Circuit Court for Baltimore City
Case No. 123179003

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 620

September Term, 2024

NATHAN BROWN

v.

STATE OF MARYLAND

Reed,
Shaw,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: December 19, 2025

*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).

A jury in the Circuit Court for Baltimore City convicted Appellant Nathan Brown of first-degree murder, use of a firearm in the commission of a crime of violence, and possession of a firearm after having been convicted of a disqualifying crime. The court sentenced Brown to a total term of life plus thirty-five years' imprisonment.

In this appeal, Brown presents two questions for our review. For clarity, we have rephrased those questions as[1]:

1. Did the trial court err or abuse its discretion in instructing the jury on flight?

2. Did the trial court err or abuse its discretion in refusing to ask prospective jurors, during *voir dire*, whether they had "close ties with any gun rights or gun restriction organizations" or whether they had "ever been a member or participant in any organization or group that seeks to change criminal laws, criminal sentencing, the rights of victims, or the rights of the accused?"

Finding no error or abuse of discretion, we affirm.

BACKGROUND

On April 6, 2022, Correll McQueen was shot and killed during an altercation with another individual in the 4100 block of Frederick Avenue in Baltimore. Baltimore City Police Detective Keith Tondeur was the primary investigating officer, and he was also the

[1] Brown phrased the questions as:

1. Did the court err in instructing the jury on flight as evidence of guilt when defense counsel made clear that the sole issue at trial was the identity of the fleeing offender?

2. Did the court err in refusing to ask organizational bias questions during *voir dire*?

State's primary witness. He testified that the shooting was captured by surveillance footage of the area. In that footage, a group of people can be seen standing on the sidewalk outside of some businesses. One member of the group – a person wearing a dark Adidas jacket, dark pants, a hood, and a mask – is seen walking away from the group toward a vehicle, which had parked. The driver of the vehicle, later identified as Correll McQueen, gets out of the vehicle, walks toward the masked person, and pushes him. The masked person then pulls out a gun and shoots Mr. McQueen multiple times, killing him. The shooter walks away from the scene, gets into the driver's seat of a gold Chevy Malibu, which was parked nearby, and drives away.

After reviewing the footage, Detective Keith Tondeur determined that "the suspect left in a gold older model Malibu with a temporary tag of some sort." On April 14, 2022, Detective Tondeur went back to the scene of the shooting and saw what he thought "might be the suspect vehicle" traveling in the opposite direction of his vehicle. Detective Tondeur followed the car and observed the driver of the vehicle, whom Detective Tondeur later identified as Appellant, park, exit the car and then walk away. After taking photographs of the vehicle, Detective Tondeur traveled in Appellant's direction, but Detective Tondeur was unable to locate him.

The following day, Detective Tondeur was informed that the gold-colored Chevy Malibu had been set on fire and had been found in the same location where Detective Tondeur saw Appellant park it the day before. The detective subsequently obtained and executed a search warrant at a residence where he believed Appellant lived. The search of

the residence uncovered no relevant evidence, and the owner of the residence informed the detective that Appellant had vacated the residence "several days prior." Detective Tondeur later discovered that the gold Chevy Malibu was registered to a woman in Pennsylvania, whom he was unable to locate.

Approximately one year later, Detective Tondeur interviewed Appellant, when he was at the police department "on an unrelated matter." During that interview, Appellant was shown photographs of the individual whom Detective Tondeur had identified as the person driving the gold Chevy Malibu on April 14, 2022. He admitted that he was the person in the photographs, but he denied using the gold Chevy Malibu that was later found burned. He claimed that he used to own a similar vehicle, but that it was stolen in 2021. Detective Tondeur asked Appellant about the shooting and Appellant admitted that he was among the group of people who had been standing on Frederick Avenue just before the shooting. He also admitted that he and Mr. McQueen, the victim, had an "interaction" in which Mr. McQueen "bumped" him and did not say "excuse me." Appellant claimed, however, that he "didn't argue with the man" and that he just "left." When Appellant was confronted with images from the surveillance footage, he insisted that he was not the person depicted in the footage shooting Mr. McQueen.

