

Circuit Court for Prince George's County
Case No. CT 17-1124A

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 412

September Term, 2018

JERMAINE BRIDGES

v.

STATE OF MARYLAND

Wright,
Leahy,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: December 2, 2019

* Wright, J., now retired, participated in the hearing and conference of this case while an active member of the Court; after being recalled pursuant to Maryland Constitution, Article IV, Section 3A, he also participated in the decision and adoption of this Opinion.

*This is an unreported opinion and therefore may not be cited either as precedent or as persuasive authority in any paper, brief, motion, or other document filed in this Court or any other Maryland court. Md. Rule 1-104.

In 2018, a jury convicted appellant Jermaine Bridges of robbery, conspiracy to commit robbery, and theft after he and a co-conspirator¹ forcibly transferred \$11 from a victim using a payment app on the victim's own phone. On appeal, Bridges challenges certain testimony and evidence related to the payment app in question.² Finding no error, we affirm the Circuit Court for Prince George's County.

BACKGROUND & PROCEDURAL HISTORY

Around 6 p.m. on June 29, 2017, Brandon Bradley was playing basketball with friends in Upper Marlboro, having finished work for the day.³ After the game, Bradley and his friends were sitting in a car near the public court when they were approached by Bridges and Elijah Martell. According to Bradley's testimony, Bridges pointed a gun at Bradley's forehead while demanding \$10 that Bradley had owed him since December. Martell then took Bradley's phone and transferred \$11⁴ to himself via Cash App, a payment app that he and Bradley both used and which Bradley had on his phone. (As we shall discuss later in this opinion, Bridges's appeal is based upon certain testimony and

¹ Bridges and Elijah Martell were tried separately; Martell's defense counsel received a legislative continuance, and Bridges did not waive his right to a speedy trial.

² Bridges also raised a sentencing issue in his brief and at oral argument. However, Bridges's counsel has since notified this Court that the sentencing issue is now moot, given that the Circuit Court for Prince George's County has already provided the resentencing relief sought. Accordingly, Bridges (with the State's agreement) asks this Court to only consider the evidentiary issue.

³ Then 22, Bradley had recently graduated from Hampton University with a degree in criminal justice.

⁴ Eleven dollars were transferred because the \$10 transfer included a \$1 transaction fee.

evidence relating to the Cash App payment app.). After Bridges and Martell left the scene, Bradley called 911 to report the robbery.

Following a two-day trial, a jury convicted Bridges of robbery, conspiracy to commit robbery, and theft of less than \$1,000. The jury acquitted Bridges of first and second-degree assault, armed robbery, and various firearm charges.⁵ Bridges was subsequently sentenced to fifteen years, all but four suspended, for the robbery, and a consecutive fifteen years, all but four suspended, for conspiracy; the theft count merged into the robbery conviction.⁶

Bridges's appeal followed.

DISCUSSION

Bridges's appeal stems from the fact that although the State subpoenaed records from Cash App verifying that the \$11 was transferred to an account synced to Martell's

⁵ Given that the thrust of Bradley's testimony concerning Bridges and Martell's threatening behavior almost entirely focused on Bridges's purported use of a handgun, it is surprising that the jury convicted Bridges of robbery, but acquitted him of assault and all the handgun charges. Nonetheless, Bridges has not argued on appeal that the verdicts were legally impossible.

⁶ As mentioned above, in January 2019 a three-judge panel of the Circuit Court for Prince George's County struck this sentence and resentenced Bridges to 15 years with all but two years suspended for the robbery conviction, and a consecutive 15 years with all but two years suspended for conspiracy. Given that this new sentence provided the resentencing relief sought, Bridges asks us to only consider his evidentiary issue.

email address, those records from Cash App were ultimately not entered into evidence because they were not properly authenticated pursuant to Rule 5-902.⁷

Specifically, Bridges argues that because those records were not admitted into evidence, it was improper at trial for Detective Hannon⁸ to identify (based off those records) Martell’s exact email address as the address linked to the recipient Cash App account. In response, the State argues that Detective Hannon’s testimony was appropriate, as he merely used the unadmitted records to refresh his memory of Martell’s precise email address.

Regardless of whether Detective Hannon’s testimony was proper as a refreshed recollection, *see Baker v. State*, 35 Md. App. 593, 601-02 (1977), or an improper effort to bootstrap the records into evidence, any error was harmless, as it was cumulative of properly admitted evidence. *See, e.g., Yates v. State*, 429 Md. 112, 120 (2012) (“[W]e will not find reversible error on appeal when objectionable testimony is admitted if the essential contents of that objectionable testimony have already been established and presented to the jury *without objection* through the prior testimony of other witnesses.”) (Emphasis in original); *Dove v. State*, 415 Md. 727, 744 (2010) (“[W]itness testimony is cumulative when it repeats the testimony of other witnesses introduced during the State’s case-in-chief.”); *Webster v. State*, 221 Md. App. 100, 119 (2015) (When the State offered

⁷ Although Cash App emailed the requested records to the State, Cash App provided no signed certification.

