

Circuit Court for Baltimore City
Case No. 122326016

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 0183

September Term, 2024

DAVID BOYD

v.

STATE OF MARYLAND

Shaw,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, Christopher, J.

Filed: December 8, 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).

Following a bench trial in the Circuit Court for Baltimore City, David Boyd was convicted of second-degree assault and acquitted of attempted murder, first-degree assault, reckless endangerment and illegal possession of a firearm. The court sentenced him to serve ten years, with all but three years suspended, followed by three years' probation. He appeals, presenting one question,¹ which we rephrase as:

Did the trial court err by precluding Mr. Boyd from impeaching the victim's credibility through extrinsic evidence?

For the following reasons, we affirm the judgment of the circuit court.

Background

The charges against Mr. Boyd arose from an altercation between him and Kyle Coleman on October 25, 2022, in which Mr. Coleman sustained an injury to his head and an alleged gunshot to his right leg. At the bench trial, the State called Mr. Coleman and Detective Ashjay Bunker with the Baltimore City Police Department. It introduced Mr. Boyd's recorded statement to the police through Detective Bunker. Mr. Boyd did not testify or call any witnesses. The evidence adduced showed the following.

For about six months in early 2022, Mr. Boyd and Mr. Coleman lived in the same house on Kirk Avenue in Northeast Baltimore City along with two other people: Mr.

¹ The question as posed by Mr. Boyd is: "Did the trial court err in refusing to admit evidence of the complaining witness' motive to testify falsely and bias toward Mr. Boyd?"

Boyd’s fiancé and the mother of his child, Tiara Burden, and Tiara Burden’s daughter, Makaya Burden, the woman Mr. Coleman was dating.

In mid-September 2022, after a birthday celebration for Makaya Burden, Mr. Coleman was involved in an altercation with an older man² at the Kirk Avenue house. According to Mr. Coleman, Mr. Boyd became involved in that altercation and choked Mr. Coleman. According to Mr. Boyd, he was not present during the altercation. In any event, after that incident, Mr. Coleman stopped staying at the house and instead slept in his car. He continued to date Makaya Burden.

On October 25, 2022, according to Mr. Coleman, he drove to the Kirk Avenue house to pick up Makaya Burden. When he was on his way there, Makaya Burden texted him to say that she had to go to the store with Tiara Burden but would be back soon. Mr. Coleman parked in front of the house to wait for her to return.

He wanted to talk to Mr. Boyd about the earlier incident to “resolve” and try to “get past it[.]” Mr. Coleman went to the door of the Kirk Avenue house and knocked twice, receiving no answer. While he was on the porch, he had a brief conversation with a neighbor. As Mr. Coleman began returning to his car, he observed Mr. Boyd sitting in his vehicle, which was parked in the driveway.

Mr. Coleman walked over to Mr. Boyd’s car, opened the passenger door, and got inside. The two men discussed the September 2022 incident and argued about it. Then

² Mr. Coleman stated that the man was Tiara Burden’s mother’s boyfriend. In his statement to the police, Mr. Boyd referred to this same man as his uncle.

Mr. Boyd got out of his car and told Mr. Coleman to come inside with him so they could talk. Mr. Coleman followed Mr. Boyd as he walked into the house, but as Mr. Coleman began crossing the threshold of the home, Mr. Boyd slammed the door on Mr. Coleman’s body. Mr. Coleman exclaimed, “Bro, what? . . . Like, what are you doing?” The two men struggled with the door as Mr. Coleman tried to push it open. He observed a gun in Mr. Boyd’s hand, saw him cock the gun, and heard a ringing. Mr. Boyd said, “Yeah, that’s what the f—k I’m talking about.” He then pistol-whipped Mr. Coleman on his forehead. That is when Mr. Coleman came to the conclusion that he’d been shot in his leg.

Mr. Coleman walked to his car and drove away. He explained that he did not call 911 because he was afraid that his car, which had expired tags, would be towed. He first drove to his mother’s house, but she was not home. He then drove to his father’s house in Fells Point, but he also was not at home. When he got out of the car, a woman walking down the street called 911.

