

Circuit Court for Baltimore City
Case No. 123227004

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1599

September Term, 2024

RITO COX, III

v.

STATE OF MARYLAND

Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Albright, J.

Filed: May 26, 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).

On June 24, 2024, a jury in the Circuit Court for Baltimore City convicted Appellant Rito Cox, III, of first-degree assault, reckless endangerment, use of a firearm in a crime of violence, and other related charges resulting from the non-fatal shooting of La’Fawn Price.¹ The court sentenced him to a total of forty-five years’ imprisonment, with all but twenty years suspended.

Mr. Cox noted this appeal and presents two questions for our review:

- I. Did the trial court err in admitting into evidence surveillance video and still photographs without sufficient authentication?
- II. Did the trial court err in admitting into evidence hearsay testimony of the victim’s identity?

For the reasons below, we shall affirm.

FACTS AND PROCEEDINGS²

At 12:16 p.m. on June 15, 2023, police received a report of a gunshot on the 2600 block of Greenmount Avenue in Baltimore City. Shortly thereafter, it was reported that an individual arrived at a nearby hospital stating that he had been shot on the 2600 block of Greenmount Avenue. Police responded to the location and found a single cartridge casing on a sidewalk outside a store (the “Corner Store”). “[T]he owner or employee” of the Corner Store told police that “he had a bit of video footage capturing the incident.”

¹ The record contains several spelling variations of Mr. Price’s first name. It appears the correct spelling is “La’Fawn,” based on his signatures found in his medical records. We will refer to him as such throughout the opinion.

² The following facts are drawn from the evidence presented at Mr. Cox’s trial. *See, e.g., Madrid v. State*, 247 Md. App. 693, 703 (2020) (providing factual background based on the evidence presented at trial).

Detective Brown provided the following testimony at trial concerning the process of retrieving the video:

[THE STATE]: Detective Brown, you mentioned you spoke with a owner of the store about video footage. Did there ever come a time where you were able to recover video footage from the camera system at the store?

[DET. BROWN]: Yes.

[THE STATE]: Okay. And where was the camera system located?

[DET. BROWN]: In the upstairs portion of the -- the property.

[THE STATE]: Okay. And what type of system was this camera footage stored on?

[DET. BROWN]: On a DVR, a digital video recorder.

[THE STATE]: What does that mean?

[DET. BROWN]: It's a system used to store large amounts of surveillance footage.

[THE STATE]: Okay. And the -- were you able to gain access to that system?

[DET. BROWN]: Yes.

[THE STATE]: Okay. And who gave you access?

[DET. BROWN]: The -- the employee of the store.

[THE STATE]: Okay. Now, once you gained access to the system, what, if anything, could you see on the screen at that time?

[DET. BROWN]: You could see the interior of the store, the exterior of the store, as well as the 2600 block of Greenmount Avenue.

[THE STATE]: Okay. So there were different camera angles?

[DET. BROWN]: Yes.

[THE STATE]: Okay. And were you able to make note of the timing of the live time of the video, whether or not it was accurate?

[DET. BROWN]: Yes. It was accurate.

[THE STATE]: Okay. So how [did] it come about? Were you able to recover video footage as it pertains to the investigation for this case?

[DET. BROWN]: Yes. Taking the camera system and using the playback feature on it to change the time from live view to the time of the -- of the incident and observing the footage.

[THE STATE]: Okay. And were you able to do that in this case?

[DET. BROWN]: Yes.

[THE STATE]: Okay. Do you recall about what time the shooting happened?

[DET. BROWN]: Yes.

[THE STATE]: What time was it?

[DET. BROWN]: The call for discharging of a firearm came out at approximately 12:16 p.m.

[THE STATE]: Okay. Now, how did you determine how much of the video to -- to clip in order to preserve it, if you will, to further the investigation?

[DET. BROWN]: Yeah. Upon reviewing the footage, it was clipped from just prior to the suspect arriving on scene until just after the suspect leaving the scene.

[THE STATE]: And do you recall how many angles you recovered the video footage from?

[DET. BROWN]: Yeah. I believe it was six in total.

Detective Brown verified that the videos shown to the jury were the same videos that he recovered from the Corner Store and did not appear to be altered in any way.

