

Circuit Court for Baltimore County
Case No. C-03-CR-24-001526

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1848

September Term, 2024

SCWELTA JAMES PIERRE

v.

STATE OF MARYLAND

Graeff,
Berger,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 14, 2026

*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.

Convicted by the Circuit Court for Baltimore County of driving a vehicle while impaired by a controlled dangerous substance and driving a vehicle while so far impaired by a drug that the person cannot drive a vehicle safely, Scwelta James Pierre, appellant, presents for our review a single issue: whether the evidence is insufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State called Baltimore County Police Officer Jacob Haskell, who testified that on December 14, 2023, he was on patrol in Edgemere when he observed “a Hyundai that was double parked.” Officer Haskell “drove past with [his] windows down” and “observed an odor of marijuana.” As the officer “continued driving through the neighborhood,” he observed the Hyundai “driving around the neighborhood” in a manner that was “erratic[,] unpredictable, unusual, [and] deviating from the norm.” The Hyundai was moving “[v]ery slow,” “rolling through stop signs,” “making a lot of circles through the neighborhood,” and moving “5 miles an hour at any point.” At one point, the Hyundai “rolled through a stop sign and then stopped in front of a fire hydrant.” The driver of the Hyundai, whom Officer Haskell identified in court as Mr. Pierre, “exited his vehicle[,] went into his trunk, got back into his vehicle, and drove at a very low speed through the neighborhood.” Mr. Pierre “made an abrupt turn[,] got up to 25 miles an hour[,] came to an abrupt stop[,] made a turn down an alley,” and exited “the alley without stopping.”

Determining that Mr. Pierre’s exit of the alley “was unsafe,” Officer Haskell “pulled [Mr. Pierre] over.” Mr. Pierre stopped the Hyundai “in an intersection as opposed to pulling up past the intersection into a spot that was actually opened.” Officer Haskell’s subsequent interaction with Mr. Pierre was recorded by the officer’s body-worn camera,

and the recording was played for the court. Officer Haskell testified that when he “approached [Mr. Pierre’s] vehicle,” the officer “observed [an] odor of marijuana” that was “[s]trong.” Mr. Pierre “presented with glassy, bloodshot eyes” and “dilated pupils[,] and . . . acted confused when [Officer Haskell] was asking for basic information.”

Officer Haskell subsequently performed “field sobriety tests” of Mr. Pierre. During the horizontal gaze nystagmus test, the officer observed that Mr. Pierre’s eyes “were bloodshot and watery.” Officer Haskell testified:

. . . I observed his pupils were dilated. I had to remind Mr. Pierre that he had to follow the tip of the pen with his eyes only and not his head and he was moving his eyes prior to me moving the stimulus. He didn’t have smooth pursuit at maximum deviation. He lacked smooth pursuit, and he moved his head, closed his eyes. He had distinct and sustained nystagmus maximum deviation for both eyes. Mr. Pierre had an onset nystagmus prior to 45 for both eyes. That’s 6 clues out of 6 clues.

With respect to the “walk and turn” test, Officer Haskell testified:

During the instructional phase [Mr. Pierre] began prior to being told to do so and then he started the test in a different location. He used his arms to maintain balance during the test, which is a clue. He didn’t keep his hands at his sides during the test. He missed he[e]l to toe on multiple steps, which is another clue, and he stopped walking at step 9, which is another clue. He made an improper turn, which is another clue. And he stopped during the turn and he appeared confused. That was a total of 6 out of 8 clues. 2 for the instructional and 6 from the test.

With respect to the “one leg stand” test, Officer Haskell testified:

[W]hile [Mr. Pierre] was balancing, he was swaying during this test. He did put his foot down multiple times. At one point at the end of the test he said, his exact words were, “I can’t do this.” The clues were 4 out of 4.

The officer concluded that Mr. Pierre “was driving impaired” and arrested him. During cross-examination, Officer Haskell testified that Mr. Pierre’s speech was slurred to the

extent that the officer “had to really concentrate” to understand “what Mr. Pierre was saying.”

