

Circuit Court for Baltimore City
Case No. 118302014

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 567

September Term, 2020

DEANDRE SLEET

v.

STATE OF MARYLAND

Shaw Geter,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 4, 2021

*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 Baltimore City, Deandre Sleet, appellant, was convicted of felony murder; attempted robbery with a dangerous weapon; use of a handgun in the commission of a crime of violence; possession of a regulated firearm by a prohibited person; conspiracy to commit a robbery with a dangerous weapon; wearing, carrying or transporting a handgun on his person; and wearing, carrying, or transporting a handgun in a vehicle. His sole claim on appeal is the trial court erred in admitting “other crimes” evidence at trial. For the reasons that follow, we shall affirm.

Prior to trial, the State filed a motion *in limine* to determine the admissibility of several offenses that were allegedly committed by appellant, specifically: (1) the attempted robbery and shooting of Honera Sanchez eight days before the murder; (2) the robbery of Matthew Harr two days before the murder; and (3) three robberies of unknown persons that he committed with Kiara Wesley, who was also with him on the night of the murder. At the hearing on that motion, the trial court found by clear and convincing evidence that appellant committed those offenses; that they were admissible to prove his identity and establish modus operandi; and that the probative value of each crime was not substantially outweighed by any unfair prejudice.

On appeal, appellant contends that the court erred in admitting evidence related to those crimes. With respect to the Sanchez shooting, where Mr. Sanchez identified appellant as the shooter, appellant acknowledges that some evidence of that crime was admissible “to establish that the cartridge case [that was recovered]” had been fired from the same gun as the cartridge case that was recovered from the crime scene in this case. Similarly, appellant concedes that some evidence of the Harr robbery was relevant “to

explain why [Mr. Harr’s] identification card” was found in the vehicle that appellant was riding in at the time of his arrest. Appellant nevertheless claims that “any additional facts about [those crimes] had no special relevance and were not admissible” because they “went far beyond the limited information needed to establish identity.” Finally, he claims that the testimony of Ms. Wesley regarding the three uncharged robberies was unduly prejudicial and not admissible for any reason other than to show that he was a violent person with a propensity to commit robbery.

Although appellant now challenges the admissibility of the other crimes evidence on appeal, he did not object at any point when that evidence was admitted at trial. Therefore, his claims are not preserved for appellate review. *See Reed v. State*, 353 Md. 628, 643 (1999) (when evidence that has been contested in a motion *in limine* is admitted at trial, a contemporaneous objection must be made pursuant to Md. Rule 4-323(a) for that question of admissibility to be preserved for appellate review). Moreover, defense counsel indicated that he had “no objection” when the State sought to admit multiple exhibits related to the other crimes including: (1) the body worn video of the officer who investigated the Sanchez shooting; (2) the photographs of Mr. Sanchez at the hospital after the shooting; (3) the photo array used in the Sanchez shooting; (4) crime scene photos from the Sanchez shooting; (5) the shell casing recovered from the Sanchez shooting; (6) the video and still photographs from the gas station where Ms. Wesley used Mr. Harr’s credit card; and (7) Mr. Harr’s identification card that was found in appellant’s vehicle at the time of this arrest. Consequently, not only has appellant failed to preserve the issue but he also has waived his right to contest the admissibility of that evidence on appeal. *See Jackson v.*

State, 52 Md. App. 327, 331-32 (1982) (noting that the right of appellate review “can be waived in many ways,” including when an “appellant says he has no objection to the admission of the contested evidence” at trial).¹ Consequently, we shall affirm the judgments of the circuit court.

**JUDGMENTS OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**

¹ Although appellant does not specifically ask us to do so, we decline to exercise our discretion to engage in “plain error” review of this issue pursuant to Maryland Rule 8-131(a).