

Circuit Court for Baltimore County
Case No. C-03-CR-23-004617

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1111

September Term, 2024

PHILIP LEE QUEEN

v.

STATE OF MARYLAND

Tang,
Albright,
Raker, Irma S.
(Senior Judge, Specially Assigned),

Opinion by Raker, J.

Filed: July 10, 2026

*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).

Appellant, Philip Lee Queen, was convicted in the Circuit Court for Baltimore County of attempted second-degree murder, attempted armed robbery, use of a firearm in the commission of a felony or violent crime, and unlawful possession of a regulated firearm. Appellant presents the following questions for our review:

- “1. Whether the State failed to present evidence sufficient to establish the defendant’s identity as the perpetrator of the charged shooting.
2. Whether the State failed to present evidence sufficient to establish that the defendant intended to commit armed robbery because it presented no evidence of larcenous intent.
3. Whether the trial court abused its discretion by failing to exclude inflammatory photographs of the defendant.
4. Whether the trial court abused its discretion by excluding evidence of the lead investigating detective’s racial bias and refusing to allow defense counsel to cross-examine him on that basis.”

Finding no error, we shall affirm.

I.

Appellant was indicted in the Circuit Court for Baltimore County of attempted first degree murder; attempted armed carjacking; attempted armed robbery with a dangerous weapon; first-degree assault, second-degree assault; use of a firearm in the commission of a felony or violent crime; wearing, carrying, and transporting a handgun on his person; having a loaded handgun on his person; possessing a firearm with a disqualifying felony conviction; illegal possession of a regulated firearm; and illegal possession of ammunition. Following a jury trial, appellant was convicted of (1) attempted second-degree murder, (2)

attempted armed robbery, (3) use of a firearm in the commission of a felony or violent crime, and (4) unlawful possession of a regulated firearm.¹

On December 31, 2021, Darrell Walker, a correctional officer in Baltimore City, drove home to his apartment complex at 1 Jillway Court around 10:00 p.m. He testified that he thought he might have gone to the store beforehand and may have had some bags in his car. He had his phone, wallet, and keys, parked at the apartment complex and began to gather his things and exit the car while on the phone with a work friend, Tira Lisane. He saw “somebody with a gun in [his] face.” At that point, his door and window were closed. Mr. Walker described the gun as a “black gun with an extended clip” and he thought it to be semi-automatic. Mr. Walker testified that he reached for his own gun, which he had pursuant to a permit because of his position as a correctional officer, but the assailant shot him before he could shoot. Mr. Walker believed the assailant then ran off.

Mr. Walker then drove himself to the hospital. His elbow had “shattered” and he underwent various surgeries over the course of multiple years. He testified that he never saw his assailant’s face. He described the individual as a thin Black male who was around

¹ The court imposed the following sentences:

- (1) Attempted second-degree murder: term of incarceration of thirty years, suspend all but twenty years, the first ten years to be served without parole;
- (2) Attempted armed robbery: term of incarceration of twenty years, suspend all, concurrent with Count 1;
- (3) Use of a firearm in the commission of a felony or violent crime: term of incarceration of twenty years, suspend all but fifteen years, first five years without parole, consecutive to Count 1; and
- (4) Unlawful possession of a regulated firearm: term of incarceration of fifteen years, first five years without parole, concurrent to the use of a firearm sentence.

5 foot 8 inches, had short hair, and was wearing dark clothing and a dark blue bandana, which covered his face up to his eyes.

Ms. Lisane, who was on the phone with Mr. Walker when he was shot, heard Mr. Walker exclaim that he was shot, called 9-1-1, and provided the operator with Mr. Walker's address. With Mr. Walker's consent, police impounded his car, searched his vehicle and cell phone, and took possession of his firearm. Police found a shell casing in the parking lot of Jillway Court and bullet fragments in Mr. Walker's car. Police knocked on a few doors at the apartment complex but obtained no additional information.

