

Circuit Court for Prince George's County
Case No. CT190152X

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 416

September Term, 2021

WILLIAM LITTLE

v.

STATE OF MARYLAND

Berger,
Reed,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 1, 2022

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following a jury trial in the Circuit Court for Prince George’s County, William Little, appellant, was convicted of second-degree murder and use of a firearm in a crime of violence. His sole claim on appeal is that the trial court erred in admitting testimony that he solicited another inmate to harm witnesses in the case. Specifically, he contends that his statements were not proper evidence of consciousness of guilt in light of the fact that, at the time he made the statements, he was suffering from a mental illness that rendered him incompetent to stand trial. For the reasons that follow, we shall affirm.

Prior to trial, the State filed a motion seeking to admit the testimony of three inmates who alleged that appellant had solicited them to harm or kill various witnesses who were expected to testify at his trial. In challenging the admission of that testimony, appellant argued that the evidence was not reliable because he had made the alleged statements “at a time where [he] was determined . . . to be not competent to go forward to trial.”¹ At a pre-trial hearing on that motion the court ruled that the witnesses would be allowed to testify. However, only one of the witnesses, Francisco Rodriguez, testified at trial. Specifically, he testified that he had met appellant in prison; that appellant had stated that he killed someone and needed the case dismissed; and that appellant indicated he would pay five to ten thousand dollars to have one of the State’s witnesses and the lead detective on the case killed. Defense counsel did not object at any point before or during Mr. Rodriguez’s testimony.

¹ Appellant was found incompetent to stand trial on May 10, 2019 and transferred to a State mental health facility for further testing and to determine if treatment could restore him to competency. Following a status hearing on September 11, 2019, appellant was found to be competent.

Maryland Rule 4-323(a) states that “[a]n objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived.” The Court of Appeals has consistently reiterated “its commitment to the requirement of a contemporaneous objection to the admissibility of evidence in order to preserve an issue for appellate review.” *Brown v. State*, 373 Md. 234, 242 (2003). “Th[is] requirement of a contemporaneous objection at trial applies even when the party contesting the evidence has made his or her objection known in a motion in limine[.]” *Wimbish v. State*, 201 Md. App. 239, 261 (2011).

There are two exceptions to the contemporaneous objection rule: where counsel requests a continuing objection, *see* Md. Rule 4-323(b), or in situations where compliance with the contemporaneous objection requirement is excused because the court has “reiterated” its ruling “immediately prior” to the introduction of the evidence at issue. *See Watson v. State*, 311 Md. 370, 373 n.1 (1988) (explaining that requiring a contemporaneous objection after the court had reiterated its ruling “would be to exalt form over substance”). But these exceptions do not apply in this case. Appellant did not request a continuing objection. Moreover, the court did not reiterate its pre-trial ruling at any point prior to Mr. Rodriguez’s testimony. Accordingly, appellant did not preserve his objection to the other crimes evidence, and we will not consider his claim on appeal.

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