

Circuit Court for Allegany County
Case No.: C-01-CR-24-000309

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 449

September Term, 2025

DAVON N. FIELDS

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 23, 2026

*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.

Appellant Davon N. Fields was charged with three counts each of possession of cocaine, possession with intent to distribute cocaine, and distribution of cocaine in connection with controlled buys that occurred on April 18 (Charges 1–3), April 30 (Charges 4–6), and May 6, 2024 (Charges 7–9). Before a jury trial in the Circuit Court for Allegany County, Fields moved to dismiss the indictment, arguing that the detective who supervised the controlled buys committed perjury in front of the grand jury by testifying that the drugs purchased on April 18, 2024, tested positive for cocaine when, in fact, the lab had not yet completed testing.¹ Although the trial court acknowledged the detective’s misstatement, it determined he had not committed perjury and denied the motion. The jury ultimately convicted Fields of Counts 7–9, and the court later sentenced him to 20 years’ incarceration, all but 8 suspended, followed by 5 years’ supervised probation. This appeal followed.

On appeal, Fields contends that the trial court erred in denying his motion to dismiss the indictment. A motion to dismiss an indictment “will properly lie where there is some substantial defect on the face of the indictment, or in the indictment procedure, or where there is some specific statutory requirement pertaining to the indictment procedure which has not been followed.” *State v. Bailey*, 289 Md. 143, 150 (1980). We review the denial of a motion to dismiss an indictment for an abuse of discretion. *Vanderpool v. State*, 261 Md. App. 163, 196 (2024).

¹ Fields concedes that the test ultimately confirmed the substance was cocaine.

We have held previously that even “deliberate or intentional misconduct may not serve as grounds for dismissal [of an indictment] absent a finding of prejudice to the defendant.” *State v. Deleon*, 143 Md. App. 645, 667 (2002). “[P]rejudice may be shown by establishing that, but for the alleged misconduct, the grand jury likely would not have indicted the defendant.” *State v. Ferguson*, 218 Md. App. 670, 681 (2014).

Here, Fields alleged misconduct related to only Charges 1–3. But he was never tried—let alone convicted—on those charges; the State nol prossed them. Instead, Fields was tried and convicted on Charges 7–9. He does not contend that any misconduct affected these charges or the grand jury’s decision to indict him on them. Thus, even if the detective did commit perjury related to Charges 1–3, Fields was not prejudiced by the misconduct. *See Deleon*, 143 Md. App. at 664, 667. Consequently, there is no substantial defect on the face of the indictment or in the indictment procedure, and the trial court, therefore, did not abuse its discretion in denying Fields’s motion to dismiss.

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