At the hospital, emergency personnel notified the police, who responded to the hospital. Mr. Walker spoke to Detective Storm Sheckells and he described the assailant's bandana to Det. Sheckells as a "Crip blue bandana." Mr. Walker told Det. Sheckells that he saw a woman walking her dog in the parking lot before he was shot. Det. Sheckells testified that police were never able to identify this woman. Det. Sheckells spoke to three people with whom Mr. Walker had spoken to around the time he was shot, including the mother of Mr. Walker's son, Kiana Balal. No one was able to offer the police any potential suspects or explanation for the shooting. Police obtained Ms. Balal's phone records, which did not provide any information. Nor were police able to obtain helpful surveillance footage.

Det. Sheckells executed a geofence warrant, which allows police to use information from Google to search for devices in the vicinity of the shooting. He found two devices of interest. Det. Sheckells determined that the owners of these devices were not people of interest because they did not match Mr. Walker's description of his assailant—they

belonged to a white man and a white women—and Det. Sheckells believed that they would not have been positioned in a way that would allow them to see what happened in Jillway Court. Det. Sheckells did not speak to the owners of these devices.

On May 13, 2022, Det. Sheckells received word that casings recovered from a Baltimore City shooting matched the shell casing found at Jillway Court. By tracing the license plate of the car, which the suspect in the Baltimore City shooting was seen fleeing in, police developed appellant as a suspect in the instant shooting. Baltimore City police informed Det. Sheckells that appellant may be of interest in the Jillway Court shooting and determined that appellant lived one mile from the location of that shooting. Police obtained an arrest warrant for appellant and a search warrant for his apartment, which they executed in June of 2022. Police found a firearm magazine loaded with nine-millimeter ammunition, additional nine-millimeter ammunition, and a black bandana with a white pattern. Police did not recover a firearm.

Police arrested appellant and Det. Sheckells interviewed him at the police station for around ten hours, asking him, among other questions, the location of the firearm. During the interview, appellant provided Det. Sheckells with his cell phone password and asked for the phone numbers of two friends, Troy Clay and Cornell Jones, people he wished to call. Det. Sheckells provided appellant with the phone numbers of Mr. Clay, Mr. Jones, and his mother. Det. Sheckells looked through appellant’s phone pursuant to the search warrant and found pictures and videos of appellant possessing a firearm. Appellant had a prior felony conviction and was prohibited from possessing a firearm. During the interview, appellant told police he was out with his sister in Owings Mills at the time of

the shooting. In contrast, the geofence information identified appellant's phone in the location of his home and the scene of the crime at the time of the shooting.

Det. Sheckells examined appellant's text messages and became suspicious that, the day prior to the interview, appellant had asked Mr. Jones to hold on to the firearm used in Mr. Walker's shooting for him. Around June 22-23, 2023, Appellant had sent Mr. Jones various text messages such as "Might need you hold the blick for me." "Blick," Det. Sheckells testified, is slang for gun. Det. Sheckells obtained a search warrant for Mr. Jones's residence to search for the gun. Police did not find a firearm. The interview turned up no other leads. Additional searching of appellant's phone revealed that he conducted many Google searches regarding news of a shooting or crime in various locations surrounding Jillway Court on New Year's Eve, such as: "shooting on Queens Purchase 12/31/21"; "shooting near Middleborough Road"; "Baltimore County breaking news crime shooting"; "warrant search Maryland"; and "do police have gun scanners."

Appellant remained in jail, and police monitored his jail calls. In one call to his mother, appellant mentioned needing to get his daughter. Appellant does not have a daughter. Det. Sheckells began to suspect appellant was discussing the firearm used in the shooting. In various other calls: appellant told Mr. Clay to take care of his daughter and take her somewhere safe; appellant told his mother that his daughter would be ok as long as she was kept where she was; and appellant asked whether Mr. Clay took his daughter when he moved residences. Police obtained and executed a search warrant for Mr. Clay's residence. They found a purple bag containing a handgun with an extended magazine and some nine-millimeter ammunition.

