

Circuit Court for Cecil County
Case No. C-07-CR-24-000226

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1737

September Term, 2024

TRAVIS A. SHEPARD

v.

STATE OF MARYLAND

Reed,
Kehoe, S.,
Eyler, James R.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: March 19, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This appeal arises from the conviction of Appellant, Travis A. Shepard (“Mr. Shepard”), following a two day jury trial on July 30 and 31, 2024, before the Circuit Court for Cecil County. Mr. Shepard was acquitted of nine counts related to the possession with intent to distribute narcotics, maintaining a common nuisance for the distribution of controlled dangerous substances (CDS), and possession of CDS paraphernalia. The jury found Mr. Shepard guilty of the remaining ten counts related to the possession with intent to distribute cocaine and methamphetamine; possession of oxycodone, cocaine, methamphetamine, and psilocybin; and possession of paraphernalia for the manufacture or distribution of CDS, to wit: “clear tied bag,” “black Apple bags,”¹ “green trash cans,”² and baking soda. Mr. Shepard was sentenced to a total of 28 years of incarceration with all but five years suspended, and five years of supervised probation upon release. This timely appeal followed.

I. QUESTIONS PRESENTED

Mr. Shepard presents the following question for our review:

Did the State violate Maryland Rule 4-263(d)(7)(A) by failing to disclose its witness’s presence at and participation in the search of Mr. Shepard’s vehicle

¹ Detective Caleb Griffiths of the Cecil County Sherriff’s Office testified that “Apple bags” are small “Ziploc” type bags, which are commonly used to package and distribute smaller quantities of CDS.

² “Trash cans” are small capsules, resembling the shape of the larger trash can receptacles, used to package and distribute CDS. UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, “TRASH CAN” DRUG THREAT IN MID-ATLANTIC (August 13, 2021), <https://www.dea.gov/stories/2021/2021-08/2021-08-13/trash-can-drug-threat-mid-atlantic> [<https://perma.cc/XUK5-FVUS>] (last visited February 12, 2026). These capsules can vary in size from the size of a penny to the size of a nickel and may come in a variety of colors. *Id.*

and, consequently, did the trial judge err in allowing that witness to testify about the search and subsequent seizure?

For the reasons stated herein, we answer in the negative and affirm the judgments of the Circuit Court for Cecil County.

II. FACTUAL & PROCEDURAL BACKGROUND

Detective Caleb Griffiths (“Det. Griffiths”) of the Cecil County Sheriff’s Office, Street Level Crimes Unit, testified at trial on July 30, 2024, providing the narration of events that led to Mr. Shepard’s charges. On April 28, 2023, members of the Cecil County Sheriff’s Office, Street Level Crimes Unit, and investigators from the Maryland State Police executed search and seizure warrants on Mr. Shepard’s home and vehicle, a 2017 Ford Fusion. Det. Griffiths testified that Mr. Shepard’s vehicle was located in a La Quinta hotel parking lot. Officers waited for Mr. Shepard and his wife to exit the hotel and enter the vehicle before making contact. Upon exiting the hotel, Det. Griffiths observed Mr. Shepard carrying a black backpack. When the vehicle began to depart the parking lot, officers surrounded the vehicle and detained both occupants.

When Det. Griffiths began testifying that he and Corporal Smith (“Cpl. Smith”) searched the vehicle, defense counsel objected, and a bench conference ensued. Defense counsel alleged that there was nothing to indicate that Det. Griffiths was present during the search of the vehicle in the discovery she was provided. Defense counsel further explained that she had the police report that was authored by Det. Griffiths but that the report advises that the CDS in the vehicle was “located” by Cpl. Smith. The court excused the jury and reviewed the police report. The following interaction occurred:

THE COURT: [. . .] There's no indication to me that only [Cpl.] Smith was present. And if you can point to me a particular location where it would indicate [Cpl.] Smith was the only person [. . .] Point to a particular paragraph that would indicate that [Cpl.] Smith was the only one there during the search of the vehicle and that [Det. Griffiths] did not participate.

[DEFENSE COUNSEL]: Your Honor, I can't point to saying (indiscernible) [Cpl.] Smith, but there's nothing to indicate that [Det. Griffiths] was there at all. Now (indiscernible) [], it shows that [Det. Griffiths] located all of the stuff that was found in the house.