The State also called Baltimore County Police Officer Matthew Lundquist, whom the court admitted “as an expert in the area of drug recognition expertise.” Officer Lundquist testified that on December 14, 2023, he was “notified . . . that Dundalk Precinct was in need of a drug recognition expert.” Officer Lundquist “made contact with Officer Haskell,” who “went into the process of how he came across [Mr.] Pierre and about his driving and his field sobriety tests roadside.” Officer Lundquist subsequently “went into [his] preliminary examination” of Mr. Pierre. During a horizontal gaze nystagmus test, Mr. Pierre exhibited “lack of smooth pursuit,” “distinct and sustained nystagmus at maximum deviation,” and “4 out of a possible 6 clues.” During a vertical gaze nystagmus test, the officer observed “jerkiness up and down of [Mr. Pierre’s] eyes.” During a “walk and turn test,” which was recorded by Officer Lundquist’s body-worn camera, the officer “saw 6 of 8 clues observed,” including inability “to maintain balance,” “[u]sed arms for balance, improper number of steps, improper turn, stopped while walking, . . . and stepped off line.” The State played the recording of the test for the court.

Officer Lundquist subsequently conducted a “one-leg stand” test. “While standing on his left leg, [Mr. Pierre] showed 3 out of a possible 4 clues of impairment,” and “[b]alancing on his right leg, it was 3 out of a possible 4 clues.” During a “finger to nose test,” Mr. Pierre “did not follow instructions to [the officer’s] liking or the directions that [he] had instructed.” During a “modified Romberg balance test,” in which a “person estimates the passage of 30 seconds while their feet are together[,], arms at their side[,], head

is tilted back[,] and . . . eyes are closed,” Officer Lundquist “observe[d] eyelid tremors and . . . a sway.” The officer subsequently tested Mr. Pierre’s “vital signs” and eyes, during which he displayed a “low body temperature” and dilated pupils. Following the test, Mr. Pierre “admitted to taking marijuana a couple days prior, or using marijuana a couple days prior,” and “mention[ed] having used Klonopin before in the past.” Based “on the totality of the entire 12-step process,” Officer Lundquist concluded that Mr. Pierre “was under the influence of a central nervous system depressant as well as Cann[a]bis,” and “[t]hat he was impaired by those two drug categories.”

Following the close of the evidence, the court stated, in pertinent part: “So when the [o]fficer conducts the field sobriety tests, he did horribly. No question about it. Were it not for the field sobriety tests, my conclusion would probably be a lot different He was horrible on the field sobriety tests, the one-le[g] stand and the walk and turn.” The court convicted Mr. Pierre of the offenses and merged the conviction of driving a vehicle while so far impaired by a drug that the person cannot drive a vehicle safely into the conviction of driving a vehicle while impaired by a controlled dangerous substance.

Mr. Pierre contends that, for numerous reasons, the “facts are insufficient to support a finding that [he] was impaired by a controlled dangerous substance or any other drug.” We disagree. Officer Haskell testified that when he first observed Mr. Pierre’s vehicle, it was double parked, and the officer observed an odor of marijuana. The officer subsequently observed Mr. Pierre perform driving maneuvers that were erratic, unpredictable, unusual, deviating from the norm, and unsafe. When Officer Haskell approached Mr. Pierre’s vehicle, the officer again observed an odor of marijuana. Mr.

Pierre presented with glassy, bloodshot eyes and dilated pupils. When Officer Haskell asked Mr. Pierre for basic information, he acted confused. Mr. Pierre’s speech was slurred to the extent that the officer “had to really concentrate” to understand what Mr. Pierre was saying. Mr. Pierre’s subsequent performance of the one leg stand and walk and turn tests, which was recorded by Officer Haskell’s body-worn camera, was characterized by the court as “horrible.” Finally, Officer Lundquist, who was admitted by the court as an expert in “drug recognition expertise,” conducted an extensive examination of Mr. Pierre and determined that he “was under the influence of a central nervous system depressant as well as” cannabis, and “was impaired by those two drug categories.” From this evidence, a rational trier of fact could conclude beyond a reasonable doubt that Mr. Pierre drove his vehicle while impaired by a controlled dangerous substance, and hence, the evidence is sufficient to sustain the convictions.

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