Circuit Court for Prince George's County
Case No. CT220419X

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0406

September Term, 2023

KEVIN CURTIS COLEMAN

v.

STATE OF MARYLAND

Friedman,
Shaw,
Zic

JJ.

Opinion by Shaw, J.
Concurring Opinion by Friedman, J.

Filed: April 21, 2026

*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).

Appellant Kevin Curtis Coleman was indicted on seventeen offenses in the Circuit Court for Prince George's County in connection with the murder of Blake White. Appellant elected a jury trial, and on the fourth day of trial, Appellant moved for a mistrial because of the State's delayed disclosure of cellphone records and that DNA swabs taken during the execution of a search warrant had not been tested. The court denied Appellant's motion, and a jury subsequently convicted Appellant of eleven of the seventeen counts. He was sentenced in the aggregate to forty-two years' and six months incarceration, credited one year and sixty-nine days, and granted three years of supervised probation upon his release. Appellant noted this timely appeal, and he presents one question for our review, which we have rephrased[1]:

1) Did the trial court abuse its discretion in denying Appellant's request for a mistrial?

We hold that the trial court did not abuse its discretion, and we affirm the judgment.

BACKGROUND

According to the testimony adduced at trial, on December 16, 2021, Trenton Talley arranged to meet Lamar Daniels to return Daniels' debit card following a delayed debit card fraud scheme. Mr. Talley asked Blake White to drive him in White's BMW to a

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[1] Appellant's original question reads as follows:

1) Did the trial court abuse it discretion by denying Appellant's request for a mistrial based on three distinct discovery violations including the failure to disclose: (a) DNA swabs taken from the area the shooter was sitting in the vehicle; (b) cell phone records for a phone number attributed to Coleman; and (c) cell phone records and cell map plotting of the three essential witnesses at the time of the shooting?

meeting spot in Brandywine, Maryland. At the location, a dark Honda Accord parked behind them. Mr. Talley approached the Honda, which held Lamar Daniels, Terrence Slade, Khalil Landry, and Appellant. As Mr. Talley neared, a man wearing a mask, believed to be Appellant emerged from the backseat, pointed a gun with a light at him, told him not to move, then walked to the BMW and fired into it. Mr. White drove away but crashed into a nearby home. He died the next day as the result of a gunshot wound to his head.

In February 2022, Lamar Daniels, Terrence Slade, and Khalil Landry were arrested and detained for questioning. They were interviewed by detectives and all identified Appellant as the fourth person in the Honda. Landry and Daniels told detectives that Appellant was the shooter. Sometime later, Appellant was indicted in the Circuit Court for Prince George's County on seventeen counts, including first degree murder. Appellant elected to be tried by jury.

The trial began on January 23, 2023, and the State proceeded with its presentation of witnesses. On the third day of trial, the State called Detective Brendan Taylor. Detective Taylor testified that he executed a search warrant on Appellant's Instagram account, and from the information collected, he obtained Appellant's email address and the number 240-376-0071. Detective Taylor stated that he obtained phone records for the number and submitted them to the phone unit to be "plotted for the date of the murder." He testified that Detective Aven Odhner worked on this "project."

During cross examination, Detective Taylor testified that he submitted a request to

process the Honda Accord, which included swabbing the vehicle for DNA. He did not request for the DNA lab to conduct any DNA analyses. Detective Taylor could not recall whether he requested the mapping of a home phone number associated with Appellant, 240-468-5232,[2] which was listed on Appellant's statement of charges, but stated he did request that Landry's, Slade's and Daniels' cellphones be mapped by the police department's cellphone unit. On re-direct, Taylor stated he sent a subpoena to the cell phone company for the 240-468-5232 number and received a response that the number was not active on December 16, 2021.

Following Detective Taylor's testimony, the parties convened at the bench and Appellant asked for access to Detective Taylor's requests to the cellphone unit, the report Detective Taylor received for the inactive cellphone number, his emails related to the cellphone mapping of Landry's, Slade's, Daniels', and Appellant's phone number, and that Detective Aven Odhner "bring her entire file" for review. The court ordered Detective Taylor to give the requested reports and emails to the State but did not include Detective Odhner's file because it "ha[d] nothing to do with [Detective Taylor]," nor did Detective Taylor have it. The court also ordered the State to provide the documents to Appellant by 10:00am the next day. The State complied with the court's order.