Appellant was subsequently arrested, tried by a jury, and convicted of first-degree murder, use of a firearm in the commission of a crime of violence, and possession of a firearm after having been convicted of a disqualifying crime. Additional facts will be supplied as needed below.

STANDARD OF REVIEW

"We review a trial court's decision to give a particular jury instruction for abuse of discretion." *Wright v. State*, 474 Md. 467, 482 (2021). "A trial court abuses its discretion if it commits an error of law in giving an instruction." *Id.*

"An appellate court reviews for abuse of discretion a trial court's decision as to whether to ask a *voir dire* question." *Mitchell v. State*, 488 Md. 1, 16 (2024) (quoting *Lopez-Villa v. State*, 478 Md. 1, 10 (2022)). "[T]he failure to allow questions that may show cause for disqualification is an abuse of discretion constituting reversible error." *Id.*

DISCUSSION

Appellant first argues that the trial court erred in instructing the jury on flight. At trial, the State's case against him was based almost entirely on the video footage of the shooting, Detective Tondeur's testimony regarding his observations following the shooting, and Appellant's statements to Detective Tondeur. In his opening statement to the jury, Appellant's counsel emphasized the lack of evidence identifying him as the person depicted in the surveillance footage shooting Mr. McQueen:

> [The] State just talked to you about what their version they believe the facts and evidence will show. This isn't really a case just about the evidence. This is mostly a case about what's not in evidence, the silence. This is a case about silence, about the things that you won't hear.
>
> You won't hear from anyone that Mr. Brown was the person who committed that shooting. There's nobody to identify him. He does not identify himself. No one can say that person in the black Adidas jacket, hood and mask, is Mr. Brown.
>
> * * *

> This case definitely starts with a murder. I don't think there's any question that the person who shot Correll McQueen did it on purpose. You'll probably see video of it. It was horrible, it was traumatic, doesn't seem to be any justification or reason for it. And it seems to be premeditated, it happened on purpose, that person was going there to meet him and to do that to him. That makes it all the worse. It's in the middle of the day. When that person leaves, he gets into a gold car.
>
> * * *
>
> Eight days later, they see Mr. Brown in a gold Chevy Malibu and so they say, that's the guy. And so do they arrest him then? No. They wait. … Months go by. Four months go by, a full year plus goes by.
>
> Mr. Brown then is to be interrogated and they go and they talk to him. … They start asking him about Mr. McQueen's murder, which occurred more than a year before. He says, yeah, we bumped into each other. My boys had to pull me off of him. That doesn't look like anything that happened in the video.
>
> They show him pictures … from the day that he – that they say he got out of a gold Malibu and went in the liquor store. He says, yeah, that's me. … He says, yeah, I used to own a gold Chevy Malibu, it got taken from me, the end.
>
> Says he was there on the corner when the shooting happened. … They tried to show him a picture. The guy going to the gold Malibu, that's not my car, that's not me. I don't wear Adidas, that is not me; I wear Nike, that man is wearing Adidas.
>
> And here we are. There's a lot missing in this case. Most importantly somebody who can say that the person who did that to Mr. McQueen is Mr. Brown. Mr. Brown says that's not him, there's nobody who says it is. They say he got into a gold car. There's nobody to say whatever gold car Mr. Brown was in, if he was in it at all, was the same one that the shooter got into. You won't hear that. You won't hear it from anyone and that's because it's not what happened.

During his cross-examination of Detective Tondeur, defense counsel focused on the credibility of the evidence identifying Appellant as the person in the surveillance footage who shot Mr. McQueen. Specifically, defense counsel questioned the detective about the

pressures inherent in solving the case, the lack of physical evidence linking Appellant to the crime, discrepancies between the gold Malibu observed at the scene of the shooting and the one Appellant was seen driving eight days later, discrepancies between what the shooter was wearing and what Appellant was seen wearing, and the reliability of Appellant's statements to Detective Tondeur during their interview.