Mr. Clay testified at trial that appellant asked him to store the bag. Det. Sheckells testified that the recovered firearm matched the one appellant was holding in the photos on his cell phone and matched Mr. Walker's description.

Before trial, the State indicated its intent to introduce evidence of the Baltimore City shooting pursuant to Maryland Rule 5-404(b). Appellant moved to exclude this evidence. The court granted appellant's motion. The State intended to call an expert to testify that the shell casings found at Jillway Court were consistent with having been fired from the recovered firearm and were linked to the casings found in the Baltimore City shooting. Appellant moved to limit this testimony, seeking in part to exclude testimony matching or identifying a cartridge with a single firearm and probabilistic statements regarding the conclusion that the marks are consistent. The court limited the expert's testimony but permitted testimony that there are unique and individual marks that firearms create.

The State notified appellant that it intended to call an FBI agent to testify regarding the process of tracking cell phones from cell towers. The State produced a slide which showed appellant's cell phone in the vicinity of his residence, which was a short distance from Jillway Court. Defense counsel did not move to exclude or object to the testimony.

The State's theory at trial was that the event was an attempted robbery or carjacking which turned deadly. At trial, the State's expert testified that the recovered shell casing and the bullet fragments recovered from Mr. Walker's car were consistent with having been fired from the firearm recovered at Mr. Clay's house. Defense counsel argued there was insufficient evidence linking appellant to the crime.

At trial, the State introduced several photographs from appellant’s cell phone showing him holding a distinctive handgun. Det. Sheckells testified that the pictured firearm matched the description of the handgun used in the altercation and the one found at Mr. Clay’s house. The photos were taken both before and after Mr. Walker’s shooting on December 31, 2021. Defense counsel moved to exclude two of these photographs as cumulative and highly prejudicial. One photo depicted appellant sitting in chair, holding the firearm and extending both his middle fingers. The other depicted an individual whose face is not shown with the same gun stuck in his underwear and featuring the superimposed text, “NOW IT’S NOT SAFE FOR YOU.” The court denied the motion to exclude the photographs.

Defense counsel sought to introduce at trial evidence of Det. Sheckells’s social media posts which he maintained demonstrated racial bias: (1) Det. Sheckell’s post from November 2012 which read “93% of black people voted for Obama. Hmmm . . . surprise surprise” and (2) Det. Sheckell’s retweeting a post that read “If Obama was white he would be home right now watching Romney battle Hillary Clinton for president.” Before Det. Sheckells was cross-examined, defense counsel moved to admit these posts as evidence of racial bias that would be a basis for impeaching Det. Sheckells and indicated that he planned to inquire whether bias flawed Det. Sheckells’s investigation. The State countered that the evidence was more prejudicial than probative, that the posts were old, and that Det. Sheckells had clear reasons for investigating appellant independent of supposed bias given the connection with the Baltimore City shooting and the fact that Mr. Walker identified his assailant as Black. The court denied the motion:

“ . . . [[T]he tweets pre-date, I believe, Mr., or Detective Sheckells’ engagement with the police, or employment, I am sorry, by Baltimore County. The tweets that I’ve been asked to review are from November of 2012, right before the 2012 election. . . . I turn then to the fact that the victim was the individual who gave the initial description of who the police should look for. [. . .] I do not believe that cross examination on largely political tweets from a time that pre-dates his employment with the police department, if not his graduation, is fair game, as far as cross examination and impeachment.”

Appellant was convicted and sentenced as noted above. This timely appeal followed.

II.