THE COURT: Okay. I overrule the objection.

The jury returned to the courtroom and the trial proceeded.

Det. Griffiths continued to testify that the black backpack that Mr. Shepard was carrying was located on the front passenger side floorboard of the vehicle and searched.

Det. Griffiths, reading from the Search Warrant Inventory Report and Return, testified that the following items were located within the backpack:

[T]he first item was a clear plastic bag, which contained green pills stamped K8. The second item was a clear tied bag containing suspected cocaine. The third was a clear tied bag containing suspected methamphetamine. The fourth, a clear bag containing suspected psilocybin – [. . .] Which is also known as mushroom [or] shrooms. The fifth is an operational MAXUS digital scale. The sixth is a silver spoon with white powder residue. The seventh is a bag containing numerous apple bags, which are small Ziploc bags. The eighth was a glass symmetrical smoking device. The ninth, a box of baking soda. Tenth was a box of green trash cans, very small. They look like miniature trash cans about the size of your thumbnail (indiscernible). The 11th was a Samsung cell phone. The 12th was mail addressed to Travis Shepard. And the 13th was \$144 in [United States ("U.S.")] currency.

Thereafter, the prosecutor showed Det. Griffiths State's exhibit one, which included the Chain of Custody Log, Laboratory Report, and physical CDS evidence that was located

in Mr. Shepard's backpack. Defense counsel requested to approach the bench, and the following interaction ensued:

THE COURT: I think the line of questioning that [the State] put forth indicated that his witness was present. And is it [your] argument that he didn't collect these items?

[DEFENSE COUNSEL]: Your Honor, (indiscernible) again, the whole report that (indiscernible). There's nothing to say that – that's in the report – there's nothing to say that these (indiscernible). There's nothing to say the (indiscernible).

THE COURT: Well, I note your objection. I reviewed the report. I disagree. I don't think there's anything that indicates that [Corporal] Smith exclusively was the person who executed and seized everything. I think the report indicates otherwise. And the report was authored by Det. [Griffitts].

[. . .]

[DEFENSE COUNSEL]: Your Honor, I don't believe the State has established (indiscernible) chain of custody --

[. . .]

[THE STATE]: That's what we were starting [] to do right now.

THE COURT: Yeah, I think that's where [the State] was headed, so I'm going to allow him to ask his questions.

[. . .]

THE COURT: So I overruled the objection.

The trial resumed and Det. Griffitts testified about the chain of custody for the items located in Mr. Shepard's backpack, identifying himself as "the first one to seize [] and take custody of said evidence" as indicated in the log. The State asked to have State's exhibit one entered into evidence and defense counsel renewed their objection. The court noted

the objection, overruled it, and admitted the evidence. Det. Griffiths again confirmed that the physical CDS evidence of State's exhibit one was located in Mr. Shepard's backpack during the search of the vehicle. Defense counsel renewed their objection, and the court, again, noted and overruled the objection. Over the continued objection of defense counsel, the State entered into evidence the other items located in Mr. Shepard's backpack—baking soda, trash cans capsules, Apple bags, letter addressed to Mr. Shepard, and \$144 in U.S. currency.

Det. Griffiths then testified about the execution of the search and seizure warrant at Mr. Shepard's home after the search of the vehicle concluded. Additional unused trash can capsules and Apple bags in various colors were located in Mr. Shepard's room. The items located at Mr. Shepard's home were entered into evidence without objection from defense counsel. No CDS evidence was located at Mr. Shepard's home.

When the State rested its case, defense counsel moved for judgment of acquittal. Mr. Shepard was acquitted of: Count 1: CDS: Possession with Intent to Distribute: Narcotics (oxycodone); Count 4: CDS: Possession with Intent to Distribute: Narcotics (psilocybin); Counts 5–8: CDS: Common Nuisance/Distribution of CDS; Count 14: CDS Possession of Material for Manufacture/Distribution/Dispense Not Cannabis; and Counts 18–19: CDS: Possess Paraphernalia.