Prior to the conclusion of the State's case-in-chief, the parties discussed jury instructions with the court. During that discussion, the State indicated that it was requesting an instruction on flight. Defense counsel objected, stating that "there hasn't been any evidence that Mr. Brown fled or was fleeing from anything." The State disagreed, arguing that there was "circumstantial evidence that the defendant was the person that committed the shooting[.] The trial court ultimately agreed to give the instruction:

> Okay. So for flight, the flight instruction to be proper, there has to be four inferences that can reasonably be able to be drawn from the facts. One, that the behavior of the defendant suggests flight. Well, you have circumstantial evidence that the person that did the shooting was the defendant, and then there's evidence of him leaving, getting in a car – walking to his car, getting in the car and leaving the area. Okay. That the flight suggests consciousness of guilt. Well, if you just shot someone, you would want to, you know, get out of the area because you – I mean we don't have any other reason why he might have fled which is the case that's discussed, that discusses flight talks about that; well, maybe because he had drugs on him he didn't want, you know. That the consciousness of guilt is related to the crime, same reason, and then that the consciousness of guilt of the crime suggests actual field [sic] to the crime charged or closely related crime, so I will give that instruction.

The court gave the following instruction on flight, which was taken verbatim from the Maryland pattern jury instruction:

> A person's flight immediately after the commission of a crime or after being accused of committing a crime is not enough by itself to establish guilt, but it is a fact that may be considered by you as evidence of guilt. Flight under these circumstances may be motivated by a variety of circumstances, some of which are fully consistent with innocence. You must first decide whether there is evidence of flight. If you decide there is evidence of flight, then you must decide whether this flight shows a consciousness of guilt.

Appellant argues that the trial court abused its discretion in instructing the jury on flight. Pursuant to *Wright v. State*, 474 Md. 467 (2021), Appellant argues that "it is error to give the flight instruction where the defense does not contest that whoever fled the scene is guilty of the charged offense, and instead contends only that the State failed to prove that the defendant was the fleeing offender." *Id.* at 486. Appellant claims that "defense counsel . . . made it clear, and the trial judge was aware, that the sole issue in dispute was the identity of the fleeing offender." Thus, the flight instruction was inappropriate.

The State contends that the court did not abuse its discretion in giving the flight instruction. The State notes that, in *Wright*, the Supreme Court of Maryland made clear that, unless a defendant makes a timely, express, and unequivocal statement that the sole contested issue is the defendant's identity as the perpetrator, a court has the discretion to give a flight instruction. The State argues that Appellant made no such showing at trial. The State argues, alternatively, that Appellant was not prejudiced by the instruction and that any error was harmless.

In *Wright v. State*, the Supreme Court of Maryland considered whether a trial court has the discretion to give a flight instruction where the only contested issue at trial is the

defendant's identity as the fleeing suspect. *Wright*, 474 Md. at 473. In that case, Wright was charged with attempted murder following an incident in which an unidentified person was caught on surveillance video firing several gun shots at another man and then immediately running away. *Id.* at 474-75. At trial, the State requested a flight instruction, and defense counsel objected, arguing that "the whole crux of the case was that Mr. Wright did the shooting." *Id.* at 478. The trial court gave the instruction, and Wright was convicted. *Id.* at 478-80.

After this Court affirmed, the Supreme Court granted *certiorari* to determine whether the trial court erred in giving the flight instruction "where the sole contested issue in the case was the identity of the person who committed the crime and fled the scene[.]" *Id.* at 481. In analyzing that issue, the Court noted that it had previously held, in *Thompson v. State*, 393 Md. 291 (2006), that a flight instruction should not be given unless the evidence supported four inferences, including:

> that the behavior of the defendant suggests flight; that the flight suggests consciousness of guilt; that the consciousness of guilt is related to the crime charged or a closely related crime; and that the consciousness of guilt of the crime charged suggests actual guilt of the crime charged or a closely related crime.