Before this Court, appellant argues first that the State did not introduce legally sufficient evidence to establish appellant’s identity and that no reasonable juror could find beyond a reasonable doubt that appellant was the shooter. The State’s case turned entirely on circumstantial evidence, which showed only that one possibility was that appellant could have been the perpetrator. This, appellant argues, does not satisfy the beyond a reasonable doubt standard. Appellant’s cell phone in the area of the shooting at the relevant time is insufficient, particularly since appellant lived in that area. Nor can appellant’s evasive manner prove guilt. Appellant also contests that the photographs introduced at trial depict the same gun or that appellant was in possession of a gun when the shooting occurred. Moreover, appellant argues the State did not introduce evidence sufficient to show that appellant conducted his internet searches because he perpetrated the crime as opposed to another reason. Appellant asserts that Mr. Clay’s testimony is not sufficient to support the conclusion that the firearm found at Mr. Clay’s home was used in the shooting

or that appellant was that shooter, nor is the fact that appellant and Mr. Clay were talking in code dispositive. Appellant argues that the State did not address the fact that appellant does not meet Mr. Walker’s description of a thin man.

Second, appellant argues that the State did not introduce legally sufficient evidence that appellant possessed the requisite larcenous intent for robbery. Appellant argues that evidence that robbery *could have been* the motive is not the same as evidence that robbery *was* the motivating factor. There was no evidence that the assailant tried to take Mr. Walker’s car or the items inside it, or that the assailant knew there were any items inside the car.

Third, appellant argues he is entitled to a new trial because the circuit court abused its discretion in admitting cumulative and prejudicial photographs. Appellant asserts that neither photograph had probative value because they did not offer insight into the identity of Mr. Walker’s assailant or the firearm used in the offense. Neither photograph contains the blue bandana Mr. Walker described, nor does it show appellant to be thin. Nor were the photographs probative of whether appellant possessed the gun used in the shooting.

Appellant next asserts that any probative value from the photographs was negated by the fact that they were cumulative of other evidence, that the photos are highly prejudicial and that they are suggestive of impermissible propensity evidence given their provocative nature. The error, appellant maintains, was not harmless.

Fourth, appellant argues that the circuit court erred by denying defense counsel the opportunity to cross-examine Det. Sheckells on racial bias. Appellant maintains that the witness’s bias is relevant, and that evidence of bias casts doubt on the thoroughness of the

investigation. Appellant suggests that Det. Sheckells’s racial bias caused him to fail to sufficiently investigate whether appellant was in fact the assailant. Appellant asserts that the tweets were not more prejudicial than probative. The court barred defense counsel from exploring a key aspect of its defense. Appellant concludes by arguing that, even if we are not persuaded by all of his arguments regarding the allegedly erroneous evidentiary rulings, cumulatively, the errors deprived appellant of a fair trial due to their compounding prejudicial effects.

The State argues first that the State satisfied its burden of production as to each of the convictions and that the evidence was legally sufficient to support appellant’s convictions. According to the State, the evidence, including Mr. Walker’s statements and testimony, cell-site data, and appellant’s consciousness of guilt, was legally sufficient to identify appellant as the assailant. Circumstantial evidence alone may prove the identity of a defendant. Circumstantial evidence sufficiently identified appellant, as did physical evidence. The State asserts further that legally sufficient evidence showed appellant’s larcenous intent and supported his conviction for attempted armed robbery. Intent can be inferred from a totality of the circumstances, and the State is not required to disprove any other reasonable inference. Mr. Walker testified that he had a lot of items in his car, and evidence suggested that those items would have been visible to someone approaching the car.

Second, the State argues the trial court soundly exercised its discretion in admitting two photographs of appellant with a distinctive firearm. The photographs were relevant to show possession of a regulated firearm, one of the counts against appellant, and to show

possession of a firearm with distinctive characteristics shared with the firearm recovered at Mr. Clay’s home. The probative value was not substantially outweighed by the risk of unfair prejudice. The State maintains that, unlike how appellant characterizes the photos, they are not provocative or incendiary. Moreover, the photographs established a timeline of possession before and after the shooting.

