgt. Queen’s post-arrest conduct is relevant because it demonstrated his aggressive demeanor on the day of the incident, which she contends was the basis for her running to the rear of the vehicle—to shield her family from the interaction rather than to escape police custody. Thus, Appellant asserts, the evidence was relevant because it had a tendency to reduce the likelihood that her action of running was done for the purpose of eluding the police.

The attempt crime with which Appellant was charged requires the State to demonstrate that Appellant intended to flee police on foot. *See Alston v. State*, 414 Md. 92, 117 (2010) (stating that “[t]he specific intent required to prove an attempt is the intent to commit a particular crime”) (internal citation omitted). Because Appellant’s intent was at issue, evidence demonstrating her intent for running was relevant to determine whether she intended to flee, or, as she asserted, to shield her family from the interaction. Thus, evidence concerning Sgt. Queen’s demeanor and its impact upon Appellant’s intent was

within the “periphery of those facts that have legal consequences” and thus a material issue. *See Anderson*, 115 Md. App. at 571–72. However, Sgt. Queen’s post-arrest conduct was not probative of Appellant’s intent in running; whether Sgt. Queen was aggressive, angry, and “on a power trip” after Appellant ran and was placed under arrest could not have informed Appellant’s intent in any way because it occurred after she ran and was placed under arrest. This evidence was not “related logically” to a material issue in the case—i.e., the intention with which Appellant ran—and its admission therefore could not increase or decrease the probability of the existence of a material fact. *See Snyder*, 361 Md. at 591. The excluded evidence was therefore not probative and was thus irrelevant. *See Williams*, 342 Md. at 737.

Because the excluded evidence was not relevant, it was inadmissible, and the trial court did not err in declining to admit it. *See Simms*, 420 Md. at 724–25.

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