Id. at 483 (quoting *Thompson*, 393 Md. at 312). The Court noted that, in general, the purpose of a flight instruction is to "aid the jury in clearly understanding the case, . . . provide guidance for the jury's deliberations, and . . . help the jury arrive at a correct verdict." *Id.* at 485 (quoting *Chambers v. State*, 337 Md. 44, 48 (1994)). The Court concluded that, in cases where the sole issue is the identity of the fleeing suspect, whether

the suspect demonstrated consciousness of guilt is irrelevant because "[a]ll the jury must decide is whether the defendant on trial was the fleeing offender." *Id.* at 486. The Court held that "it is error to give the flight instruction where the defense does not contest that whoever fled the scene is guilty of the charged offense, and instead contends only that the State failed to prove that the defendant was the fleeing offender." *Id.* at 486.

In reaching that decision, the Court cautioned that, in such cases, the defendant has an affirmative duty to inform the trial court, prior to the jury charge, that the sole issue before the jury is the identity of the fleeing offender:

> Importantly, however, a trial judge should not be left to guess or speculate whether the sole issue in dispute at trial is the identity of the fleeing offender. In order for the limitation on the flight instruction we adopt here to be applicable, defense counsel must expressly and unambiguously state – prior to the jury charge – that the defense solely contests the identity of the defendant as the fleeing offender. One way to do this would be for the parties to enter into a stipulation which says, in effect, that: (1) the parties agree the State has proven that the person who fled the scene is guilty of the charged offense(s); (2) the defendant disputes that the defendant is the person who committed the offense(s) and fled the scene; and (3) it is the State's burden to prove beyond a reasonable doubt that the defendant is the person who committed the offense(s) and fled the scene. Alternatively, if defense counsel tells the trial court prior to the jury charge that, in closing argument, the defense will not contest any issue other than the identity of the defendant as the fleeing offender, that will ordinarily suffice to make clear that it is the sole issue in dispute. Without a stipulation or a timely and unequivocal statement by defense counsel that narrows the issue before the jury to the identity of the defendant as the fleeing offender, a trial court retains discretion to instruct the jury on flight if the evidence adduced at trial creates the chain of four inferences discussed in *Thompson*.

Id. at 486-87 (internal footnotes omitted).

The Supreme Court concluded that the trial court did not abuse its discretion in giving the flight instruction. *Id.* at 487-95. The Court explained that, to prove Wright was

guilty of attempted murder, the State needed to show that Wright was the person who shot the victim and that he had the requisite mental state to commit the crime. *Id.* at 488. After reiterating a defendant's affirmative duty to "expressly and unambiguously" inform the trial court that only the identity of the assailant is at issue, the Court explained that, "not only did Wright's trial counsel never tell the court that the mental state elements were not in dispute; counsel suggested during his opening statement and in his cross-examination of [the victim] that the mental state of the shooter might well be a live issue." *Id.* The Court noted that, when the flight instruction issue arose:

> defense counsel did not say that Wright's identity as the fleeing offender was the only issue in the case, that the sole defense argument would be about identity, or that he would concede in his closing argument that the State had proved all the other elements of the charged offenses[.]

Id. at 489. The court concluded, "[b]ecause Wright's counsel did not make a timely, express, and unequivocal statement that the sole contested issue in Wright's trial was his identity as the person who shot [the victim] and fled, the trial court had discretion to instruct the jury on flight." *Id.* at 495.

In the present case, when defense counsel objected to the flight instruction just prior to the jury charge, he did not, expressly and unambiguously state that the sole contested issue was the identity of the fleeing shooter. Rather, defense counsel stated that "there hasn't been any evidence that Mr. Brown fled or was fleeing from anything." In overruling the objection, the court stated that, not only was there "circumstantial evidence that the person that did the shooting was the defendant," but there was also evidence of him "getting in the car and leaving the area," which was sufficient to establish flight. The court

explained that, under the circumstances, the evidence of flight was also sufficient to suggest a consciousness of guilt related to the charged crime from which actual guilt could be inferred.

