UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 0405

September Term, 2015

JAMES WILLIAMS, JR.

v.

STATE OF MARYLAND

Kehoe,
Nazarian,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: December 15, 2016

On March 4, 2015, a jury sitting in the Circuit Court for Charles County convicted the appellant, James Williams, Jr., of driving on a suspended license, failure to display a license to a uniformed officer on demand, and driving without a license. The court sentenced him to two years of incarceration, all but 18 days suspended for driving on a suspended license, with concurrent 18-day sentences on the two other counts. Appellant filed this timely appeal and presents the following questions for our review, which we have reworded slightly:

1. Was the evidence insufficient to convict appellant of driving on a suspended license?

2. Did the trial court err by failing to dismiss the case because the charging document did not contain all of the elements of the crime?

3. Did the stop of appellant's car violate the Fourth Amendment?

4. Was appellant's prosecution barred under the doctrine of res judicata?

5. Were Motor Vehicle Administration Records improperly admitted?

For the reasons discussed below we answer each question in the negative.

BACKGROUND

On July 13, 2014, Deputy Sheriff James Squriewell of the Charles County Sheriff's Office stopped a vehicle travelling on Maryland Route 5 in Waldorf after noticing that one of its headlights was out. Appellant was identified as the driver. Deputy Squriewell asked appellant to produce his license and registration; appellant responded that he did not have a license. Appellant then advised the deputy of his name and his date of birth. Deputy Squriewell ran that information through a database he accessed with his laptop computer in his vehicle and discovered that appellant's license was suspended at the time

of the stop. In fact, appellant's license had been suspended on March 8, 1995. Appellant relinquished his driver's license to the Department of Motor Vehicles ("MVA") in October, 1998. Officer Dale Harrison of the Charles County Sheriff's Office testified that during an October 2012 traffic stop on appellant, he told appellant that his license and privilege to drive had been suspended.

DISCUSSION

I. Sufficiency of Evidence

Appellant contends that the evidence was insufficient to convict him of driving on a suspended license because after relinquishing his license he "could not be convicted of driving on a license that was both suspended and non-existent." Further, he argues that "he certainly would not have known that his license was suspended," since he had previously voluntarily surrendered his license to the MVA. The State responds that based on Officer Harrison's testimony that he told appellant in 2012 that his license was suspended, the jury could have inferred that appellant knew his license was suspended. We hold that appellant's previous surrender of his license did not void his suspension and that there was legally sufficient evidence to support the conviction.

When we review for sufficiency of evidence, we determine "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). The reviewing court must not "undertake a review of the record that would amount to a retrial of the case." *State v. Pagotto*, 361 Md. 528, 533

(2000). Nor is it our function to "determine the credibility of witnesses or the weight of the evidence." *Handy v. State*, 175 Md. App. 538, 562 (2007).

Maryland Code (1977, 2009 Repl.Vol.), Transportation Article ("TR"), § 16-303(c) states in relevant part, "[a] person may not drive a motor vehicle on any highway . . . while the person's license or privilege to drive is suspended in this State." "Knowledge is an essential element of driving with a suspended license." *Steward v. State*, 218 Md. App. 550, 560 (2014). "[T]o prove that an individual had the requisite mens rea at the time of the offense, the State must present evidence that the defendant either had actual knowledge that his or her driver's license was suspended, or that the defendant was deliberately ignorant or willfully blind to the suspension." *Id.*

Appellant argues that this case is similar to *State v. Sullivan*, 407 Md. 493 (2009). The Court of Appeals in *Sullivan* held that a person cannot be convicted of driving on a revoked license where they never held a driver's license. The Court explained that because Sullivan never had a license, there was no license for the MVA to revoke. *Id.* at 502-03. In *White v. State*, 217 Md. App. 709 (2014), however, we held that a person holding an expired but suspended license could be convicted of driving on a suspended license and explained as follows:

> If we were to hold that expiration limits suspensions, it would provide an incentive to drivers to allow their licenses to expire. Perhaps even more significant, if suspensions were limited to the duration of the license, nothing would prevent a driver delinquent on fines or child support from renewing an expired license free of any suspension. The State would lose an effective tool that requires delinquent drivers to pay fines and child support.