Mr. Coleman was transported to the hospital and testified that he remained there for about two months. On October 27, 2022, Detective Banker took Mr. Coleman’s statement, and he identified Mr. Boyd as the person who had shot him and pistol-whipped him.

On cross-examination, defense counsel showed Mr. Coleman a photograph taken of the driver's seat area of his car that included a package labeled “Kratom”³ and asked him whether he consumed that substance. Mr. Coleman acknowledged that he had used kratom, explaining that it was an “organic substance” that “workers” take and “chew on it.” He said it was legal and could be purchased at a “smoke shop.” Defense counsel asked him if it was a stimulant. Mr. Coleman replied that it did not “make you . . . hype,” it “relaxes” you.

Mr. Coleman initially denied that he was wearing a bag on October 25, 2022, but later acknowledged wearing a black, crossbody bag after being shown a photograph of him that day. Defense counsel asked:

³ Maryland's appellate jurisprudence regarding kratom is meager. It consists of footnotes in two unreported opinions. In the absence of a reported opinion, we may cite them. Md. Rule 1-104(a)(2)(B). In *Krewson-Kelly v. Kelly*, No. 2294, Sept. Term, 2024, 2025 WL 2490441, at *1 n.2 (Md. App. Ct. Aug. 29, 2025), the panel stated:

Kratom is derived from a tropical tree in the coffee family native to Southeast Asia. It can have both stimulant effects and sedative effects, depending upon the individual and the dose. It is not a controlled or regulated substance. It is not considered a typical opioid based on its chemical structure but does bind to opioid receptors and has been found to relieve pain in some individuals. Research has shown regular users of kratom can develop physical dependence.

In *Davis v. Guo*, No. 2100, Sept. Term, 2022, 2023 WL 4944602, at *7 n.10 (Md. App. Ct. Aug. 3, 2023), the panel explained: “Kratom is a largely unregulated herbal substance with opioid-like and stimulant-like effects[.]”

[DEFENSE COUNSEL]: Okay. And in that bag, there was some [cannabis]. Is that correct?

[MR. COLEMAN]: No, not that I recall.

[DEFENSE COUNSEL]: No?

[MR. COLEMAN]: No.

Mr. Coleman denied having taken Adderall, a stimulant, on October 25, 2022.

Detective Banker is assigned to the Northeast District. He testified that he reviewed body camera footage from an officer who responded to the 911 call in Fells Point. The State played that body camera footage for the court. In it, Mr. Coleman is dressed all in black, including a black face mask; is wearing a black crossbody bag; and has a visible injury to his right leg.

After Mr. Coleman was transported to the hospital, officers from the Northeast District went to the Kirk Avenue house to determine if there was evidence that a shooting had occurred there. Detective Banker was assigned to the case after those officers discovered “blood on the street, in the walkway, and on the porch itself.”

Detective Banker spoke to Tiara and Makaya Burden at the Northeast District station. The police executed a search warrant on the Kirk Avenue home, but did not recover a firearm, any ammunition, or any shell casings. The police also executed a search warrant for Mr. Coleman’s car and did not recover a firearm or any ammunition.

Mr. Boyd was arrested on November 7, 2022, and agreed to speak the police. His recorded statement was admitted into evidence and played for the court. Mr. Boyd

repeatedly denied having assaulted Mr. Coleman, stating that he was the one who was assaulted and that he was “the victim.”

His version of the events of October 25, 2022, was similar to Mr. Coleman’s version, but diverged in significant respects. From his car in the driveway, Mr. Boyd observed Mr. Coleman approach the Kirk Avenue house. Mr. Coleman loudly banged on the front door multiple times. Mr. Coleman then returned to his vehicle, got his crossbody bag out of it, and returned to the porch where he sat down. Mr. Coleman stepped off the porch and walked over to speak to the neighbor. He returned to the porch and sat his black bag down next to the porch chair. Mr. Boyd believed that Mr. Coleman was about to smoke cannabis.

