Circuit Court for Cecil County
Case No. C-07-CR-23-000466

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 201

September Term, 2024

KAREEM LEON POPE

v.

STATE OF MARYLAND

Wells, C.J.,
Graeff,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 14, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Cecil County of first degree arson, Kareem Leon Pope, appellant, presents for our review two issues: whether the court erred "in asking improper compound questions during voir dire," and whether the court's order of restitution is illegal. For the reasons that follow, we shall affirm the judgment of the circuit court.

At trial, the State produced evidence that Mr. Pope's former girlfriend, Lacey Siple, and her children lived with her uncle, Robert Davis, in a residence on Elk Mills Road in Elk Mills. On the morning of March 12, 2023, Ms. Siple's grandmother Sandra Davis picked Ms. Siple and her children up at the residence and drove them to Ms. Davis's residence on Knights Corner Road in Elkton. That afternoon, Mr. Pope, who was driving a gold-colored minivan, arrived at Ms. Davis's residence. When Ms. Siple told Ms. Davis that Mr. Pope was refusing to leave, Ms. Davis went outside and asked Mr. Pope to leave. Mr. Pope pulled his vehicle out of the driveway, put his arm out of the window, and stated: "That's okay. I got her."

At approximately 4:00 p.m., Mr. Davis was notified that his residence was on fire. Mr. Davis later discovered that the floor, wall, and ceiling of his kitchen "were burned." Bryan Martin, who lives across the street from Mr. Davis's residence and has a surveillance camera system on his property, gave police video recordings of Mr. Davis's residence made by the system. The recordings depict an individual driving a gold-colored minivan up to Mr. Davis's residence, walking behind the residence, returning to the vehicle multiple times and placing items inside it, and departing. Approximately thirty minutes later, smoke emerges from the residence. At trial, Ms. Davis identified the person depicted in the video

recordings as Mr. Pope by his height, build, and jacket, and identified the vehicle depicted in the video recordings as "the same vehicle [that she] saw earlier that day."

The State also called a deputy state fire marshal, who testified that the fire started beneath and adjacent to a freezer, and that the fire was caused by "the intentional application of an open flame to an ignitable liquid applied within [that] area." The marshal viewed the video recordings and identified one of the items that Mr. Pope placed inside the minivan as "a blue kerosene container." The State also called an expert in "fire investigation, . . . dynamics, and origin and cause," who testified that the fire "was an intentionally-set fire with the introduction of kerosene into the area of origin in the area of the chest freezer and ultimately ignited with a open flame."

Mr. Pope first contends that the court "denied [him] his constitutional right to an impartial jury." During voir dire, the court asked prospective jurors, among other questions, the following:

- "[T]he charges are arson, malicious burning, burglary, and home invasion. Home invasion is burglary with the intent also to commit a crime of violence inside, or a crime inside.

  Do any of you have such strong feelings regarding the nature of these charges that may affect your ability to be fair and impartial in this particular case?"

- "Do any of you have any religious, moral, or philosophical beliefs that would prevent you [from] sitting in judgment of another and to serve fairly as a juror in this particular case?"

Mr. Pope contends that by asking these "questions in such a manner as to leave the determination of bias and impartiality to the individual juror," the court "could not possibly protect Mr. Pope's right to an impartial jury," which "rendered Mr. Pope's trial

fundamentally unfair and unreliable." The State counters that Mr. Pope's claim is not preserved for our review, because defense counsel "did not object to either question and raised no other exceptions to the . . . voir dire," and "found each juror seated as acceptable to the [d]efense." (Quotations and brackets omitted.)

We agree with the State. Rule 8-131(a) states that "an appellate court will not [ordinarily] decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court." Here, defense counsel did not lodge objections to the challenged voir dire questions. Mr. Pope's contention is not preserved for our review, and hence, we shall not address the contention.

Mr. Pope next contends that the court erred in ordering him to pay restitution. At trial, Mr. Davis testified that following the fire, he made "an insurance claim," and that "the insurance company" retained "Servpro" to "clean up the property." The prosecutor then asked: "[H]ow much is it going to cost you to fix up the property after it had been burned?" Mr. Davis replied: "Between [$]20 and [$]30,000 for the kitchen and the – painting everything."

At sentencing, the prosecutor argued, in pertinent part:

> Mr. Robert Davis is here. He has told me in numerous conversations [that] the house is still unlivable.
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> * * *
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> There have been some issues with the insurance company which is not Mr. . . . Pope's, necessarily, fault with that aspect of it, but he has a $1,000 deductible that he is out on this. And you know, the house is unable to be used at this point because they are still fighting with S[ervpro] and other members, plus the soot, and the water damage, and everything else with this house. So there has been a monumental issue.

The prosecutor asked the court to order Mr. Pope to pay $1,000 in restitution. The court subsequently entered against Mr. Pope a judgment in favor of Mr. Davis in that amount.

Mr. Pope contends that because "[t]here was no testimony of the extent of the damage, what was damaged, or how the court arrived at the figure of $1,000," Mr. Davis's "testimony is insufficient to serve as competent evidence of the amount of restitution," and hence, "the restitution order should be vacated." The State counters that Mr. Pope's contention is not preserved for our review. Alternatively, the State contends that the court "properly exercised its discretion in ordering restitution."

We disagree with the State as to whether Mr. Pope's contention is preserved for our review, because Mr. Pope challenges the restitution portion of his sentence as illegal, and a "court may correct an illegal sentence at any time." Rule 4-345(a). Nevertheless, we reject the contention. The Supreme Court of Maryland has stated that "evidence presented in support of [a] restitution claim is competent if it [is] reliable, relevant, admissible, and trustworthy." *In re: Cody H.*, 452 Md. 169, 192 (2017). Here, Mr. Davis explicitly testified that the cost to him to "fix up the property" would be between $20,000 and $30,000. This testimony, if believed, was competent to support an award of restitution of $1,000, and hence, the award is not illegal.

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