Third, the State argues that the trial court soundly exercised its discretion in controlling the cross-examination of Det. Sheckells. The social media posts were irrelevant because they did not bear on any bias against appellant. They did not suggest a motive for false testimony and did not relate directly to the issues or personalities in the case at hand. In the event that the testimony is relevant, the State argues it is unduly prejudicial.

III.

We will address appellant’s two sufficiency of the evidence arguments together. We review the sufficiency of the evidence to determine “whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Scriber v. State*, 236 Md. App. 332, 344 (2018). As a reviewing court, we do not judge the credibility of witnesses or resolve conflicts in the evidence. *Id.* at 344. The question before us is “not whether the evidence *should have or probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.” *Id.* (emphasis in original). We give “deference to all reasonable inferences the fact-finder draws, regardless of whether we would have chosen

a different reasonable inference.” *State v. Suddith*, 379 Md. 425, 430 (2004) (citation omitted). “An inference need only be reasonable and possible; it need not be necessary or inescapable.” *Cerrato-Molina v. State*, 223 Md. App. 329, 338 (2015) (citation omitted). It is well established that a valid conviction may be based solely on circumstantial evidence. *Suddith*, 379 Md. at 430.

Robbery is the felonious taking and carrying away of the personal property of another from his person by the use of violence or by putting in fear. *Fetrow v. State*, 156 Md. App. 675, 687 (2004). “[T]he requisite mental element of armed robbery is the intention to convert property without the owner’s consent.” *Leeson v. State*, 293 Md. 425, 435 (1982).

We find that a reasonable juror could have found that appellant was the person who shot Mr. Walker. A rational jury could have found that appellant’s phone was present in the vicinity of the crime, that appellant had searched for news of a shooting in that area, that appellant acted evasively, that appellant spoke in code to Mr. Clay regarding hiding a firearm, and that the firearm found at Mr. Clay’s house matched the firearm appellant was pictured with in his cell phone images and the firearm used in the crime, were enough to infer that he was the shooter. It is not necessary for this inference or conclusion to have been the only reasonable one; it is sufficient that it is reasonable and possible.

So too was the evidence sufficient to support an inference that appellant harbored a larcenous intent. “[F]inding the requisite intent to steal is never a precise process for intent is subjective, and it must therefore be inferred from the circumstances of the case if it is found at all.” *Reed v. State*, 316 Md. 521, 527 (1989) (internal citation omitted). There was

sufficient evidence for a rational juror to conclude that appellant intended to rob Mr. Walker, and particularly Mr. Walker’s testimony regarding the items in his car and evidence the prosecution offered (a photograph of the car parked that night) that these items would have been visible to appellant. Regardless of whether we would have come to the same conclusion, it was permissible for the jury to find the requisite intent present.

IV.

We address the photographs of appellant. We review the question of relevancy, a legal question, *de novo*. *State v. Simms*, 420 Md. 705, 725 (2011). Generally, relevancy is a low bar and evidence that has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence” is relevant. Md. Rule 5-401. “Evidence that is relevant is admissible, but the trial court does not have discretion to admit evidence that is not relevant.” *Smith v. State*, 218 Md. App. 689, 704 (2014). If evidence is relevant, the trial court’s decision to admit the evidence is reviewed for abuse of discretion. *Williams v. State*, 457 Md. 551, 563 (2018).

Rule 5-403 provides: “[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice,” or amounts to the “needless presentation of cumulative evidence.” The Maryland Supreme Court explained in *Burris v. State*, 435 Md. 370, 384 (2013) unfairly prejudicial evidence as follows:

“[E]vidence is considered unfairly prejudicial when it might influence the jury to disregard the evidence or lack of evidence regarding the particular crime with which the defendant is being charged. The more probative the evidence, therefore, the less likely it is that the evidence will be unfairly prejudicial.”

The admission of evidence is committed to the sound discretion of the trial court. *Montague v. State*, 471 Md. 657, 675 (2020).

