

Circuit Court for Baltimore City
Case No. 118004004

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 711

September Term, 2018

CLAYTON T. BLUE

v.

STATE OF MARYLAND

Nazarian,
Leahy,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2019

*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 bench trial in the Circuit Court for Baltimore City, Clayton Blue, appellant, was convicted of possession of a firearm after a conviction of a crime of violence and two counts of wearing, carrying, or transporting a handgun. On appeal, Mr. Blue contends that the court erred in denying his motion to suppress because, he claims, he was seized without reasonable suspicion. However, when the State moved at trial to introduce the fruits of the traffic stop; specifically, the gun that was recovered from Mr. Blue’s person and footage from the arresting officers’ body cameras wherein Mr. Blue told the officers that he had a gun, defense counsel informed the court that he had “no objection” to the admission of that evidence. Consequently, Mr. Blue has waived his right to appellate review of this issue and we decline to address it. *See Jackson v. State*, 52 Md. App. 327, 331-32 (1982) (noting that the right to appellate review “can be waived in many ways” including when, after a motion to suppress is denied, “appellant says he has no objection to the admission of the contested evidence” at trial).¹

¹ In the suppression hearing, Baltimore City Police Officer James Craig testified that he stopped Mr. Blue after noticing that he did not have a license plate attached to the front of his vehicle. In arguing that the stop was unreasonable, defense counsel claimed that: (1) the arresting officer’s testimony was not credible, and (2) because he had a license plate on his dashboard, he had complied with § 13-411 of the Transportation Article, which requires certain vehicles to have a registration plate “attached” to the front of the vehicle. On appeal, Mr. Blue concedes that if his “vehicle was registered in Maryland, he would have violated TR § 13-411(a) by failing to attach the front plate.” However, he now contends that § 13-411 of the Transportation Article did not apply to him because his vehicle was registered in Ohio. Instead, he asserts that the validity of the stop should have been assessed under § 13-402.1(a)(1)(i) of the Transportation Article which provides that a “nonresident may drive or permit the driving of a foreign vehicle in this State . . . if . . . the vehicle (i) Is registered in and displays current registration plates issued for it in the owner’s place of residence[.]” Claiming that his vehicle complied with § 13-402.1(a)(1)(i), he now asserts that the stop was based on an unreasonable mistake of law. These arguments were
(continued)

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

not raised in the circuit court. Therefore, even if his suppression claim was not waived, the issues he raises on appeal are not preserved for appellate review. *Ray v. State*, 435 Md. 1, 19 (2013) (where a defendant advances one theory of suppression pursuant to Maryland Rule 4-252 but fails to argue an additional theory that it later asserts on appeal, the defendant has “waived the right to have that claim litigated on direct appeal.”).