At this point, Mr. Coleman saw Mr. Boyd sitting in his car and walked over to him, getting into the car on the passenger side. Mr. Boyd thought Mr. Coleman was there to apologize to him about the September 2022 incident. Instead, Mr. Coleman started accusing Mr. Boyd of being involved in that earlier incident. Mr. Boyd denied that. Mr. Coleman asked Mr. Boyd if he was “trying to take [Mr. Coleman’s] house away from [him]?” Mr. Boyd responded that Mr. Coleman was “on the Adderall pills.”

Mr. Boyd got out of the car and began walking to the house. Mr. Coleman jumped out and ran up to the porch in front of Mr. Boyd, blocking him from coming up the porch steps. He pointed down the street in the vicinity of several electric scooters and told Mr. Boyd that there were people watching him.

Mr. Boyd tried to enter the house, but when he opened the front door, Mr. Coleman pushed him inside. Mr. Boyd kicked him and Mr. Coleman “went back so hard.” Mr. Boyd heard a bang but he thought it was Mr. Coleman hitting the screen door. He did not see a gun. He stepped onto the front porch and saw a man who had been standing by the scooters running towards the house. Mr. Boyd ran back inside his house, slammed the front door, and then ran through the house and out the back door. He came around the side of the house and by the time he did, Mr. Coleman’s car was gone.

Mr. Boyd believed Mr. Coleman “set up” the whole encounter and came to the house when no one else was home with the intent to assault Mr. Boyd. He did not call the police to report the incident.

After the statement was played, Detective Banker testified that, when he interviewed Mr. Boyd, Mr. Boyd showed the detective a bite mark on his body and a “knot . . . on his forehead.” The only evidence recovered from the crime scene was Mr. Coleman’s cell phone.

On cross-examination, defense counsel showed Detective Banker photographs taken at the Kirk Avenue house by police. Detective Banker agreed that the only blood found at the scene was on the portion of the front walkway near the sidewalk and that none was found on the front porch.

Defense counsel attempted to question Detective Banker about whether any drugs – legal or illegal – were found on Mr. Coleman’s person when he was transported to the hospital:

[DEFENSE COUNSEL]: And you were aware that the EMTs, the medical technicians, paramedics, I should say, found illegal drugs in Mr. Coleman's possession, correct?

[PROSECUTOR]: Objection.

THE COURT: Sustained. Strike the question.

[DEFENSE COUNSEL]: Were legal drugs recovered –

[PROSECUTOR]: Objection.

[DEFENSE COUNSEL]: – in this case?

THE COURT: Sustained.

[DEFENSE COUNSEL]: In your evidence control, in your submission to evidence, you submitted a quantity of illegal drugs. Is that correct?

[PROSECUTOR]: Objection.

THE COURT: Counsel, how is that relevant to these proceedings?

[DEFENSE COUNSEL]: To impeach the testimony of Mr. Coleman. Mr. Coleman told that he did not have any illegal drugs on him during his cross-examination and –

[DEFENSE COUNSEL]: And in the direct, he denied having any illegal drugs on him. He was asked about it. And in fact, when they got to him, he did have illegal drugs on []his person, and they were recovered, and they were submitted to evidence control[] by the police.

THE COURT: Okay, that's way beyond the bounds of cross-examination or impeachment, so objection is sustained. Next, please.

In follow up, defense counsel argued that evidence that Mr. Coleman had illegal drugs on him also was relevant to “corroborate” Mr. Boyd’s statement to the police that Mr. Coleman “came there with a black bag, that he had drugs in it, that he was, you know, up on the porch with that bag of drugs in it[.]” The court reiterated that the objection was sustained.

At the close of all the evidence, the court granted the defense motion for judgment on the charges of wearing, carrying, or transporting a handgun, attempted first-degree murder, and attempted second-degree murder.

In closing, the State argued that Mr. Boyd committed two first-degree assaults against Mr. Coleman: shooting him in the leg and pistol-whipping him in the head. The State maintained that Mr. Coleman’s leg wound could not have been a self-inflicted gunshot wound because the bullet entered below the kneecap.

