

Circuit Court for Baltimore County
Case No. C-03-CR-23-003749

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND
No. 1607
September Term, 2024

LYDELL FRANCIS DARIEN

v.

STATE OF MARYLAND

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 26, 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.

Following a jury trial in the Circuit Court for Baltimore County, Lydell Francis Darien, appellant, was convicted of second-degree murder and related weapons offenses. He raises two issues on appeal: (1) whether the court abused its discretion in asking a compound “strong feelings” voir dire question, and (2) whether the court abused its discretion in denying his motion for a mistrial after the State elicited allegedly inadmissible evidence during his cross-examination. The State concedes that the court abused its discretion in asking a compound “strong feelings” voir dire question. We agree and shall reverse the judgment of the circuit court. In light of our decision, we need not address appellant’s remaining contention regarding the court’s denial of his motion for a mistrial, nor is it necessary to set forth all the evidence at trial that supported his conviction.

Prior to trial, appellant filed a written request for voir dire questions that included the following question: “Is there any member of the jury panel that has strong feelings about allegations of murder, gun use, or gun possession?” Instead, over the objection of both parties, the court indicated that it would propound its own version of the “strong feelings” question. Specifically, the court asked the jury:

Understanding that most people have strong feelings about serious crimes including murder, the crimes involving handguns, does any member of the jury panel have anything – and I repeat – anything in their own experience, outlook, or perspective concerning the crime of murder or the unlawful use of a handgun, which may, in any way, affect your ability to be fair and impartial in this trial?

So, I have operated in the presumption that everybody has strong feelings about those crimes. But the question is beyond that.

Is there anything at all in any of your experience, outlook, or perspective that would, in any way, affect your ability to be fair and impartial in a trial such as this?

Appellant contends that the court committed reversible error in formulating the “strong feelings” question in this manner because it “required the prospective jurors to self-assess their ability to be fair and impartial[.]” The State agrees, as do we.

The trial court has the responsibility to assess prospective juror biases and remove those who cannot impartially follow the court’s instruction or evaluate evidence. *See Collins v. State*, 452 Md. 614, 622 (2017). To be meaningful, voir dire “must uncover more than the jurors[’] bottom line conclusions [to broad questions], which do not in themselves reveal automatically disqualifying biases as to their ability fairly and accurately to decide the case, and, indeed, which do not elucidate the bases for those conclusions[.]” *Dingle v. State*, 361 Md. 1, 15 (2000) (citation and quotation marks omitted).

In *Dingle*, the Supreme Court of Maryland held that the voir dire questions asked by the trial judge prevented the court from impaneling a fair and impartial jury. The trial judge asked the venire the following question:

Have you or any family member or close personal friend ever been the victim of a crime, and if your answer to that part of the question is yes, would that fact interfere with your ability to be fair and impartial in this case in which the state alleges that the defendants have committed a crime?

Id. at 4 n.4 (quotation marks omitted). The Court explained that the form of question “allows, if not requires, the individual venire person to decide his or her ability to be fair and impartial.” *Id.* at 21. In doing so, the trial judge’s responsibility to determine bias is shifted to the individual juror. *Id.* “Without information bearing on the relevant experiences or associations of the affected individual venire persons who were not required to respond, the court simply does not have the ability, and, therefore, is unable to evaluate

whether such persons are capable of conducting themselves impartially.” *Id.* Moreover, such questions “deprive[the defendant’s counsel] of the ability to challenge [certain prospective juror]s for cause” because compound questions fail to elicit “information bearing on the relevant experiences or associations of the [prospective juror]s who were not required to respond[.]” *Id.*

In *Pearson v. State*, 437 Md. 350 (2014), the Supreme Court reaffirmed that the trial judge has the burden of determining bias and whether a juror can remain impartial. *Id.* at 362. During voir dire in this case, the trial judge asked the following “strong feelings” question:

Does any member of the panel hold such strong feelings regarding violations of the narcotics laws that it would be difficult for you to fairly and impartially weigh the facts of this trial where narcotics violations have been alleged?

Id. at 355 (quotation marks omitted). The Court held that, similar to the voir dire questions used in *Dingle*, the compound “strong feelings” question improperly shifted the trial court’s responsibility to decide bias to the individual juror.

The voir dire question asked in the present case had the same effect as the questions posed in *Dingle* and *Pearson*. By assuming that everyone had strong feelings about the charged crimes, and then asking the prospective jurors if those feelings would interfere with their ability to be fair and impartial, the trial court improperly shifted the burden to determine bias to the jurors. *Dingle* and *Pearson* have made clear that the trial judge must assess potential juror biases and remove jurors that cannot impartially follow the court’s instruction or evaluate evidence. In short, the question asked by the trial judge in this case

did not reveal disqualifying biases that would aid the court, and counsel, in determining if the jurors could fairly and accurately decide the case. Consequently, reversal is required.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE COUNTY
REVERSED. COSTS TO BE PAID BY
BALTIMORE COUNTY.**