Following closing argument and deliberations, the jury found Mr. Shepard guilty of: Counts 2–3: CDS: Possession with Intent to Distribute: Narcotics (cocaine and methamphetamine); Counts 9–12: CDS: Possession – Not Cannabis (oxycodone, cocaine,

methamphetamine, and psilocybin); and Counts 13, 15–17: CDS Possession of Material for Manufacture/Distribution/Dispense Not Cannabis (clear tied bag, black Apple bags, green trash cans, and baking soda).

On October 25, 2024, Mr. Shepard was sentenced to a total of 28 years of incarceration with all but five years suspended, and five years of supervised probation upon release. This appeal followed shortly thereafter.

Additional facts will be included in the discussion as they become relevant.

III. DISCUSSION

We conclude that the State did not violate Maryland Rule 4-263(d)(7)(A) and, consequently, that trial court did not err in allowing Det. Griffiths to testify about the search of Mr. Shepard’s vehicle and subsequent seizure of CDS evidence.

A. Parties’ Contentions

Mr. Shepard argues that the State violated the discovery rules by failing to disclose that Det. Griffiths was present at and participated in the search and seizure of Mr. Shepard’s vehicle and backpack. Referencing the case supplemental report, Mr. Shepard alleges that the report, although authored by Det. Griffiths, does not explicitly indicate that Det. Griffiths was present at the search of the vehicle, but rather states that it was Cpl. Smith who “located” the contraband within the vehicle and backpack. Pursuant to Rule 4-263(d)(7)(A), Det. Griffiths’ presence at the vehicle search was “relevant [. . .] information regarding: [] specific searches and seizures[,]” that the State was required to disclose. Mr. Shepard reiterates his argument at trial that “in all of the evidence [defense counsel] was

given, there's nothing to indicate that [Det. Griffiths] was present during this search.” Consequently, Mr. Shepard argues that the trial court erred in failing to find that the State violated the discovery rules. According to Mr. Shepard, the trial court should have exercised its discretion to fashion an appropriate remedy, such as prohibiting Det. Griffiths from testifying about the search and seizure.

Mr. Shepard further argues that the trial court's error was not harmless beyond a reasonable doubt. “Because [Cpl.] Smith was not called as a witness, defense counsel understandably believed that any testimony from [Det.] Griffiths about the vehicle search [] would constitute hearsay and thus be inadmissible.” The items located in the vehicle served as the sole basis for Mr. Shepard's charges, thus Mr. Shepard claims that Det. Griffiths's testimony regarding the search and seizure was substantial in the jury's decision to convict him. Therefore, Mr. Shepard requests that this Court reverse his convictions.

The State counterargues that, while the trial court did not explicitly state whether a discovery violation occurred, to the extent that it determined there was not a violation, that ruling was correct. As the primary investigator on the case and author of the case supplemental report, “the most reasonable inference” is that Det. Griffiths was involved in the search. In addition to the case supplemental report, the State provided in discovery the Search Warrant Inventory Report and Return, the Chain of Custody Log, and a Property Record, all which indicate that Det. Griffiths was the officer who “seized” the items located

during the search of the vehicle.³ The State argues that “any fair reading of the discovery makes clear that [Det.] Griffiths was present for and participated in the search of [Mr.] Shepard’s vehicle.”

The State further counters that even if the trial court found that the State violated the discovery rules, the court was not required to preclude Det. Griffiths from testifying as the remedy. Defense counsel did not request a more reasonable remedy, such as a continuance or brief recess to consider the new information or revise their cross-examination. Rather, defense counsel effectively cross-examined Det. Griffiths, without a recess or continuance, which “illustrates that counsel was not unduly surprised by the detective’s testimony[.]” The court has broad discretion in formulating a remedy for discovery violations, including the discretion to “take no action at all.” To the extent that the trial court found a discovery violation, it did not abuse its discretion in determining that no remedy was required. As such, the State requests that this Court affirm Mr. Shepard’s convictions.

B. Standard of Review

“The application of the Maryland Rules [] to a particular situation is a question of law,” and thus “we exercise independent de novo review to determine whether a discovery violation occurred.” *Cole v. State*, 378 Md. 42, 56 (2003) (quoting *Williams v. State*, 364

³ The State acknowledges that the record does not affirmatively indicate whether these documents were provided in discovery. However, the State notes that Mr. Shepard did not argue before the trial court, nor does he argue before this Court, that he did not receive these documents in discovery.