On January 30, the court reconvened for the fourth day of trial. Appellant moved for a mistrial on multiple grounds. Appellant first emphasized that until he cross-examined

[2] Detective Taylor testified this number was pulled from a "quick query" in the database after his interview with Khalil Landry and based on this search included it on Appellant's statement of charges.

Detective Taylor, he was unaware and had not been informed through discovery, before, or during trial that the cellphones of Landry, Slade, or Daniels were mapped in addition to Appellant's. Appellant asserted this evidence was "critical" to a determination of whether the State "established their case beyond a reasonable doubt." Appellant asserted he would not be able to "cross-examine [the cellphone plotter]" without those records if they testified and even after receiving the records, he could not "digest that information and then do an effective cross examination." He stated he would have refrained from asking, on cross examination, the question regarding other cell phones, had he known about the mapping.

Appellant next asserted that he did not receive the search warrant for the inactive phone number, 202-468-5232, depicted on Appellant's statement of charges and pawnshop records[3] as required under Maryland Rule 4-263. He stated that had he not been misled, he "wouldn't have delved into that." Appellant then argued that he was prejudiced because he was given a crime scene report that indicated "three DNA swabs were recovered from Khalil Landry's car . . . from the driver's side passenger door," which the State "didn't do anything with." Appellant's counsel argued that the discovery was "extremely prejudicial" because it could have established whether Appellant was in the car on the night of the incident. Appellant stated this placed him in an "extreme bind," because had he been aware

[3] During the Defense's cross examination of Detective Taylor, the parties disputed the admissibility and reference of pawn shop records obtained from Detective Taylor's investigation that identified, among other things, the 202-468-5233 number. The record was neither admitted nor allowed to be referenced.

of the swabs, he would have "sen[t] it out to a DNA expert" to determine "whose DNA is this."

The State rebutted Appellant's motion, stating that the 240-468-5232 number did not belong to nor was assigned to Appellant or anyone at the time of the shooting. The number was retrieved from records associated with another criminal matter involving Appellant in Prince George's County. The State argued that the defense lacked standing to contest the search warrant. The 240-367-0071 number, which was plotted, was associated with Appellant's Instagram, and retrieved from the Hagerstown Parole and Probation Office in Washington County on September 24, 2021, after Appellant left his driver's license and the office contacted him using that number. The State asserted that Appellant began using "the new number, the Instagram number, in September of 2021."

The State informed the court that he "anticipated" that all three cellphone records for Daniels, Slade, and Landry were provided. The State conceded that Terrence Slade's search warrant had been copied twice, but that, nevertheless, Slade's and Daniels' search warrants were provided. The State added it "had no intention of using this material in their case in chief[,] [a]nd certainly if any exculpatory information had been produced as a result thereof that would have been disclosed under Brady." The State asserted the Defense had notice of the existence of the phone records as the "search and seizure warrant return[s]" for Daniels and Slade were included in discovery, and the Defense did not alert the State of any "inadequate discovery."

The State clarified that the plotting of Daniels', Slade's, and Landry's cellphones were preliminary measures conducted by Detective Taylor when the three men were viewed as suspects in February 2022. The State emphasized the expert for cell mapping was available and would testify to the "cell mapping as it relates to the Instagram number" and preliminary plotting. The State advised the court that the records were provided on Friday, January 27, at 10:00am, and further discussion was held amongst the parties which included a discussion about Mr. Landry's cell phone records. The State asserted, that during the discussion, it was indicated "that at the time of the homicide [ ] the records [did] not show that there were any incoming or outgoing calls through the network." Landry's phone therefore could not be plotted by Detective Odhner.

The State further explained that all three witnesses stated they were at the scene of the shooting, specifically Landry who "wrote an apology letter to the victim's family stating, [he] was there." The State explained that the DNA swabs for the Honda Accord, were never tested for DNA, DNA swabs were not requested within search warrants for the houses, and that there "was no known standard of the defendant ever taken to be able to test that against."

Appellant rebutted the State's argument emphasizing that he had "been irreparably prejudiced."

The court took a brief recess and returned to give its oral ruling:

> **THE COURT:** Okay. I have listened to all of your arguments, and for now the Court does not find the manifest necessity. But that may change after the testimony of the witnesses. You are welcome to bring your motion up again after these witnesses are on the stand.