The defense argued that Mr. Coleman’s version of events was completely incredible and that he had a motive to lie because he blamed Mr. Boyd for causing him to become homeless. The only logical conclusion, in defense counsel’s view, was that Mr. Coleman shot himself. Defense counsel emphasized the lack of any blood on the front porch in the photographs from the Kirk Avenue house, which contradicted Mr. Coleman’s story that he was shot while standing on the front porch. She later argued that he “pulled his gun out of his crossbody. He accidentally shot himself in his right leg.”

The court made the following pertinent findings. It emphasized that it was “making its decision based on the testimony of Mr. Coleman and the [s]tatement of Mr.

Boyd, along with the evidence that has been marked and presented, the various pictures and lack thereof of certain things.” The court was not relying on the opinions of Detective Bunker and the second detective who interviewed Mr. Boyd. The court found “Mr. Coleman to be relatively credible about what happened on [October 25, 2022].” Conversely, the court found Mr. Boyd’s statement to the police to be “fairly incredible concerning this incident.”

The court found that the alleged altercation between Mr. Boyd and Mr. Coleman in September 2022, “was insufficiently connected to any motive to what happened on October 25, 2022” and declined to consider it in making its “final decision on this particular case.”

The court found beyond a reasonable doubt that Mr. Boyd committed a second-degree assault against Mr. Coleman. However, the court was not persuaded beyond a reasonable doubt that Mr. Coleman had been shot or, if he had been shot, Mr. Boyd was the shooter. The court made clear that it was not finding that Mr. Coleman shot himself. Rather, it found that he was “probably shot” but that the lack of evidence documenting Mr. Coleman’s injury or the medical treatment he received made it impossible to determine with sufficient certainty. The court also was not persuaded beyond a reasonable that Mr. Boyd struck Mr. Coleman with a handgun or that he ever possessed a handgun. For those reasons, the court acquitted Mr. Boyd of first-degree assault, the gun charges, and the charge of reckless endangerment.

This timely appeal followed.

The Parties’ Contentions

Mr. Boyd asserts that his conviction should be reversed because the trial court “erred in refusing to admit evidence of [Mr. Coleman’s] motive to testify falsely and bias toward Mr. Boyd.” This is so, says Mr. Boyd, because “defense counsel sought to prove that Mr. Coleman lied about this case to avoid being considered the aggressor[,]” and that Mr. Coleman lied to the police and to the trial court when he told them that he could not recall whether he was in possession of cannabis on the day of the incident and that he had not taken Adderall on that day.⁴ (Emphasis omitted.) Mr. Boyd also asserts that the trial court restricted his ability to cross-examine Detective Banker as to whether Mr. Coleman was in possession of drugs or under the influence of drugs on the night that this altercation with Mr. Boyd occurred.

The State does not agree with any of this.

Analysis

The Standard of Review

In *Koushall v. State*, 479 Md. 124, 147 (2022), the Supreme Court of Maryland explained that:

Maryland Rule 8-131(c) provides the standard for appellate review of bench trials:

⁴ The State points out in its brief that trial counsel did not ask Mr. Coleman whether he had used drugs on the day that his altercation with Mr. Boyd occurred.

When an action has been tried without a jury, the appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the circuit court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the circuit court to judge the credibility of the witnesses.

(Cleaned up.)

The Relevant Maryland Rules

Relevant evidence is generally admissible. Md. Rule 5-402. Evidence is relevant if it 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.” Md. Rule 5-401. Whether evidence is relevant is a conclusion of law that we review *de novo*. *Akers v. State*, 490 Md. 1, 24 (2025).

The credibility of a witness is always relevant. *Devincenz v. State*, 460 Md. 518, 551 (2018) (citing *Smith v. State*, 273 Md. 152, 157 (1974)). “The credibility of a witness may be attacked through questions asked of the witness” under Rule 5-616(a)⁵ or, in

⁵ Md. Rule 5-616 states:

Rule 5-616. Impeachment and rehabilitation — Generally

(a) **Impeachment by inquiry of the witness.** — The credibility of a witness may be attacked through questions asked of the witness, including questions that are directed at:

- (1) Proving under Rule 5-613 that the witness has made statements that are inconsistent with the witness’s present testimony;
- (2) Proving that the facts are not as testified to by the witness;

(Continued...)