To be sure, defense counsel did indicate, both during his opening statement and in his cross-examination of the State's primary witness, Detective Tondeur, that Appellant's defense was focused almost exclusively on the State's evidence, or lack thereof, identifying him as the shooter. However, at no point prior to the jury charge, did Appellant make "a timely, express, and unequivocal statement" that the sole issue in the case was his identity as the person who shot Mr. McQueen and fled the scene.

It appears, from the record, that the court understood defense counsel's objection to be based on a lack of evidence of flight, generally, and not as a concession that the State had proven that the person who had fled the scene was guilty of the charged offense. Defense counsel ambiguously stated that there was no evidence that Appellant "was fleeing from anything," which the court apparently took to be a general challenge to the State's evidence of flight. Defense counsel failed to provide any additional clarification, and thus we cannot say that Appellant provided a "timely and unequivocal statement" that the sole issue was his identity as the fleeing shooter. As such, we cannot say that the court abused its discretion in instructing the jury on flight.

Appellant argues, nevertheless that his attorney "made it clear, and the trial judge was aware, that the sole issue in dispute was the identity of the fleeing offender." He attempts to distinguish the circumstances of his case from those in *Wright*. First, he claims

that, in *Wright,* counsel made the shooter's mental state an issue in his opening remarks and cross-examinations, whereas, in his case, counsel "expressly and unequivocally stated that its sole defense was that Mr. Brown was not the person who committed the crime and fled the scene." Second, Appellant claims that, in *Wright,* counsel cross-examined the State's witnesses on issues irrelevant to the issue of identity, whereas, in his case, defense counsel "focused his cross-examination of the witnesses to the issue of identity." Lastly, he claims that, in his case, defense counsel's objection to the flight instruction was consistent with the defense theory that identity was the sole issue, and the court's comments in overruling the objection showed "that the court also understood the basis of counsel's objection to depend on identity."

We are not persuaded by Appellant's arguments. We note that, although the Supreme Court in *Wright* highlighted counsel's opening statement and cross-examinations, that discussion merely served to emphasize the Court's conclusion that the mental state element may have been a "live issue." At the conclusion of the opinion, the Court stated, "[b]ecause Wright's counsel did not make a timely, express, and unequivocal statement that the sole contested issue in Wright's trial was his identity as the person who shot [the victim] and fled, the trail court had discretion to instruct the jury on flight." *Id.* at 495.

Here, although defense counsel's opening statement and cross-examination of witnesses may have provided some insight into whether other elements beyond identity were a "live issue," our analysis is focused on whether the defense made a timely, express, and unequivocal statement that a flight instruction was unnecessary and inappropriate

because the defense was going to only contest identity in closing argument. Appellant made no such statement; and, therefore, the court retained the discretion to give the flight instruction.

Assuming, *arguendo*, that the requisite "statement" could be made indirectly, we do not agree that Appellant's counsel "made it clear, and the trial judge was aware, that the sole issue in dispute was the identity of the fleeing offender." At the start of his opening statement, defense counsel stated that the case was "*mostly* a case about what's not in evidence." Although defense counsel's remaining argument focused almost exclusively on the State's lack of evidence concerning identity, the court and the jury could have concluded from counsel's opening statement that he may dispute other matters at the conclusion of the evidence. When defense counsel objected to the flight instruction just prior to the jury charge, he stated that "there hasn't been any evidence that Mr. Brown fled *or was fleeing from anything*." That statement could have been construed, and apparently was construed by the trial court, as arguing that the State had failed to produce evidence that the suspect's flight suggested consciousness of guilt. Given those circumstances, we cannot say that defense counsel "expressly and unambiguously" informed the trial court that only the identity of the assailant was at issue.

