

Circuit Court for Harford County
Case No. C-12-CR-22-000806

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 777

September Term, 2024

XAVIER ALEXANDER STANFIELD

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: June 24, 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.

Convicted by a jury in the Circuit Court for Harford County of possession of cocaine with intent to distribute and related offenses, Xavier Alexander Stanfield, appellant, presents for our review two issues: whether the court “commit[ted] plain error by permitting the State to elicit expert testimony that Mr. Stanfield possessed cocaine with the intent to distribute it,” and whether “trial counsel render[ed] ineffective assistance of counsel.” For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that at approximately 7:12 p.m. on August 10, 2022, Detective James Amrein of the Harford County Sheriff’s Office was at a shopping center in Edgewood when he saw Mr. Stanfield exit a “smoke shop . . . , walk across the parking lot, and enter a gray Toyota Camry.” After confirming that Mr. Stanfield “had outstanding arrest warrants,” Detective Amrein “radioed to patrol units” and “followed Mr. Stanfield . . . to Clover Valley Way.” When other officers arrived and approached Mr. Stanfield, he ran into “a wooded area.” After the officers apprehended Mr. Stanfield, Detective Amrein, pursuant to a warrant, searched the Camry and discovered cannabis, crack cocaine, a “grinder,” \$1,070 in U.S. currency, and a digital scale with “white powder-type residue.”

The State also called Sergeant Brandon Underhill of the Harford County Sheriff’s Office, whom the court accepted “as an expert in the area of sale [and] packaging of controlled dangerous substances.” Sergeant Underhill testified that “based on [his] training, knowledge[,] and experience,” the “quantity of crack cocaine” discovered in the Camry, which “would have a street sale value of about \$800,” “firmly indicates . . . an intent to distribute.” The sergeant also testified that “the \$1,070 that was seized” from the

Camry, “especially as it’s laid out here in predominantly what appear to be \$20 increments, . . . is also indicative of possessing the cocaine with the intent to distribute.” Sergeant Underhill further testified that the “scale would be indicative . . . of being utilized along with the distribution of crack cocaine,” and from “the white residue,” the sergeant opined that the “scale was used to weigh small amounts of crack cocaine.” Finally, the prosecutor asked Sergeant Underhill: “[B]ased on all of the facts and circumstances that we just discussed, do you have an expert opinion on the Defendant’s intended use for the crack cocaine in this case?” The sergeant replied: “My opinion is firmly that this cocaine was possessed with the intent to redistribute.”

Mr. Stanfield first contends that the court erred in “permitt[ing] the prosecutor to elicit testimony from Sergeant Underhill that his opinion was ‘firmly that this cocaine was possessed with the intent to []distribute’ – a necessary element of the . . . offense” of possession of cocaine with intent to distribute. Acknowledging that defense counsel “failed to preserve this error for review,” Mr. Stanfield asks us to “take cognizance of . . . plain error.” We decline to do so. Although this Court has discretion to review unpreserved errors pursuant to Rule 8-131(a) (“[o]rdinarily, an appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal”), the Supreme Court of Maryland has emphasized that appellate courts should “rarely exercise” that discretion, because “considerations of both fairness and judicial efficiency ordinarily require that all challenges that a party desires to make to a trial court’s ruling, action, or conduct be presented in the

first instance to the trial court[.]” *Ray v. State*, 435 Md. 1, 23 (2013) (internal citation omitted). Therefore, plain error review “is reserved for those errors that are compelling, extraordinary, exceptional[,] or fundamental to assure the defendant of a fair trial.” *Savoy v. State*, 218 Md. App. 130, 145 (2014) (internal citation and quotations omitted). Under the circumstances presented here, we decline to overlook the lack of preservation, and do not exercise our discretion to engage in plain error review. *See Morris v. State*, 153 Md. App. 480, 506-07 (2003) (noting that the words “[w]e decline to do so” are “all that need be said, for the exercise of our unfettered discretion in not taking notice of plain error requires neither justification nor explanation” (emphasis and footnote omitted)).

Mr. Stanfield next requests that we reverse the judgments on the ground that “trial counsel rendered ineffective assistance of counsel” in:

- Failing “to object to Sergeant Underhill’s impermissible opinion testimony regarding Mr. Stanfield’s mental state and, thus, fail[ing] to preserve that error for appeal;”
- Failing “to object to Sergeant Underhill’s testimony on relevancy grounds where he testified about crack cocaine while the forensic chemist’s report suggests that the substance at issue was powder cocaine;” and
- Missing “an opportunity to cast doubt on the State’s case and Sergeant Underhill’s testimony by failing to call the forensic chemist as a witness to shed light on the type of cocaine that was tested.”

We decline to address this claim. The Supreme Court of Maryland has stated that “[p]ost-conviction proceedings are preferred with respect to ineffective assistance of counsel claims because the trial record rarely reveals why counsel . . . omitted to act, and such proceedings allow for fact-finding and the introduction of testimony and evidence directly related to allegations of the counsel’s ineffectiveness.” *Mosley v. State*, 378 Md. 548, 560

(2003) (citations and footnote omitted). Here, like in *Mosley*, the record does not reveal why defense counsel failed to take the actions now sought by Mr. Stanfield. A post-conviction proceeding will allow for the introduction of testimony and evidence, and fact-finding, directly related to Mr. Stanfield's contention, and hence, the contention should be addressed in such a proceeding.

**JUDGMENTS OF THE CIRCUIT COURT
FOR HARFORD COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**