- (3) Proving that an opinion expressed by the witness is not held by the witness or is otherwise not worthy of belief;
- (4) Proving that the witness is biased, prejudiced, interested in the outcome of the proceeding, or has a motive to testify falsely;
- (5) Proving lack of personal knowledge or weaknesses in the capacity of the witness to perceive, remember, or communicate; or
- (6) Proving the character of the witness for untruthfulness by (i) establishing prior bad acts as permitted under Rule 5-608(b) or (ii) establishing prior convictions as permitted under Rule 5-609.

(b) Extrinsic impeaching evidence. —

- (1) Extrinsic evidence of prior inconsistent statements may be admitted as provided in Rule 5-613(b).
 - (2) Other extrinsic evidence contradicting a witness's testimony ordinarily may be admitted only on non-collateral matters. In the court's discretion, however, extrinsic evidence may be admitted on collateral matters.
 - (3) Extrinsic evidence of bias, prejudice, interest, or other motive to testify falsely may be admitted whether or not the witness has been examined about the impeaching fact and has failed to admit it.
 - (4) Extrinsic evidence of a witness's lack of personal knowledge or weaknesses in the capacity of the witness to perceive, remember, or communicate may be admitted if the witness has been examined about the impeaching fact and has failed to admit it, or as otherwise required by the interests of justice.
 - (5) Extrinsic evidence of the character of a witness for untruthfulness may be admitted as provided in Rule 5-608.
 - (6) Extrinsic evidence of prior convictions may be admitted as provided by Rule 5-609.
 - (7) Extrinsic evidence may be admitted to show that prior consistent statements offered under subsection (c)(2) of this Rule were not made.
- (c) Rehabilitation. —** A witness whose credibility has been attacked may be rehabilitated by:

(Continued...)

some instances, by extrinsic evidence under the parameters established by Rule 5-616(b). Md. Rule 5-616(a)-(b). “Evidence is ‘extrinsic’ when it is proved through another witness, or by an exhibit not acknowledged or authenticated by the witness sought to be contradicted.” *Anderson v. State*, 220 Md. App. 509, 519 (2014) (cleaned up).

As pertinent to the present case, extrinsic impeaching evidence may be admissible if it contradicts a witness’s testimony on a “non-collateral matter” or, in the court’s discretion, on a collateral matter. Md. Rule 5-616(b)(2). It also may be admitted as “evidence of bias, prejudice, interest, or other motive to testify falsely” regardless of whether the witness was “examined about the impeaching fact and has failed to admit it.” Md. Rule 5-616(b)(3).

Mr. Boyd contends the trial court erred when it precluded defense counsel from impeaching Mr. Coleman’s credibility with extrinsic evidence that illegal drugs were found on him when he was transported to the hospital. Relying upon Rule 5-616(b)(3), he asserts that this evidence was admissible to show Mr. Coleman’s “bias, prejudice,

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- (1) Permitting the witness to deny or explain impeaching facts, except that a witness who has been impeached by prior conviction may not deny guilt of the earlier crime;
 - (2) Except as provided by statute, evidence of the witness’s prior statements that are consistent with the witness’s present testimony, when their having been made detracts from the impeachment;
 - (3) Evidence through other witnesses of the impeached witness’s character for truthfulness, as provided in Rule 5-608(a); or
 - (4) Other evidence that the court finds relevant for the purpose of rehabilitation.

interest, or other motive to testify falsely[.]” (Cleaned up.) He argues that Mr. Coleman had “a clear interest to testify falsely because of [his] bias against [Mr. Boyd]” stemming from the September 2022 incident and his homelessness in the aftermath of that incident. It follows that Mr. Coleman “had an interest in painting himself as a person who did nothing wrong on October 25, 2022[,]” which itself motivated him to deny possessing illegal drugs. It also was evidence that tended to show that Mr. Coleman could have been under the influence of illegal drugs on October 25, 2022, which further corroborated Mr. Boyd’s version of events.