Defense counsel objected to the admission of the videos, stating,

I don't think this witness can authenticate the videos . . . I mean even with the security, he can't authenticate that he -- what's on the video is the (inaudible) talking about . . . He can say, 'That's the video that I recovered.' . . . He can't say that's a video of a crime (inaudible)."

The court admitted the videos into evidence over defense counsel’s objection. On cross-examination, Detective Brown agreed with defense counsel’s summary that he “went in the store and asked if they had any video surveillance that [he] could view[;]” that he was “led to the upstairs area and allowed to view video footage[;]” that “there were numerous different cameras depicting both the interior and exterior and different angles[;]” and that he “rewound it to the time that [he] thought the shooting was, and [he] took clips from that time period[.]”

Detective Richard Klocko, who arrived on scene around 3:00 p.m., retrieved surveillance camera footage from Mimi’s Liquors, located a short distance north of where the cartridge casing was found. Detective Klocko testified as follows concerning his retrieval of the videos:

[THE STATE]: And what kind of camera system was that video footage stored on?

[DET. KLOCKO]: So they have what’s called a “DVR system,” digital video recorder system. It’s a -- essentially a box like a hard drive that store[s] -- that records and stores camera footage.

[THE STATE]: Okay. And how did you gain access to that system?

[DET. KLOCKO]: So the -- the owner of the liquor store allowed me access, allowed me to go look at the monitors and take control of the DVR system.

[THE STATE]: Once you gained access to the system, Detective Klocko, what is it that you were able to see on the screen?

[DET. KLOCKO]: So the first thing I do when I’m looking at camera footage is I look at the live date and time, to make sure it’s accurate to what the actual date and time is. Otherwise you have to adjust

accordingly for what you're trying to look at. In other words, if it's an hour slow from current time, you have to adjust when you do the playback. So once I established that the time -- date and time was accurate, I then moved back through playback, is what most systems call it, to the time of the incident.

[THE STATE]: Okay. And upon doing the playback to observe the pertinent aspect of the video footage, did you in fact -- were you able to download anything?

[DET. KLOCKO]: Yes. So from there, in the DVR, there's a port for a thumb drive. I was able to insert my thumb drive I keep with me. And I was able to download or clip the footage that I needed and load it onto my thumb drive.

[THE STATE]: Okay. And how did you determine how much you clipped?

[DET. KLOCKO]: Just from when the -- before the incident occurred to after the incident was over.

...

[THE STATE]: Once you observed the video footage that was pertinent to your investigation -- and how were you able to actually download it?

[DET. KLOCKO]: So from the DVR itself on the monitor, you clip the footage you want, and then from that clip you're able to download that to my thumb drive.

Detective Klocko also testified that the videos shown to the jury were the same videos that he recovered from Mimi's Liquors and did not appear to be altered in any way. The videos were admitted over defense counsel's objection, which he simply stated was the "[s]ame objection" as was made to the videos from the Corner Store. Both detectives also testified that they took still images from the surveillance videos for various purposes. Numerous still images were admitted into evidence over defense counsel's objection.

The videos, which did not include any audio recording, showed a white car parking along the street outside the Corner Store, and an individual (the “Suspect”) exiting the vehicle. The Suspect was wearing a black jacket, black pants with two white stripes going down each leg, and distinctive black and blue sneakers. Several individuals were on the sidewalk, including a man with a beard wearing a black t-shirt, black shorts, and distinctive bright sneakers (the “Victim”). The Suspect spoke briefly with the Victim before entering the Corner Store. The Suspect spoke with several individuals inside the store, then went back outside and confronted the Victim. The Suspect pulled a handgun out of the waistband of his pants and shot the Victim once. The Victim then ran inside Mimi’s Liquors and blocked the door, preventing the Suspect from entering. The faces of both the Suspect and the Victim were clearly visible in the videos.

The State asked Detective Klocko, “did there ever come a time where you went to do a condition check on the victim in this case?” He responded: “Yes, ma’am. After I went to the crime scene on Greenmount, and then went back and view camera footage, I continued to University of Maryland Shock Trauma Hospital where I was able to meet with [La’Fawn] Price.” Defense counsel objected, asserting that the name of the victim was hearsay:

Judge, one of the things they are gonna have to prove in order to avoid this [c]ourt granting a motion for acquittal . . . is that the victim is named [La’Fawn] Price. He just said, “I went to the hospital and did a victim check on [La’Fawn] Price.”