> **[DEFENSE COUNSEL]:** The only thing is, Your Honor, what we are going to do is we will submit a disc to the Court to supplement the record so the Court will have, for instance, the search warrants that were provided to us. So, we'll put that on a disc and mark it as an exhibit.
>
> **THE COURT**: Very well. Your next witness? Are you in need of Detective Taylor?
>
> **[DEFENSE COUNSEL]:** I guess I would have to talk to the State regarding the DNA swabs.

The trial then continued with the testimony of crime scene investigator Matthew Forest, Detective Ibrahim Ige, and expert witness Corporal Jenna Kelly. Prior to Detective Aven Odhner's testimony, Appellant sought to exclude her testimony based on the untimely disclosure of the cellphone records of Landry, Daniels, and Slade "over the weekend" and that he was "not in a position to question her about those plottings." The State asserted Detective Odhner would be testifying as an expert in cellphone mapping, specifically as it relates to the mapping of Appellant's cellphone number, the one linked to Appellant's Instagram, and that these records were provided to Appellant. The court denied Appellant's motion stating, "You have your record. . . . She can testify."

Following the close of the State's case, Appellant moved for Judgment of Acquittal on counts ten through seventeen. The court granted Appellant's motion for counts eleven through thirteen, fifteen and sixteen, denied count seventeen, and left counts ten and fourteen for further consideration. Thereafter, Appellant stated he wanted to renew his motion but would reserve the discussion for the next morning of trial.

The next day, the court, after consideration, denied the motion for count ten and granted the motion for count fourteen. The court then discussed jury instructions with the

parties, and following the discussion, Appellant informed the court he would not renew his motion for a mistrial, stating "We're not renewing our motion. We just wanted you to have the underlying documents from our argument." Appellant then presented crime scene investigator Jamie Browning as his first and only witness. At the close of Appellant's case, the jury was provided the following stipulation:

> **[DEFENSE COUNSEL]:** As to Defendant Exhibit Number 14, again this is another stipulation.
>
> The parties hereby stipulate that the State provided defense counsel with a crime scene processing report relating to the processing of the 2010 Honda Accord. The report indicated that three DNA swabs were recovered from the vehicle.
>
> That [sic] was report was provided to the defense for the first time on January 27th, 2023. Until that date the defense was unaware that DNA swabs were recovered from the car.

The jury subsequently acquitted Appellant of six counts and found him guilty of the remaining eleven[4] counts. Appellant was sentenced in the aggregate to forty-two years and six months incarceration, credited one year and sixty-nine days, and granted three years of supervised probation upon his release. Appellant timely appealed.

STANDARD OF REVIEW

"[T]he grant of a mistrial is considered an extraordinary remedy and should be granted only 'if necessary to serve the ends of justice.'" *Carter v. State*, 366 Md. 574, 589

[4] Appellant was convicted of the following counts: common law murder (first degree murder, second degree murder, and second degree depraved heart murder), two counts first degree assault, one count of second-degree assault, two counts of use of a firearm (handgun) in commission of a felony, two counts of use of a firearm (handgun) in commission of a crime of violence, possessing a regulated firearm, to wit handgun, as a prohibited person, reckless endangerment, and attempting to obstruct and impede the administration of justice.

(2001) (citation omitted). Such a declaration "'is an exercise of the trial judge's discretion and is entitled to great deference by a reviewing court[,]' but the circuit court may exercise its discretion to declare a mistrial 'only if a high degree of necessity demands that he or she do so[.]'" *Mason v. State*, 487 Md. 216, 244 (2024) (quoting *State v. Hart*, 449 Md. 246, 276 (2016)). A trial court's discretion "will not be disturbed upon appeal absent a showing of prejudice to the accused, and [i]n order to warrant a mistrial, the prejudice to the accused must be real and substantial." *Wagner v. State*, 213 Md. App. 419, 462 (2013) (citation modified) (citation omitted); *see Alarcon-Ozoria v. State*, 477 Md. 75, 108 (2021). Thus, "we apply the abuse of discretion standard of review in cases of mistrial." *Simmons v. State*, 436 Md. 202, 212 (2013).