As a threshold matter, the State asserts that Mr. Boyd did not preserve for review his appellate claims that this evidence was relevant to show Mr. Coleman’s motive to testify falsely, to show bias against Mr. Boyd, or to show that Mr. Coleman was under the influence of drugs. We agree. Our review of the record confirms that the only arguments raised by Mr. Boyd in the trial court were that evidence that Mr. Coleman was in possession of illegal drugs was relevant because it directly contradicted his testimony to the contrary and to corroborate Mr. Boyd’s testimony that he believed Mr. Coleman had drugs in his bag. Mr. Boyd’s unpreserved contentions of error are not properly before us for review. *See* Md. Rule 8-131(a) (“Ordinarily, an appellate court will not decide any [non-jurisdictional] issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”).

Even if those arguments were preserved, however, we would hold that the evidence was not admissible under Rule 5-616(b)(3). The bias alleged by Mr. Boyd

related to the September 2022 altercation and Mr. Coleman’s belief that Mr. Boyd caused him to lose his housing. That evidence was squarely before the court through Mr. Coleman’s testimony, as well as Mr. Boyd’s recorded statement to the police. Evidence that Mr. Coleman possessed illegal drugs on October 25, 2022, has no connection to his bias against Mr. Boyd nor does it provide an independent motive for him to testify falsely *about the events of that day and his role in it.*

The Supreme Court of Maryland’s decision in *Devincenz v. State*, which Mr. Boyd relies upon, is not to the contrary. There, the Court held that the circuit court wrongfully precluded the defendant from presenting extrinsic evidence that complaining witness had displayed animus towards the defendant and expressly threatened to get him in trouble because she did not agree with rules imposed by him in the household they then shared. *Devincenz*, 460 Md. at 557-59. That evidence is like the evidence of the prior altercation between Mr. Coleman and Mr. Boyd and not like the evidence that Mr. Coleman was in possession of drugs on a later date.

Turning to the appellate claim that Mr. Boyd did preserve – that evidence that Mr. Coleman possessed illegal drugs on October 25, 2022, directly contradicted his earlier testimony to the contrary – we hold that the trial court did not err by precluding cross-examination of Detective Bunker on that issue for several reasons.

First, in his testimony, Mr. Coleman did not deny that he possessed illegal drugs on October 25, 2022. He only was asked whether he was in possession of cannabis. He testified that he did not *recall* being in possession of cannabis on that date. His response

to that specific question would not have been directly contradicted by evidence that he possessed illegal drugs or legal drugs when he was transported to the hospital.

Second, Mr. Coleman’s alleged possession of cannabis on October 25, 2022, was completely collateral to the issue of whether Mr. Boyd assaulted him and, consequently, inadmissible to impeach his credibility. The Supreme Court of Maryland has explained that the “test of collateralness” is “whether the fact as to which the error is predicated is relevant independently of the contradiction; and not whether the evidence would be independently admissible in terms of satisfying all the rules of evidence.” *Smith*, 273 Md. at 162. Stated another way, extrinsic “evidence which is otherwise irrelevant cannot become relevant simply because it is capable of being contradicted, and will thereby impeach the witness[.]” *Id.* at 158.

Here, even if Mr. Coleman’s testimony that he did not recall possessing cannabis on October 25, 2022, amounted to a denial and even if it could have been contradicted by Detective Bunker’s testimony, that evidence was not relevant to the issue in dispute – whether Mr. Boyd assaulted Mr. Coleman – and did not become relevant merely because it contradicted his earlier testimony. For the same reasons, the same evidence was not relevant to “corroborate” Mr. Boyd’s belief, as stated in his interview with Detective Bunker, that Mr. Coleman had drugs in his crossbody bag.

For all these reasons, the trial court did not err by precluding that line of questioning. We discern no error in the trial court’s rulings on the issues presented in this appeal.

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