I object. They -- they are not bringing this witness into court. He has no foundation other than hearsay to -- to present any information identifying the person [La’Fawn] Price that was injured in this case, nor any information about his injuries. And so I object to him identifying the person by name.

The prosecutor then erroneously asserted that Detective Brown had already testified to the victim’s name. Defense counsel responded: “I still think that any information this detective obtained from Mr. Price is based on hearsay.” The court concluded, “anything that Mr. Price told him to the extent it’s offered to prove [the truth] of the matter asserted is gonna be -- I’m gonna sustain that. So but the objection as to the identification of [La’Fawn] Price being the victim is -- is overruled.”

A still image taken from Detective Brown’s body worn camera was admitted, showing what appears to be the Victim in a hospital bed, with a bandage on his lower right abdomen. Detective Klocko testified that the image was taken while he was visiting Mr. Price. Hospital records for La’Fawn Price were also admitted, indicating that he suffered a gunshot wound to his lower right abdomen.

Police obtained the license plate number of the white vehicle the Suspect was driving in the videos. That same vehicle was “stopped in relation to” Mr. Cox on June 19, 2023. Police then obtained a search warrant for Mr. Cox’s home (located almost directly across the street from the scene of the shooting) and found a pair of pants and shoes identical to those worn by the Suspect in the surveillance videos. Detective Klocko testified concerning the execution of the search warrant, and the pants and shoes recovered were admitted into evidence. Neither Mr. Price nor any of the eyewitnesses to the shooting testified at trial.

The jury convicted Mr. Cox of first-degree assault, reckless endangerment, use of a firearm in a crime of violence, and other firearm-related charges. The court sentenced

him to a total of forty-five years’ imprisonment, with all but twenty years suspended.

This timely appeal followed.

DISCUSSION

I. Authentication of Surveillance Videos

The authentication of evidence is governed by Rule 5-901. It provides that “[t]he requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.” Rule 5-901(a). The Rule then provides several examples of how evidence may be authenticated. Two of these examples are relevant here. The first is “[c]ircumstantial evidence, such as appearance, contents, substance, internal patterns, location, or other distinctive characteristics, that the offered evidence is what it is claimed to be.” Rule 5-901(b)(4). The second is “[e]vidence describing a process or system used to produce the proffered exhibit or testimony and showing that the process or system produces an accurate result.” Rule 5-901(b)(9). In the context of videos and photographs, the example given in Rule 5-901(b)(9) is known as the “silent witness” theory of authentication. *Mooney v. State*, 487 Md. 701, 706 (2024).

“The authentication of video footage involves a fact-specific inquiry that will vary from case to case.” *Id.* at 709. However, “[t]he bar for authentication of evidence is not particularly high.” *Id.* at 717.

We review the trial court’s authentication of evidence for an abuse of discretion. Appellate courts generally defer to the trial court’s evidentiary findings and “are loath to reverse a trial court unless the evidence is plainly inadmissible under a specific rule or principle of law or there is a clear

showing of an abuse of discretion.”

Covel v. State, 258 Md. App. 308, 322–23 (2023) (citations omitted).

In *Mooney v. State*, 487 Md. 701 (2024), our Supreme Court took up the authentication of surveillance videos. There, the defendant challenged the authentication of portions of video footage from a surveillance camera; the footage showed Mr. Mooney shooting the victim. *Mooney*, 487 Md. at 707–08. The footage, which was retrieved by police the evening of the shooting, came from a security camera “mounted on the exterior wall of a residence near the site of the shooting.” *Id.* at 707, 709. The video showed the defendant walk past the victim, who was seated in the driver’s seat of a vehicle, then turn around and shoot the victim through the back window of the vehicle. *Id.* at 707, 713. The victim testified at trial and was able to authenticate the portions of the video that he had witnessed first-hand, including the defendant walking past his vehicle and the victim’s own actions immediately before and after the shooting. *Id.* at 707. However, because the shooter was positioned behind him when he was shot, the victim did not see who the shooter was, and the State relied on circumstantial evidence to authenticate that portion of the video. *Id.* at 707–08.