Appellant's next claim of error concerns the trial court's refusal to ask prospective jurors, during *voir dire*, two questions requested by the defense. Those questions were:

> 12. Do you have close ties to any gun rights or gun restriction organizations, like the National Rifle Association or the Coalition to Stop Gun Violence?

> 13. Are you or have you even been a member or participant in any organization or group that seeks to change criminal laws, criminal sentencing, the rights of victims, or the rights of the accused?

Just prior to *voir dire*, the trial court discussed proposed *voir dire* questions with the parties, and defense counsel mentioned the two requested questions:

> [DEFENSE]: The only other questions I requested, Your Honor, are the … gun rights organizations, sentencing organizations, victim rights, sort of thing – prisoner's rights, things like that. It's a question.
>
> THE COURT: Usually when they stand up for the strong feelings about guns and gun – you know, they come up and they're, like, yeah, you – that's when I usually get that – those responses. I mean, do you feel very, like, strongly that you want me to ask that?
>
> [DEFENSE]: I – I mean, I don't think – have any argument. I mean, that's – never been asked. But – but how –
>
> THE COURT: Uh-huh.
>
> [DEFENSE]: - after that otherwise (inaudible 10:31:43 a.m.)
>
> THE COURT: I mean, sometimes it's more – you know, where cases that request more specific language, I think.
>
> [DEFENSE]: Uh-huh.
>
> THE COURT: But let's – let's see – I think – I think these questions usually elicit all of those kinds of issues. And then I always ask, is there any other reason whatsoever – I mean – and then that, a lot of times, brings out that (inaudible 10:32:07 a.m.) people, so – our goal, obviously, is to just get people that will be fair to both you, sir, and the State. Fair and impartial, that's what we want.

The court thereafter propounded its *voir dire* questions to the prospective jurors and omitted the two questions requested by defense counsel. The court did, however, ask prospective jurors whether they or someone close to them had been the victim of a violent

crime or a crime involving a handgun; whether they or someone close to them had been arrested, charged, or convicted of a crime; whether they had strong feelings about murder or handgun violations; and whether they had a philosophical, moral, or religious reason that would prevent them from being fair and impartial. At the conclusion of the court's *voir dire*, defense counsel renewed his objection to the court's refusal to propound the two requested questions.

Appellant now claims that the trial court erred in refusing to ask the two questions requested by counsel. He argues that, pursuant to *Dingle v. State*, 361 Md. 1 (2000), "questions about membership in gun and criminal law advocacy organizations are required because they are reasonably likely to reveal a specific cause for disqualification."

The State argues that the court did not err or abuse its discretion in refusing Brown's request.[2] The State contends that Appellant's requested questions were fairly covered by the court's other questions. The State also contends that Appellant misconstrues *Dingle* and that the questions he requested are not mandatory.

"*Voir dire* is the primary mechanism through which the constitutional right to a fair and impartial jury, guaranteed by the Sixth Amendment to the United States Constitution

[2] The State also argues, preliminarily, that Appellant's argument, on appeal, was waived because, when the trial court asked defense counsel if he felt strongly about the questions, defense counsel "responded that he didn't 'have any argument.'" We disagree. The record shows that defense counsel lodged a prompt objection to the court's decision, and defense counsel renewed that objection at the conclusion of the court's *voir dire*. That was sufficient to preserve the issue. *See Foster v. State*, 247 Md. App. 642, 647-48 (2020) (noting that, where a trial court refuses to propound a *voir dire* question over a defendant's objection, "nothing more [is] required to preserve the issue for review"); *see also* Md. Rule 4-323(c).

and Article 21 of the Maryland Declaration of Rights, is protected.'" *Id.* (quoting *Curtin v. State*, 393 Md. 593, 600 (2006)). "[I]n Maryland, the sole purpose of *voir dire* is to ensure a fair and impartial jury by determining the existence of specific cause for disqualification." *Collins v. State*, 463 Md. 372, 376 (2019) (quoting *Pearson v. State*, 437 Md. 350, 356 (2014)). "There are two categories of specific cause for disqualification: (1) a statute disqualifies a prospective juror; or (2) a collateral matter is reasonably liable to have undue influence over a prospective juror." *Id.* (quoting *Pearson*, 437 Md. at 357). "The latter category is comprised of biases [that are] directly related to the crime, the witnesses, or the defendant." *Id.* at 377 (quoting *Pearson*, 437 Md. at 357).