DISCUSSION

I. The court did not abuse its discretion in denying the motion for a mistrial.

Appellant argues that the State failed to disclose records, including critical information about DNA swabs, phone records for the number 240-468-5232, and cellphone records and mapping of Slade, Daniels, and Landry. Appellant asserts that the State violated Maryland Rule 4-263(b)(6), (d)(7)(A), and (d)(8)(B-C) by not providing, without request, all relevant materials or information related to specific searches and seizures, written statements from the State's witnesses, and reports or statements from its experts. According to Appellant, the DNA evidence was potentially crucial to the defense, as it could have been exculpatory or mitigating. He argues that he was prejudiced because he did not have the opportunity to test the three DNA swabs recovered from the Honda Accord. Appellant contends that

granting a mistrial was the least severe and only effective remedy, as a midtrial continuance would have confused the jury, caused delays, risked faded memories, and required reexamination of witnesses. According to Appellant, the court abused its discretion.

The State argues that the court properly exercised its discretion as Appellant failed to articulate a degree of prejudice sufficient to show that, because of the "late-breaking discovery disclosures," he was denied a fair trial. The State contends that the timing of the disclosures did not preclude or undermine Appellant's trial strategy that the State lacked sufficient evidence, and Appellant had the opportunity to and did argue that the State had not established its case beyond a reasonable doubt during closing arguments. The State further argues that Appellant's assertions regarding the jury were speculative. Alternatively, the State argues the late disclosure of the DNA swabs "might have posed unique additional prejudice to defense," but such prejudice was resolved by the stipulation read to the jury.

Maryland Rule 4-263 governs "discovery and inspection" in the circuit court. Md. Rule 4-263(a). Its primary purpose is "to assist defendants in preparing their defense and to protect them from unfair surprise." *Williams v. State*, 364 Md. 160, 172 (2001). The Rule requires the State to provide[5], without request, witnesses and all written witness statements related to the charged offense; exculpatory information that "tends to exculpate the

[5] "Provide" means, unless otherwise stated, "(A) to send or deliver it by mail, e-mail, facsimile transmission, or hand-delivery, or (B) to make the information or material available at a specified location for purposes of inspection if sending or delivering it would be impracticable because of the nature of the information or material." Md. Rule 4-263(b)(4).

defendant or negate or mitigate the defendant's guilt or punishment as to the offense charged"; relevant material or information regarding specific search and seizures and pretrial identification of the defendant by a state's witness; reports or statements of experts; and evidence for use at trial. Md. Rule 4-263(d)(3-9).

If the court determines a party "has failed to comply with this Rule or an order issued pursuant to this Rule, the court may order that party to permit the discovery of the matters not previously disclosed . . . grant a mistrial, or enter any other order appropriate under the circumstances." Md. Rule 4-263(n). It is within the trial judge's discretion to determine the appropriate remedy for a violation, *Raynor v. State*, 201 Md. App. 209, 227-28 (2011), *aff'd*, 440 Md. 71 (2014), and to evaluate whether the "violation has caused prejudice." *Alarcon-Ozoria*, 477 Md. at 108. A defendant is prejudiced when they are "unduly surprised and thereby not afforded an opportunity to prepare a proper defense," *Mason*, 487 Md. at 245, or "when the violation substantially influences the jury." *Thomas v. State*, 397 Md. 557, 574 (2007). However, "[t]he rule 'does not require the court to take any particular action or any action at all.'" *Bellard v. State*, 229 Md. App. 312, 340 (2016) (quoting *Thomas*, 397 Md. at 570). "The most accepted view of discovery sanctions is that in fashioning a sanction, the court should impose the least severe sanction that is consistent with the purpose of the discovery rules." *Thomas*, 397 Md. at 571. "The law is clear, however, that even given a discovery violation, the choice of an appropriate sanction is entrusted to the discretion of the trial judge." *Jones v. State*, 132 Md. App. 657, 677 (2000) (citations omitted).

In determining whether to grant a mistrial, a trial court "weigh[s] the unique facts and circumstances of each case, explore[s] reasonable alternatives, and determine[s] that no reasonable alternative exists." *Mason*, 487 Md. at 245 (quoting *Hart*, 449 Md. at 277); *Raynor*, 201 Md. App. at 228 (A trial judge considers "the reasons why the disclosure was not made," "the existence and amount of any prejudice to the opposing party," "the feasibility of curing any prejudice with a continuance," and "any other relevant circumstances"). The trial judge determines "whether the defendant has suffered such an extreme degree of prejudice that it is no longer possible to secure a fair trial." *Mason v. State*, 258 Md. App. 266, 283 (2023), *aff'd but criticized*, 487 Md. 216 (2024) (citing *Molter v. State*, 201 Md. App. 155, 178-79 (2011)). Moreover, "it is well-settled that a decision to grant a mistrial lies within the sound discretion of the trial judge[.]" *Carter*, 366 Md. at 589. "Because it is an extraordinary measure, it should only be granted where manifest necessity as opposed to light or transitory reasons, is shown." *Ezenwa v. State*, 82 Md. App. 489, 518 (1990).