The Court held that the trial court did not abuse its discretion in admitting the video footage. *Id.* at 710. The portions of the video depicting events that the victim did not witness first-hand were authenticated by circumstantial evidence based on “[t]he close temporal proximity of the shooting to the events before and after the shooting of

which [the victim] had personal knowledge” as well as “evidence of the nature and origin of the video[.]” *Id.* at 731. The Court noted:

That the video was recovered the night of the shooting from a source not connected to either [the victim] or [the defendant], or the police, supports the conclusion that there was sufficient circumstantial evidence for a reasonable juror to find by a preponderance of the evidence that the video was what it was claimed to be—a fair and accurate depiction of the shooting.

Id. at 733. The Court emphasized that “[v]ideo footage can be authenticated in different ways under the rules governing authentication, including through the testimony of a witness with knowledge under Maryland Rule 5-901(b)(1), circumstantial evidence under Maryland Rule 5-901(b)(4), or a combination of both[.]” *Id.* at 730. “The authentication of video footage involves a fact-specific inquiry that will vary from case to case.” *Id.* at 709. The only requirement in all cases is that “there must be sufficient evidence for a reasonable juror to find by a preponderance of the evidence that the video is what it is claimed to be.” *Id.* at 708.

Circumstantial evidence sufficient to authenticate video footage can also include other video depicting the same events, provided that the other video is from other sources “not connected to the police or the parties.” *McCaden v. State*, No. 1417, Sept. Term, 2023, (filed July 16, 2025), 2025 WL 1949191, at *7, *cert. denied*, 492 Md. 659 (2025).³ In *McCaden*, police arrived on the scene close in time to the events depicted on three separate surveillance videos. We concluded that there was sufficient evidence of

³ Maryland Rule 1-104 permits us to cite unreported cases for persuasive value if they are “issued on or after July 1, 2023 . . . [and] only if no reported authority adequately addresses an issue before the court.” Md. Rule 1-104(a)(2)(B).

authenticity. *Id.* The videos were continuous and uninterrupted, depicted the same sequence of events, and were retrieved from several distinct businesses that were unrelated to one another, law enforcement, or the shooting. *Id.* “That all the videos showed the same chain of events corroborated the authenticity of each video.” *Id.*

Applying these principles here, we hold that there was sufficient circumstantial evidence to authenticate the surveillance videos in the present case. The shooting was reported at 12:16 p.m. Although he was not the first officer on the scene, Detective Brown arrived while evidence was still being collected, i.e., close in time to the shooting, and retrieved the surveillance video from the Corner Store at that time. Detective Brown observed the video and saw that it showed the interior and exterior of the Corner Store, as well as the 2600 block of Greenmount Avenue. Detective Brown also confirmed that the video’s date and time were accurate. Detective Klocko arrived on the scene at approximately 3:00 p.m., after officers had finished collecting physical evidence, and retrieved the video footage from Mimi’s Liquors, i.e., a different source, within an hour after his arrival. He confirmed that the Mimi’s footage also displayed the accurate date and time.

All of the videos show the same series of events from multiple camera angles, and Detectives Brown and Klocko both testified that the videos shown to the jury were the same videos they recovered from the stores. Here, not only were the videos obtained within hours after the shooting from businesses where the incident occurred—sources “not connected to law enforcement or the shooting”—but they also showed multiple

camera angles from two different sources, making manipulation of all of the footage even more unlikely.

Furthermore, the timestamps on the videos indicate that the shooting occurred at 12:11 p.m., approximately five minutes before police received a report of a gunshot in the same area. The day of the shooting, police met with Mr. Price, who looks like the Victim in the videos and had sustained a single gunshot wound. Mr. Price had reported to the hospital shortly after noon that he was shot on the 2600 block of Greenmount Avenue. All of this evidence was sufficient information for the jurors to find by a preponderance of the evidence that the videos were what the State claimed them to be—unaltered surveillance footage of the events at issue in the case. The trial court did not abuse its discretion in admitting the surveillance videos or still images.⁴