Generally, "a trial court must ask a *voir dire* question upon request if it is reasonably likely to reveal a specific cause for disqualification." *Mitchell*, 488 Md. at 16-17 (quoting *Kazadi v. State*, 467 Md. 1, 44-45 (2020)). That duty may include questions related to whether a prospective juror has a particular experience, status, association, or affiliation, but "if and only if the experience, status, association, or affiliation has a *demonstrably strong correlation* [with] a mental state that gives rise to [specific] cause for disqualification." *Pearson*, 437 Md. at 357-58 (quoting *Curtin*, 393 Md. at 607). A court "need not ordinarily ask a particular requested question if the matter is fairly covered by the questions the court puts to the prospective jurors." *Mitchell*, 488 Md. at 28.

In *Dingle*, the Supreme Court of Maryland considered the propriety of compound *voir dire* questions. *Dingle*, 361 Md. at 3-4. There, the defendant asked the trial judge to pose a series of *voir dire* questions related to whether prospective jurors had certain

experiences or associations, including: experience as a victim of crime, as an accused or convicted person, as a witness in a criminal case, or as a juror; a membership in a victims' rights group; a connection with the legal profession; or, an association with law enforcement. *Dingle*, 361 Md. at 3 n.3. The judge agreed to ask the questions, but the judge ultimately compounded each of those questions with an additional question asking whether the experience or association would affect the prospective juror's ability to be fair and impartial. *Id.* at 3-4. The Supreme Court of Maryland held that the judge had erred in compounding the questions. *Id.* at 21. The Court noted that, during the *voir dire* of prospective jurors, it is the trial judge – not the individual jury member – who must decide whether there is a cause for disqualification of a prospective juror. *Id.* at 14-15. After noting that the trial judge had recognized the relevance of the requested questions in uncovering prejudice, the Court explained that the trial judge had ultimately "failed to appreciate that, should there be a challenge, he had the responsibility to decide, based upon the circumstances then existing, … whether any of the venire persons occupying the questioned status or having the questioned experiences should be discharged for cause[.]" *Id.* at 17. In other words, by not requiring:

> an answer to be given to the question as to the existence of the status or experience unless accompanied by a statement of partiality, the trial judge was precluded from discharging his responsibility, *i.e.*, exercising discretion, and, at the same time, the [defendant] was denied the opportunity to discover and challenge venire persons who might be biased.

Id.

Importantly, the Supreme Court did not hold, or suggest, that any of the "organizational bias" questions were mandatory. As we later explained in *Uzzle v. State*,

152 Md. App. 548 (2003), "[t]he *Dingle* opinion did not devote any analysis to or even discuss the substantive merits of the *voir dire* questions before it." *Id.* at 554. Rather, "[t]he majority opinion in *Dingle* simply took as given that the trial judge recognized the relevance of the questions to the discovery of likely bias but nonetheless deferred to the jurors' own judgments as to whether their bias should disqualify them." *Id.* at 556-57. In short, the basis for the decision in *Dingle* was the trial judge's deference on the issue of bias, not the substance of the questions posed.

Against that backdrop, we hold that the trial court in the instant case did not err or abuse its discretion in declining to pose Appellant's requested *voir dire* questions. Appellant's reliance on *Dingle* is misplaced, as there was no "threshold finding" or other "mandate" regarding the substance of the court's questions in that case. We also find no evidence that his questions were reasonably likely to reveal a specific case for disqualification. Furthermore, even if the questions were relevant, we are persuaded that the matters raised by the questions were fairly covered by the court's other questions.

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