The photographs were relevant because they make it more probable than not that appellant was in possession of the firearm used in the offense. Appellant seizes on differences between appellant’s attire and appearance and Mr. Walker’s description of his assailant, as well as differences with the firearm depicted. However, these slight differences do not render the evidence irrelevant; the evidence is admissible, and it is for the jury to determine how much weight to ascribe to it. The images make it more probable that appellant possessed around the time of the shooting the gun used in the altercation and that recovered from Mr. Clay’s house. Nor is the probative value from the photos substantially outweighed by any unfair prejudice. The court was well within its discretion to admit these photographs.

V.

We turn next to appellant’s limitation of cross-examination argument. Maryland Rule 5-616(a) addresses the impeachment of a witness, permitting the credibility of a witness to be attacked through questions that are directed at proving that the witness is biased, prejudiced, interested in the outcome of the proceeding, or has a motive to testify falsely.

Maryland Rule 5-611 provides for the trial court’s discretion over cross-examination, stating as follows:

“(a) Control by Court. The court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

(b) Scope of Cross-Examination.

(1) Except as provided in subsection (b)(2), cross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness. Except for the cross-examination of an accused who testifies on a preliminary matter, the court may, in the exercise of discretion, permit inquiry into additional matters as if on direct examination.

(2) An accused who testifies on a non-preliminary matter may be cross-examined on any matter relevant to any issue in the action.”

It is bedrock law that a criminal defendant has the constitutional right to cross-examine a prosecution witness to show that the witness is biased. *See Davis v. Alaska*, 415 U.S. 308, 316-317 (1974); *Marshall v. State*, 346 Md. 186, 192 (1997) (stating that the Maryland Declaration of Rights and the Sixth Amendment guarantee criminal defendants the right to cross-examine the witnesses against them.) That right, however, is not absolute, and the trial judge has broad discretion to control cross-examination. *Peterson v. State*, 444 Md. 105, 124 (2015). A defendant must present a “plausible showing” to support a claim of bias. *Com. v. Johnson*, 728 N.E.2d 281, 284 (Mass. 2000).

The United States Supreme Court, in *Davis*, 415 U.S. at 316-17, articulated the importance of exploring bias on cross-examination, so long as that bias is related to the issues at hand, noting as follows:

“Cross-examination is the principal means by which the believability of a witness and the truth of his testimony are tested. Subject always to the broad discretion of a trial judge to preclude repetitive and unduly harassing interrogation, the cross-examiner is not only permitted to delve into the witness’ story to test the witness’ perceptions and memory, but the cross-examiner has traditionally been allowed to impeach, i.e., discredit, the witness. . . . A more particular attack on the witness’ credibility is effected by means of cross-examination directed toward revealing possible biases, prejudices, or ulterior motives of the witness *as they may relate directly to issues or personalities in the case at hand*. The partiality of a witness is subject to exploration at trial, and is always relevant as discrediting the witness and affecting the weight of his testimony. We have recognized that the exposure of a witness’ motivation in testifying is a proper and important function of the constitutionally protected right of cross-examination.” (emphasis added).

Again, in *Delaware v. Van Arsdall*, 475 U.S. 673, 679 (1986). the Supreme Court discussed reasonable limits that may be placed on cross-examination “based on concerns about, among other things, harassment, prejudice, confusion of the issues, the witness’ safety, or interrogation that is repetitive or only marginally relevant.” The Court noted that “there is a duty to protect [a witness] from questions which go beyond the bounds of proper cross-examination merely to harass, annoy or humiliate” *Alford v. United States*, 282 U.S. 687, 694 (1931); *Manchame-Guerra v. State*, 457 Md. 300, 312 (2018), (“[W]hen the trier of fact is a jury, questions permitted by Rule 5–616(a)(4) should be prohibited only if (1) there is no factual foundation for such an inquiry in the presence of the jury, or (2) the probative value of such an inquiry is **substantially** outweighed by the danger of undue prejudice or confusion.” (internal citation omitted) (emphasis in original)).