Our analysis of whether a court has abused its discretion focuses on "whether the defendant has suffered such an extreme degree of prejudice that it is no longer possible to secure a fair trial." *Mason,* 258 Md. App. at 283. We are always mindful that the trial judge is in the best position to assess whether a defendant's right to a fair trial has been compromised and whether a mistrial is appropriate. *Simmons*, 436 Md. at 212 (quoting *Watters v. State*, 328 Md. 38, 50 (1992)) ("[A] trial judge is ordinarily in a uniquely superior

position to gauge the potential for prejudice in a particular case, and therefore to determine whether a mistrial is appropriate or required.”).

Here, it is undisputed that the State failed to timely provide discovery regarding cell phone records, cell phone mappings, and DNA swabs from the processing of Landry’s Honda Accord. The issues became apparent during the cross examination of Detective Taylor, and in response, the court immediately ordered the release of the records and corresponding emails to Appellant. The State fully complied with the court’s order to disclose. We note, further, that there was no allegation or finding that the State’s actions were deliberate or acts of bad faith. The next trial date was three days after Appellant had been provided the late discovery by the State.

Given this, we do not find that the State’s delayed disclosure caused “such an extreme degree of prejudice” that Appellant was denied a fair trial. *Mason*, 258 Md. App. at 283. As reiterated in *Payton*, “[c]riminal defendants have the right to a fair, yet not a perfect, trial.” *State v. Payton*, 461 Md. 540, 559 (2018). Appellant, here, had the opportunity to re-cross examine Detective Taylor regarding the issues raised by the State’s late discovery responses, but chose not to do so. Appellant did cross-examine Detective Odhner, the witness who mapped the cellphone numbers of Appellant and other witnesses, and Appellant, later, presented Jamie Browning, the witness responsible for processing Landry’s car. A stipulation was read to the jury by Appellant’s counsel that clearly stated that the State failed to provide the crime scene processing report with three DNA swabs prior to trial and that the defense was unaware that DNA swabs had been recovered.

Appellant, then, during closing argument, highlighted and emphasized his position that the State failed to fully investigate the murder. Appellant discussed the State's failure to meet its burden of proof by the absence of DNA evidence, the lack of a motive linking the Appellant to the murder, and the inconsistencies in the cellphone location data related to the Appellant's phone.

We note, also, there was testimony from Landry, Slade, and Daniels that confirmed Appellant's presence at the scene of the murder and Daniels and Landry identified Appellant as the shooter. Appellant's recorded jail call, where he requested the "bag[ging]" of his cousin, Landry, and two other witnesses was also admitted into evidence, as well as cellphone location data placing his cellphone in the area of the shooting at the time of the murder.

As previously noted, "the grant of a mistrial is considered an extraordinary remedy and should be granted only if necessary to serve the ends of justice." *Carter*, 366 Md. at 589. Here, the court plainly found that there was no manifest necessity. In other words, "the ends of substantial justice [could] be attained without discontinuing the trial." *Hart*, 449 Md. at 277. Based on the record before us, the court's ruling was a proper exercise of the trial judge's discretion and was not "well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable." *Mason*, 487 Md. at 239 (quoting *Devincentz v. State*, 460 Md. 518, 550 (2018)).

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

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Our job is to review the decisions of the circuit court, and in that role, I agree with my colleagues that no error was committed. I write separately, however, to emphasize that this should not be misunderstood to condone the discovery failures of the State's Attorney's Office. The majority notes that there was "no allegation or finding that the State's actions were deliberate or acts of bad faith," and that the State corrected the error when it was discovered. I do not disagree. But these failures ought not have occurred in the first place. These are automatic disclosures required in every case, and the State's Attorney's Office would do well to remember that sloppy compliance risks the very convictions it works to obtain.