Md. 160, 169 (2001), *abrogated on other grounds by State v. Jones*, 466 Md. 142 (2019)). However, the trial court’s factual findings are reviewed for clear error. *Id.*

Where a discovery violation has occurred, we review “for abuse of discretion a circuit court’s decision to impose, or not impose a sanction for a discovery violation.” *Mason v. State*, 487 Md. 216, 239 (2024) (quoting *Alarcon-Ozoria v. State*, 477 Md. 75, 91 (2021)). Determining the sanction for a discovery violation “is within the sound discretion of the trial judge.” *Id.* at 240. In exercising this discretion, the trial court must evaluate whether the discovery violation caused prejudice. *Id.* Unless the trial court abused its discretion, we will not reverse. *Cole*, 378 Md. at 56 (quoting *Williams*, 364 Md. at 178).

If the trial court found that no discovery violation occurred and we conclude that “the trial judge erred because the State did in fact violate the discovery rule, we consider the prejudice to the defendant in evaluating whether such error was harmless.” *Williams*, 364 Md. at 169. Under the harmless error standard, we will “not reverse a conviction based on a trial court’s error or abuse of discretion where the appellate court is satisfied beyond a reasonable doubt that the trial court’s error or abuse of discretion did not ‘influence the verdict’ to the defendant’s detriment.” *Green v. State*, 456 Md. 97, 165 (2017) (quoting *Hall v. State*, 437 Md. 534, 540–41 (2014)).

C. Maryland Rule 4-263: Discovery in Circuit Court

Maryland Rule 4-263 governs the discovery process for criminal cases in circuit court cases. *See* Md. Rule 4-263. As it relates to disclosures from the State, Rule 4-263(d) reads, in pertinent part to the case *sub judice*:

(d) Disclosure by the State’s Attorney. Without the necessity of a request, the State’s Attorney shall provide to the defense:

[. . .]

(3) State’s Witnesses. As to each State’s witness the State’s Attorney intends to call to prove the State’s case in chief or to rebut alibi testimony: (A) the name of the witness; [. . .]; and (C) all written statements of the witness that relate to the offense charged;

[. . .]

(7) Searches, Seizures, Surveillance, and Pretrial Identification. All relevant material or information regarding:

(A) specific searches and seizures, eavesdropping, and electronic surveillance including wiretaps[.]

Md. Rule 4-263(d). The State’s compliance is mandatory, as these rules are “not mere guides but are precise rubrics to be strictly followed.” *Williams*, 364 Md. at 171 (citation and internal quotation marks omitted).

The purpose of the discovery rules is to provide “adequate information to both parties to facilitate informed pleas, ensuring thorough and effective cross-examination, and expediting the trial process by diminishing the need for continuances to deal with unfamiliar information presented at trial.” *Id.* at 172. Particularly in criminal cases, “the major objectives are to assist the defendant in preparing their defense and to protect them from unfair surprise.” *Id.*

When the court determines that there has been a violation of the discovery rules, the court “has the discretion to select an appropriate sanction, but also has the discretion to decide whether any sanction is at all necessary.” *Mason*, 487 Md. at 242 (quoting *Thomas v. State*, 397 Md. 557, 570 (2007)). Maryland Rule 4-263(n) lists the possible sanctions a court may order for a violation of the discovery rules:

If at any time during the proceedings the court finds that a party has failed to comply with this Rule or an order issued pursuant to this Rule, the court may order that party to permit the discovery of the matters not previously disclosed, strike any or all testimony to which the undisclosed matter relates, grant a reasonable continuance, prohibit the party from introducing in evidence the matter not disclosed, grant a mistrial, or enter any other order appropriate under the circumstances. The failure of a party to comply with a discovery obligation in this Rule does not automatically disqualify a witness from testifying. If a motion is filed to disqualify the witness's testimony, disqualification is within the discretion of the court.

Md. Rule 4-263(n).

When considering whether to order a sanction, or in determining which sanction is appropriate, the court should consider: “(1) the reasons why the disclosure was not made; (2) the existence and amount of any prejudice to the opposing party; (3) the feasibility of curing any prejudice with a continuance; and (4) any other relevant circumstances.” *Breakfield v. State*, 195 Md. App. 377, 391 (2010) (quoting *Thomas*, 397 Md. at 570–71). Indeed, prejudice *must* be considered in determining whether to impose a sanction. *Mason*, 487 Md. at 240–41. Prejudice occurs when the defendant is “unduly surprised and lacks adequate opportunity to prepare a defense, or when the violation substantially influences the jury.” *Thomas*, 397 Md. at 574.

