Circuit Court for Baltimore City
Case No. 823214007

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 968

September Term, 2024

TROY MEDLEY

v.

STATE OF MARYLAND

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 9, 2025

*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 Baltimore City of two counts of possession of a regulated firearm by a prohibited person and related offenses, Troy Medley, appellant, presents for our review a single issue: "[w]hether the court erred under Rule 4-253(c) by not, on its own, curing prejudicial joinder." For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that on April 6, 2023, Baltimore City Police Sergeant Israel Villodas was "conducting pre-surveillance" at 4935 Lanier Avenue for the execution of a search warrant, when he observed Mr. Medley "exit a vehicle and go into the target location." When Mr. Medley "got back in the car" and "was about to leave the court, . . . a bunch of units from patrol, as well as [Sergeant Villodas], attempted to do a vehicle stop for him to stop." Mr. Medley "swerved around the police wagon and took off." After running "the red light on Park Heights and Belvedere" and striking two vehicles, Mr. Medley "exited [his] vehicle and began running away." Seeing a gun in Mr. Medley's left hand, Sergeant Villodas followed him in the sergeant's vehicle. After Sergeant Villodas and other officers arrested Mr. Medley, Baltimore City Police Detective Nolan Arnold canvassed the route that Mr. Medley had run and discovered a SIG Sauer firearm. Baltimore City Police Officer Christopher Martin subsequently searched the car that Mr. Medley had driven and discovered a Jimenez Arms firearm. The parties stipulated that Mr. Medley "is prohibited from possessing a regulated firearm because he has been convicted of a crime which prohibits him from possessing a regulated firearm."

Following the close of the evidence, the court instructed the jury to consider five charges: "possession of a regulated firearm by a prohibited person[] as applies to the . . .

SIG Sauer firearm," "[p]ossession of a regulated firearm by a prohibited person as it applies to the . . . Jimenez firearm," "[w]ear, carry or transporting a handgun on one's person[] as to the . . . SIG Sauer firearm," "[w]ear, carry or transporting a loaded handgun in a vehicle[] as it pertains to the . . . Jimenez firearm," and "illegal possession of ammunition." The jury subsequently convicted Mr. Medley of the offenses.

Mr. Medley contends that the court "erred under Rule 4-253(c)[1] by not, on its own," severing the counts as to each firearm, because the "[e]vidence as to each gun was not mutually admissible," and hence, "joinder was prejudicial." (Emphasis omitted.) Acknowledging that defense counsel did not pursue a motion for severance, Mr. Medley contends that our opinion in *Spease and Ross v. State*, 21 Md. App. 269 (1974), required the court to *sua sponte* "order[] a mistrial" and "sever[] the counts for separate trials." In that case, Clifton Spease, who was charged with conspiracy to distribute cocaine, and Willie Ross, who was charged with four offenses, were tried jointly. *Id.* at 271, 299. On appeal, Mr. Spease contended that the court erred in failing "to order, *sua sponte*, a severance for trial purposes of the . . . count" charging him with conspiracy to distribute cocaine "from the four other counts which did not charge him." *Id.* at 299 (italics added). Rejecting the contention, we stated: "Under all of the circumstances, particularly the failure of [Mr.] Spease to request a severance, we do not feel that there was any abuse of

[1]Rule 4-253(c) states: "If it appears that any party will be prejudiced by the joinder for trial of counts, charging documents, or defendants, the court may, on its own initiative or on motion of any party, order separate trials of counts, charging documents, or defendants, or grant any other relief as justice requires."

discretion on the part of [the trial judge] in not taking it upon himself to order severance." *Id.* at 300.

Mr. Medley contends that our conclusion in *Spease* means that "when . . . there is prejudicial joinder that a court fails to cure on its own, the inaction is reviewed for abuse of discretion." We issued no such holding. Also, the Supreme Court of Maryland has long held that "[b]y failing to specifically request a severance of counts . . . , [a defendant] waive[s] any right to a severance." *Tracy v. State*, 319 Md. 452, 457 (1990). Here, Mr. Medley failed to specifically request a severance of the counts pertaining to the SIG Sauer firearm from the counts pertaining to the Jimenez firearm. Mr. Medley waived any right he may have had to severance, and hence, the court did not err or abuse its discretion in failing to order severance *sua sponte*.

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