⁸ The trial transcript does not reveal Detective Hannon’s first name.

appellant’s nickname “as circumstantial evidence connecting appellant to other evidence recovered in [an] apartment . . . that evidence . . . was cumulative to other evidence establishing appellant’s relationship to the apartment and its contents.”). Prior to Detective Hannon’s testimony, Bradley had testified at length and without objection about the incident, and Bradley explained that it was Martell’s grabbing the phone that effectuated the theft. Additionally, the State successfully introduced into evidence screenshots from Bradley’s phone that were taken by police after Bradley reported the robbery. The screenshots, which were visible to Bradley on his phone as a regular Cash App user, showed that money had been transferred to a new and unfamiliar account.⁹ In other words: separate from the official business records from Cash App that were subpoenaed (but not entered into evidence), the jury heard from Bradley’s testimony that Martell had transferred money using Cash App, and saw screenshots from Bradley’s phone indicating that the transfer occurred.¹⁰

⁹ As it happens, that account belonged to Martell. However, as the State points out, it does not matter for the purposes of a robbery or theft conviction that the account specifically belonged to Martell, as opposed to anyone else that Bradley would not have wanted to transfer money.

¹⁰ In his brief, Bridges also argues that because the official business records from Cash App were not admitted into evidence, there was insufficient evidence to prove that Bridges and Martell actually deprived Bradley of his property. However, this argument overlooks—as the circuit court recognized—that Bradley’s eyewitness testimony would have been sufficient to support a conviction. *See Watson v. State*, 18 Md. App. 184, 195 (1973) (“[P]roof of any [] fact [] may be by testimonial evidence as well as by real evidence.”); *Braxton v. State*, 123 Md. App. 599, 671 (1998) (“Maryland courts have long recognized that an [i]dentification by the victim is ample evidence to sustain a conviction.”) (Quotation marks omitted); *Banks v. State*, 228 Md. 130, 134 (1962) (“It is (Continued...)”)

As such, Bridges’s claim depends upon whether it was permissible to allow Bradley to testify about his Cash App account, and to introduce the screenshots from Bradley’s phone into evidence. Bridges makes a brief argument on appeal that Bradley improperly provided non-expert testimony about how Cash App worked, and that the screenshots should not have been admitted.¹¹ We are not persuaded. As the State argued at trial, and as the circuit court acknowledged, Bradley was not providing expert testimony about Cash App’s inner workings. Rather, Bradley was merely testifying, as a Cash App user, about his own account, and the screenshots simply showed what Bradley saw, as a Cash App user, about the transfer in question. *See Johnson v. State*, 457 Md. 513, 532 (2018) (“[T]he times and locations reflected in GPS data in a business record do not necessarily require expert testimony to be admissible.”); *Walker v. State*, 373 Md. 360, 388 n. 8 (2003) (“[T]he threshold standards for calling any fact witness are merely that the witness have personal knowledge of the matter attested to and that the matter be

well settled that the *corpus delicti* may be proved by circumstantial evidence.”); *Stone v. State*, 178 Md. App. 428, 442 (2008), *abrogated on other grounds as recognized in Kelly v. State*, 208 Md. App. 218, 248 (2012) (“[T]he owner of personal property is presumptively qualified to testify about the value of his goods.”).

¹¹ Bridges devoted one paragraph in his brief to this argument, stating: “Furthermore, Mr. Bradley’s testimony regarding the operation of Cash App and the screen-shot of the Cash App transactions was also improperly admitted. Mr. Bradley was not qualified to testify about how Cash App operates or what the transaction log depicts as he had no special knowledge of the workings of Cash App. He also had no knowledge of the ownership of the ‘LilEDaRuler’ account. The Circuit Court abused its discretion by allowing Mr. Bradley to testify on these matters.” (Citations to the trial transcript omitted).

relevant to the case at hand.”); *Ragland v. State*, 385 Md. 706, 723 (2005) (The Maryland Rules of Evidence “do[] not distinguish between expert and lay *witnesses*, but rather between expert and lay *testimony*.”) (Emphasis in original). Were we to accept Bridges’s argument (*i.e.*, that this information constituted expert testimony, or required expert testimony to explain), that would mean that Bradley did not actually understand how to use (or read) an app that he habitually used to transfer money on his phone.¹² Such a conclusion would make little sense; indeed, if Cash App’s normal interface was beyond Bradley’s comprehension, it is not clear to us why he would regularly *use* the app in the first place to transfer his money.

Because Bradley had already testified at length that Martell snatched his phone, and the properly-admitted screenshots showed that a money transfer had taken place, any error in allowing Detective Hannon to specifically identify Martell’s exact email address was harmless. Thus, there was no error in convicting Bridges (as an accomplice) of robbery, theft, and conspiracy to commit robbery.

**JUDGMENTS OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

¹² There has been no suggestion that Bradley was not adept at using Cash App. *See Johnson*, 457 Md. at 533 (“Of course, the party opposing admission is free to cross-examine the sponsoring witness concerning any defects in the data, as happened in this case, or to present its own expert to contest the accuracy of a particular device.”). Indeed, Bradley testified that on the day of the incident, he had made another payment (to another friend) using the app.