

Circuit Court for Baltimore City  
Case No. 119093010

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1224

September Term, 2019

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ANDRE HAMLIN

v.

STATE OF MARYLAND

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

JJ.

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PER CURIAM

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Filed: November 13, 2020

\*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 jury trial in the Circuit Court for Baltimore City, Andre Hamlin, appellant, was convicted of unlawful possession of a regulated firearm; unlawful possession of ammunition; and transporting a handgun in his vehicle. On appeal, he contends that the court erred in allowing the State to present evidence that he possessed marijuana at the time of his arrest because, he claims, that evidence was irrelevant and unduly prejudicial. For the reasons that follow, we shall affirm.

At trial, the State presented evidence that, during a search of a vehicle in which Mr. Hamlin was the sole occupant, Baltimore City police officers found a handgun “wedged” between the center console and the passenger seat. Prior to trial, Mr. Hamlin made a motion *in limine* seeking to exclude evidence that the police had also found a small amount of marijuana on his person and a black ski mask in the vehicle. The court granted the motion as to the ski mask, but denied the motion as to the marijuana, finding that Mr. Hamlin’s possession of marijuana was relevant to establish the reason for the officers’ search of the vehicle and that, “given our culture and climate today,” the evidence was not unfairly prejudicial.

Although Mr. Hamlin now challenges that ruling on appeal, he did not object when the officers testified that he had told them (1) he had been smoking marijuana, and (2) he had marijuana in his pocket. Consequently, this issue is not preserved for appellate review. *See Reed v. State*, 353 Md. 628, 643 (1999) (when evidence that has been contested in a motion *in limine* is admitted at trial, a contemporaneous objection must be made pursuant to Md. Rule 4-323(a) for that question of admissibility to be preserved for appellate review). Moreover, when the State subsequently sought to introduce two videos that were

obtained from the officers’ body cameras and that had recorded the seizure of the marijuana from Mr. Hamlin, defense counsel indicated that he had “no objection” to that evidence being admitted. Consequently, Mr. Hamlin has not only failed to preserve this issue, but also waived his right to contest the admissibility of that evidence on appeal. *See Jackson v. State*, 52 Md. App. 327, 331-32 (1982) (noting that the right of appellate review “can be waived in many ways,” including when an “appellant says he has no objection to the admission of the contested evidence” at trial).<sup>1</sup>

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

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<sup>1</sup> Even if we were to assume that the issue was not waived, and that the evidence of Mr. Hamlin’s marijuana possession was improperly admitted, any such error would be harmless beyond a reasonable doubt in light of the overwhelming evidence of Mr. Hamlin’s guilt, including: (1) the testimony that Mr. Hamlin was the only occupant of the vehicle; (2) the video from the officers’ body cameras, which showed them recovering the handgun in an area that was within arms’ length of where Mr. Hamlin had been sitting; and (3) the testimony of the DNA analyst that Mr. Hamlin was a major contributor to the DNA profile that was found on the handgun.