In an attempt to overcome this result, Mr. Cox argues that there was insufficient evidence of the reliability of the surveillance recording systems and of “safeguards from manipulation or editing” prior to the detectives’ arrival at the scene. Citing *Washington v. State*, 406 Md. 642 (2008), Mr. Cox asserts that “[t]o authenticate the surveillance videos and still photographs, the State *must* produce a witness to testify about ‘the type of equipment or camera used, its general reliability, the quality of the recorded product, the

⁴ Because Mr. Cox’s objection to the still images taken from the surveillance videos was identical to his objection to the videos themselves, and because photos are subject to the same authentication analysis as videos, the same analysis applies. See *Washington v. State*, 406 Md. 642, 651–55 (2008) (explaining that photographs and videos are subject to the same authentication principles).

process by which it was focused, or the general reliability of the entire system.’ ” (Emphasis added) (quoting *Washington*, 406 Md. at 653). Mr. Cox concludes that because there was no testimony from the owners of the surveillance video systems, or the victim, i.e., no one to “substantiate[] that the alleged crimes occurred as portrayed” in the videos or stills, the jury was left to assume their authenticity.

We disagree. The authentication methods discussed in *Washington* are not the “exclusive methods for authentication of video footage.” *Mooney*, 487 Md. at 729. Instead, “[v]ideo footage can be authenticated in different ways under the rules governing authentication, including through the testimony of a witness with knowledge under Maryland Rule 5-901(b)(1), circumstantial evidence under Maryland Rule 5-901(b)(4), or a combination of both[.]”⁵ *Id.* at 730. Here, and as we have discussed, there was sufficient circumstantial evidence of authenticity such that a reasonable jury could find that the video clips from the Corner Store and Mimi’s Liquors were what they purported to be.

II. Testimony Mentioning Victim’s Name

Mr. Cox argues that Detective Klocko’s testimony that he met with “[La’Fawn] Price” at the hospital the day of the shooting was inadmissible hearsay. Detective Klocko did not testify to having any personal knowledge of who the victim of the shooting was and “did not testify as to how he knew to visit Mr. Price at the hospital.” Therefore,

according to Mr. Cox, “the court did not have sufficient basis to allow hearsay testimony about Mr. Price’s identity or to admit Mr. Price’s medical records into evidence.”⁵

We note the very narrow scope of Mr. Cox’s objection before the trial court. Defense counsel asserted that the State would have to prove “that the victim is named [La’Fawn] Price[,]” that Detective Klocko’s only basis for identifying the person as Mr. Price was hearsay, and therefore, “I object to him identifying the person by name.” Thus, the objection preserved for appeal relates *only* to the use of the victim’s name. *See Harrod v. State*, 261 Md. App. 499, 521 (2024) (“It is well-settled that when specific grounds are given at trial for an objection, the party objecting will be held to those grounds and ordinarily waives any grounds not specified that are later raised on appeal.”).

Rule 5-801(c) defines “hearsay” as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” It is generally accepted that a person’s name is not hearsay evidence. *Webster v. State*, 221 Md. App. 100, 117–18 (2015). We therefore conclude that the trial court did not abuse its discretion in allowing Detective Klocko to testify to the name of the victim.⁶

⁵ The quoted sentence is the only challenge Mr. Cox raises on appeal to the admission of the medical records. Because there is no further argument concerning the medical records, we consider this argument to be waived. *See Impac Mortgage Holdings, Inc. v. Timm*, 245 Md. App. 84, 117 (2020).

⁶ Furthermore, even if mention of Mr. Price’s name were hearsay, admission of the testimony would be harmless error. Defense counsel stated in opening that “Mr. Price” was the “person . . . that was shot.” Defense counsel did not object to testimony that

CONCLUSION

The circuit court did not abuse its discretion in admitting the surveillance videos or testimony concerning the victim’s name. Accordingly, we affirm the judgments of the circuit court.

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

Detective Klocko met with the victim of the shooting at the hospital (again, the only objection was limited to the name of the victim) and did not object to admission of the photo of the victim in a hospital bed. The jurors could determine for themselves whether the individual in the photo is the same person as the Victim in the videos, and therefore could also determine whether the medical records are those of the victim of the shooting at issue in this case. The name of the victim was not a fact that the State needed to prove to obtain a conviction.