The same reasoning is applicable here. Were we to hold that the "voluntary" relinquishment of a driver's license limits suspensions, it would provide an incentive to drivers to "voluntarily" relinquish their licenses.[1]

Appellant's contention that he did not know his license was still suspended after he turned it in to the MVA is without merit considering that he was advised in 2012 by Officer Harrison that his license remained suspended. Even if he genuinely believed that his "voluntary" relinquishment voided the suspension, Officer Harrison's advisement should have corrected that belief.

II. Charging Document

Appellant argues that the "trial court erred by failing to dismiss the case because the citation did not contain all of the elements of driving on a suspended license." Specifically, he alleges that the traffic citation "did not include the intent requirement for driving on a suspended license and did not show that he was doing so knowingly." The State responds that the trial court properly denied appellant's motion to dismiss, because the form of traffic citations is prescribed by statute. We hold that the language contained in the citation was sufficient to charge appellant with driving while his license was suspended.

Article 21 of the Maryland Declaration of Rights provides "[t]hat in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to

[1] While appellant contends that he "voluntarily" relinquished his license in 1998, TR § 16-210(a) requires that a license be surrendered to the Motor Vehicle Administration upon suspension. Therefore, despite appellant characterizing the relinquishment of his license as voluntary, he was required to surrender it after it was suspended in 1995.

have a copy of the Indictment, or charge, in due time (if required) to prepare for his defense." Maryland Rule 4-202(a) requires that a charging document "contain a concise and definite statement of the essential facts of the offense with which the defendant is charged and, with reasonable particularity, the time and place the offense occurred." A violation of the motor vehicle laws must be "charged by citation, rather than by some other form of charging document." *Meanor v. State*, 364 Md. 511, 525 (2001). The Chief Judge of the District Court is authorized, "[a]fter consultation with police administrators and the Motor Vehicle Administrator," to "design arrest - citation forms that shall be used by all law enforcement agencies in the State when charging a person with a criminal, civil, or traffic offense." Maryland Code (2006, 2013 Repl.Vol.), Courts and Judicial Proceedings Article ("CJP"), § 1–605(d)(8). TR § 26-201 defines the form of a traffic citation and requires that the "violation or the violations charged" be included on the citation.

Appellant was charged via the Maryland Uniform Complaint and Citation form adopted pursuant to CJP § 1-605(d)(8). The citation lists each offense appellant was charged with, and the statute for each charge. For the driving while suspended charge, the citation appears as follows:

	CITATION NO.	ART/SEC/CHARGE	PAYABLE FINE AMOUNT
1.	03K0J8F	TA – 16-303(c)	MUST APPEAR
	PERSON DRIVING MOTOR VEHICLE ON HIGHWAY OR PUBLIC USE PROPERTY ON SUSPENDED LICENSE AND PRIVILEGE		

The language in the citation nearly mirrors TR § 16-303(c), which reads as follows:

> A person may not drive a motor vehicle on any highway or on any property specified in § 21-101.1 of this article while the person's license or privilege to drive is suspended in this State.

"There are very few exceptions to the rule that the words of a statute creating and defining a crime are sufficient for a charge of committing it." *State v. Coblentz*, 167 Md. 523, 529 (1934). That the wording of the charging document "may leave unspecified one or more essential elements of the crime" does not necessarily render the charging document insufficient as long as the words are "sufficient to meet the practical needs which an indictment is intended to supply." *Id.* Furthermore, "[s]tatutes prescribing a short form of indictment – provided the simplified form contains the essential elements of the crime it purports to charge – are generally upheld on the ground that the right of the defendant to demand the particulars of the accusation protects him against injury." *Pearlman v. State*, 232 Md. 251, 257-58 (1963).

Appellant was charged via a Maryland Uniform Complaint and Citation, which contained language that almost exactly mirrored the statute under which he was charged. We hold that the citation was legally sufficient.

III. Stop of Appellant's Vehicle and the Fourth Amendment

Appellant next argues that the trial court committed error when it denied his motion to suppress the evidence generated from the stop and seizure. He contends that "driving with a blown headlight is not a criminal offense," and therefore the officer "was not authorized to stop him because he had not committed any crime." The State responds that the stop was lawful because "[p]olice officers may stop vehicles when those vehicles are

being operated with malfunctioning equipment." We agree with the State and hold that the trial court committed no error.