In fashioning a sanction, the court “should consider imposing the least severe sanction[.]” *Mason*, 487 Md. at 242. Exclusion of the evidence is not automatically required as the sanction for a discovery violation; such sanction should be ordered only in “extreme cases.” *Breakfield*, 195 Md. App. at 391; *see also Thomas*, 397 Md. at 573 (“Exclusion of evidence for a discovery violation is not a favored sanction and is one of the most drastic measures that can be imposed.”).

D. Analysis

We review whether a discovery violation has occurred de novo, and after a thorough examination of the record, we conclude that the State did not violate the discovery rules under Rule 4-263. *See Cole*, 378 Md. at 56. Mr. Shepard argues that the State failed to disclose Det. Griffiths's presence at and participation in the search of Mr. Shepard's vehicle, which constituted relevant information regarding a search and seizure under Rule 4-263. *See Md. Rule 4-263(d)(7)(A)*. However, without any objection from defense counsel, the State admitted into evidence at trial the Search Warrant Inventory Report and Return for the 2017 Ford Fusion, which indicates that Det. Griffiths authored the report as the "seizing deputy." The fact that defense counsel did not object to the admission of this report indicates that defense counsel received this document in discovery, otherwise, defense counsel would have objected to its admission as a discovery violation. Moreover, although Mr. Shepard objected to the admission of the Chain of Custody Log and a Property Record, which indicates that Det. Griffiths was the "seizing" officer, the basis of the objections was not for the failure to disclose these documents in discovery.⁴

To "seize" means to "take possession (of a person or property)." *Seize*, BLACK'S LAW DICTIONARY (12th ed. 2024). Accordingly, Det. Griffiths must have been present at and participated in the search of the vehicle if he was the officer that "seized" or "took possession" of the items located in Mr. Shepard's vehicle. Indeed, both the Chain of

⁴ Defense counsel argued at trial that the State failed to establish chain of custody, however, Mr. Shepard does not raise chain of custody as an issue on appeal before this Court.

Custody Log and Property Record specifically identify Det. Griffiths as the “first person who takes possession of the evidence” from the “location or person where evidence was obtained.” Through these documents the State disclosed Det. Griffiths presence and participation at the vehicle search. Therefore, we concluded that Mr. Shepard’s argument, that the State failed to disclose Det. Griffiths’s presence at and participation in the search of Mr. Shepard’s vehicle in violation of Rule 4-263, is blatantly incorrect. We agree with the State in “[t]hat counsel may have overlooked the information included in those forms does not create a discovery violation.”

Despite the three documents mentioned *supra*, Mr. Shepard argues that the State violated the discovery rules because there is nothing in the case supplemental report to indicate that Det. Griffiths was present for the search of the vehicle. Although both parties allege that the trial court did not make any factual findings regarding the discovery violation, we disagree as it relates to the case supplemental report. After defense counsel objected to Det. Griffiths’s testimony the second time, the trial court overruled the objection, indicating: “I reviewed the report. I disagree. I don’t think there’s anything that indicates that [Cpl.] Smith exclusively was the person who executed and seized everything. I think the report indicates otherwise. And the report was authored by Det. [Griffitts].” Therefore, the trial court found that the case supplemental report sufficiently indicated, albeit implicitly, that Det. Griffiths was present for and participated in the search of the vehicle. We review the factual findings for clear error. *See Cole*, 378 Md. at 56. After examination of the case supplemental report, we conclude that the trial court was not

clearly erroneous in its finding. We agree with the State that “[t]he most reasonable inference is that [Det.] Griffiths, as the primary investigator and author of the report, was one of the other officers involved in the search.”

IV. CONCLUSION

Because we conclude that the State did not violate the discovery rules under Rule 4-263, we need not address whether the trial court abused its discretion in failing to order an appropriate remedy, such as excluding Det. Griffiths’s testimony, nor do we need to address the doctrine of harmless error. As such, we affirm the judgments of the Circuit Court for Cecil County.

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