We review the trial court’s determinations for abuse of discretion:

“In controlling the course of examination of a witness, a trial court may make a variety of judgment calls under Maryland Rule 5–611 as to whether particular questions are repetitive, probative, harassing, confusing, or the

like. The trial court may also restrict cross-examination based on its understanding of the legal rules that may limit particular questions or areas of inquiry. Given that the trial court has its finger on the pulse of the trial while an appellate court does not, decisions of the first type should be reviewed for abuse of discretion.”

Peterson, 444 Md. at 124.

In *Calloway v. State*, 414 Md. 616, 638 (2010), the Supreme Court of Maryland explained that questions intended to probe a witness’s bias under Rule 5-616 should be prohibited when “(1) there is no factual foundation for such an inquiry in the presence of the jury, or (2) the probative value of such an inquiry is substantially outweighed by the danger of undue prejudice or confusion.”

The Court of Appeals for the District of Columbia, in *Gaines v. U.S.*, 994 A.2d 391, 399-400 (D.C. Cir. 2010), contains an informative discussion of the right of cross-examination and racial bias allegations. The Court first addressed the right of cross-examination, and the notion that racial bias can be the proper subject of cross-examination, but the Court recognized the inflammatory nature of allegations of racial bias and the need for court control to prevent abuse, harassment and distracting and disrupting effect on the jury process. The Court noted as follows:

“Indeed, we have observed that the inflammatory nature of racial bias is such that it requires careful shepherding in its presentation to the jury and that trial court limitation of racial bias cross-examination may therefore be appropriate.

Moreover, a defendant (or any other party) who seeks to cross-examine a witness to establish bias must lay a proper foundation, including a proffer of facts sufficient to enable the trial court to evaluate whether the proposed question is in fact probative of bias. This requirement serves to prevent harassment of the witness, prejudice to the opposing party, confusion of the issues, and unnecessary waste of time; it also enables the trial judge to ‘guard

against the danger that counsel will ask highly prejudicial questions of witnesses with the almost certain knowledge that the insinuations are false.

The requisite proffer must contain facts supporting a genuine belief that the witness is biased in the manner asserted, or at least a well reasoned suspicion rather than an improbable flight of fancy to support the proposed cross-examination. This foundational requirement is meant to be fairly lenient, and it must be applied flexibly. . . . However, the foundational requirement is not intended to be trivial, and the more pointed and directly accusatory the examiner's question, the stricter the foundational requirement becomes.”

Id. at 391, 399-400. (internal citations omitted).

Here, considering the proffer of defense counsel, the evidence below and the trial court's explanation, we hold that the trial court did not abuse its discretion in controlling the scope of cross-examination of Det. Sheckells and in excluding the old texts purportedly related to racial bias. Defense counsel failed to lay a foundation of racial bias. The tweets, related to a political election, did not contain any racially charged language and were not in any way related to appellant personally. They were far removed in time from appellant's arrest. They do not represent a good faith basis to inquire into whether Det. Sheckells harbored racial bias. Rather, this inquiry had the potential to disrupt and distract the jury. As the trial judge noted, these old posts do not bear on the issues present in the case in a way that would meaningfully address bias. The posts, made around the 2012 election, seem to suggest that President Obama received support from Black voters and that his race helped him in the election. The trial judge did not abuse his discretion in finding that, without more, these statements do not amount to evidence of racial bias.

As the State noted, Det. Sheckells' decision to investigate appellant was clearly articulated at trial; he received a description of the assailant's physical features from Mr.

Walker; he received information that appellant, a suspect in a Baltimore City shooting, used casings matching that found in Jillway Court; and he received geofence information that isolated appellant's phone in the vicinity of the shooting. These factors are sufficient to reject the assumption that Det. Sheckells targeted appellant based on racial bias. Moreover, the evidence was not sufficiently direct to suggest that Det. Sheckells conducted an unsatisfactory investigation because of racial prejudice.

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