We review a trial court's ruling on a motion to suppress evidence for alleged Fourth Amendment violations "in the light most favorable to the party that prevailed on the motion." *Crosby v. State*, 408 Md. 490, 504 (2009). We accept the facts found by the trial court, unless clearly erroneous. *Wilkes v. State*, 364 Md. 554, 569 (2001). "Nevertheless, in resolving the ultimate question of whether the detention and attendant search of an individual's person or property violates the Fourth Amendment, we 'make our own independent constitutional appraisal by reviewing the law and applying it to the facts of the case.'" *Crosby*, 408 Md. at 505 (quoting *State v. Williams*, 401 Md. 676, 678 (2007)).

"The Fourth Amendment protects against unreasonable searches and seizures, including seizures that involve only a brief detention." *Ferris v. State*, 355 Md. 356, 369 (1999). A "traffic stop involving a motorist is a detention which implicates the Fourth Amendment." *Id.* A stop of a vehicle is reasonable, however, where the police have "reasonable articulable suspicion to believe that the car [was] being driven contrary to the laws governing the operation of motor vehicles." *Lewis v. State*, 398 Md. 349, 362 (2007).

TR § 23-105 provides that "[i]f a police officer observes that a vehicle registered in this State is being operated with any equipment that apparently does not meet the standards established under this subtitle … the officer shall stop the driver of the vehicle and issue to him a safety equipment repair order." Section 23-104 delineates the

equipment standards required of vehicles operating in the state of Maryland. It requires every vehicle to have lights "meeting or exceeding the standards established jointly by the Administration and the Division." Pursuant to its authority under the Transportation Article, the MVA requires every vehicle be equipped with functioning headlamps. Code of Maryland Regulations ("COMAR") 11.14.02.10(1)(c)(v). If the headlamp fails to illuminate, the vehicle fails inspection. *Id.*

Here, Officer Squriewell stopped appellant's vehicle for a nonfunctioning headlamp. Therefore, the vehicle violated § 23–104(a), as supplemented by COMAR 11.14.02.10(1)(c)(v), and the stop of appellant's vehicle was lawful.

IV. Res Judicata

Appellant contends that the doctrine of res judicata barred the State from prosecuting him in this case, because he had been acquitted of driving on the same suspended license in 2000. He argues that he was "legally entitled to rely on the sound result from his earlier acquittal for the same violation." The State responds that appellant's acquittal of driving on a suspended license in 2000 "would not have precluded that, 14 years later, a trier of fact might conclude that [appellant] had driven on a suspended license." We hold that the doctrine of res judicata does not apply in this case, and that the State was not barred from prosecuting appellant.

In a criminal matter, "res judicata dictates that, when an individual has once been acquitted (autrefois acquit) or once been convicted (autrefois convict) of an offense, the

State may not thereafter reprosecute that individual for 'the same offense.'" *Burkett v. State*, 98 Md. App. 459, 464 (1993) (quoting *Coblentz*, 169 Md. at 164-65). To constitute the same offense, "all of the elements necessary to a conviction in one case must be present in the subsequent case where the former adjudication is pleaded, otherwise the plea is not available; in other words, the offenses must agree in all their essential facts." *Coblentz*, 169 Md. at 166.

Appellant alleges that he was acquitted in Charles County of driving while suspended in 2000, and that because "nothing material had changed between the two dates" the State was precluded by the doctrine of collateral estoppel from prosecuting him for driving while his license was suspended in this case. He argues that he should be "legally entitled to rely on the sound result from his earlier acquittal." This argument is without merit.

The "result" of his earlier acquittal was not, as appellant argued below, that he did not have a suspended license, but that he was not guilty of driving on a suspended license as contemplated by the Transportation Code on the particular date and time alleged in that complaint. Appellant's prior prosecution concerned an entirely separate offense in that the alleged offense occurred on a different day, in a different county, and involving different witnesses. The two offenses do not have the same essential facts, and therefore are not the "same offense."

V. Admission of Motor Vehicle Administration Records

Appellant's final claim of error is that the trial court erroneously admitted unauthenticated MVA records containing inadmissible hearsay. He argues that the

records contained inadmissible hearsay as "[n]o one from the MVA testified or validated the records as accurate," nor was there any "accompanying authentication of any kind—let alone from a custodian of records." The State responds that the documents were properly admitted under TR § 12-113, which specifically provides for the admission of such records. We hold that the records were properly authenticated and admitted.

Hearsay is an out-of-court statement offered to prove the truth of the matter asserted. Maryland Rule 5-801(c). Rule 5-802 prohibits the admission of hearsay. Hearsay "may be admissible, however, under an exception to the hearsay rule, because circumstances provide the 'requisite indicia of trustworthiness concerning the truthfulness of the statement.'" *State v. Harrell*, 348 Md. 69, 76 (1997) (quoting *Ali v. State*, 314 Md. 295, 304-05 (1988)).

We ordinarily review a trial court's decision to admit evidence for abuse of discretion. *Bernadyn v. State*, 390 Md. 1, 7 (2005). Our review of the admissibility of hearsay evidence is different however, as the Court of Appeals explained in *Bernadyn*:

> Hearsay, under our rules, must be excluded as evidence at trial, unless it falls within an exception to the hearsay rule excluding such evidence or is "permitted by applicable constitutional provisions or statutes." Md. Rule 5-802. Thus, a circuit court has no discretion to admit hearsay in the absence of a provision providing for its admissibility. Whether evidence is hearsay is an issue of law reviewed *de novo*.

"Public records and reports" are a hearsay exception and may be admitted under Rule 5-803(b)(8). This rule provides in pertinent part:

> (A) Except as otherwise provided in this paragraph, a memorandum, report, record, statement, or data compilation made by a public agency setting forth:

(i) The activities of the agency;

(ii) Matters observed pursuant to a duty imposed by law, as to which matters there was a duty to report.

Appellant's driving records were properly admitted pursuant to the public records and reports hearsay exception.[2] At trial, Amanda Farrell, a secretary with the Charles County State's Attorney's Office testified that on March 3, 2015, she personally accessed and printed Motor Vehicle Administration records relating to appellant. These records were later admitted by the State to show that the Motor Vehicle Administration had suspended appellant's license in March of 1995. The Motor Vehicle Administration, a public agency, is required to maintain driving records pursuant to TR § 12-111, and therefore their admission under Rule 803(b)(8) was proper.[3]

Appellant further argues that the records were not properly authenticated because they were "essentially a computer printout," and not a certified record as required by Maryland Rule 5-902(b). Rule 5-902(b) pertains to business records, and therefore is not

[2] The State admitted two driving records. The first listed appellant's legal name, "James Williams Jr" and the second listed "James Tyrone Williams Jr." The State presented evidence that appellant had previously used "James Tyrone Williams Jr. as an alias at a prior traffic stop, and that the records were linked the MVA system.

[3] TR § 12-111 provides in pertinent part:

Record of applications and other filed documents
(a) The Administration shall keep a record of each application or other document filed with it and each certificate or other official document that it issues.

Records open to public inspection
(b)(1) Subject to § 4-320 of the General Provisions Article, and except as otherwise provided by law, all records of the Administration are public records and open to public inspection during office hours.

relevant here. Rule 5-902(a), however, provides for the self-authentication of certified copies of public records. Self-authenticating documents do not require "extrinsic evidence of authenticity as a condition precedent to admissibility." TR § 12-113(b)(2) permits the admission of non-certified computer printouts of driving records. It provides:

> (i) A computer printout of any driving record or vehicle registration record of the Administration that has been obtained by a law enforcement unit, as defined in § 10-101(f) of the Criminal Procedure Article, or court through a computer terminal tied into the Administration is admissible in any judicial proceeding in the same manner as the original of the record.
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> (ii) The computer printout of the driving record or vehicle registration record shall contain:
>
> 1. The date the record was printed; and
>
> 2. A jurisdiction code identifying the site where the record was printed.

These foundational requirements were satisfied. Amanda Farrell, an employee of the State's Attorney's Office accessed appellant's driving records through a computer terminal tied into the Motor Vehicle Administration. The "office of a State's Attorney" is a "law enforcement unit" as defined in §10-101(f) of the Maryland Criminal Procedure Article. The records are dated March 3, 2015, the date Farrell testified she printed them, and include the terminal ID number from which they were printed. As such, they satisfy TR § 12-113(b)(2), were properly authenticated, and were properly admitted.

THE JUDGMENTS OF THE CIRCUIT COURT FOR CHARLES COUNTY ARE AFFIRMED; COSTS TO BE PAID BY APPELLANT.