UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1621

September Term, 2014

ROBERT WILLIAM STONE, JR.

v.

STATE OF MARYLAND

Leahy,
*Zarnoch,
Rodowsky, Lawrence F.
(Retired, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: July 29, 2016

*Zarnoch, Robert A., J., participated in the conference of this case while an active member of this Court; he participated in the adoption of this opinion as a retired, specially assigned member of this Court.

The principal issue on appeal is whether the Circuit Court for Howard County erred or abused its discretion in accepting the defendant's waiver of counsel and in subsequently proceeding to try him *in absentia.* The record establishes that Appellant, Robert William Stone, Jr. ("Stone"), has a history of manipulating the criminal justice system by engaging in tactics—including feigning illness—to delay his hearings and trials. Following a jury trial (part of which was tried without Stone present), Stone was found guilty of first-degree burglary, third-degree burglary, motor vehicle theft, and theft of property worth less than $1,000.00. In his timely filed appeal, Stone raises three questions for our consideration:

I. Did the lower court erroneously deprive Stone of his right to counsel?

II. Did the lower court err in trying Stone *in absentia*?

III. Did the lower court err in refusing to ask prospective jurors if their spouses had ever worked in law enforcement?

Discerning no reversible error or abuse of discretion, we shall affirm the judgments of the circuit court.

BACKGROUND

According to the testimony presented at trial, on September 12, 2012, Mrs. Leleh Alemzadeh parked her family vehicle—a green 1999 Toyota Sienna—in the driveway in front of the family home. Early the next morning, Mrs. Alemzadeh's daughter opened the garage door to go to school, and discovered that the car was gone. Someone had broken into the home during the night and taken the car keys from a kitchen "junk drawer."

On September 18, 2012, police officers located the vehicle near the apartment complex where Stone resided.[1] Believing that Stone would try to use the vehicle in another burglary, the officers attached a tracking device to the vehicle. During the early morning hours of September 19, 2012, the officers followed Stone as he drove the stolen vehicle to several Howard County locations. Although they had not yet identified Stone as the driver, the officers observed that the vehicle's driver was between five-foot-nine and six-feet tall, weighed 170 to 200 pounds, and walked with a distinctive gait, "mov[ing] his shoulders from side to side," and swinging his arms, with his head down, "staring at the ground."

Around 4:00 a.m., the officers watched as Stone stopped near the home of Mr. Bhavin Patel. The police saw "a quick flash of light" in the house and then saw Stone exit the home through the garage and walk toward the police. However, when Stone saw the police, he ran behind the house, abandoned the vehicle, and eluded capture. The police confirmed that money was missing from a purse in Mr. Patel's kitchen. The police then processed the vehicle for evidence and found that DNA collected from the steering wheel matched Stone's DNA.

The State charged Stone with: (1) first degree burglary for breaking and entering into Ms. Alemzadeh's home; (2) third degree burglary for breaking and entering into Ms. Alemzadeh's home; (3) unlawful taking of a motor vehicle for taking Ms. Alemzadeh's vehicle; (4) unauthorized removal of property for taking Ms. Alemzadeh's vehicle; (5) theft

[1] In addition to the charges in this case, Stone was charged in a series of burglaries that occurred in Howard County at around the same time as the burglaries at issue in this case. The charges arising from the other burglaries were charged and tried separately.

valued at less than $1,000.00 for taking the key to Ms. Alemzadeh's vehicle; (6) first-degree burglary for breaking and entering into Mr. Patel's home; (7) third-degree burglary for breaking and entering into Mr. Patel's home; and (8) theft valued at less than $1,000.00 for taking the money from Mr. Patel's home. On March 20, 2013, Stone appeared without counsel before the circuit court for arraignment.[2] In accordance with the requirements of Md. Rule 4-215, the court provided Stone with the necessary advisements for unrepresented defendants.[3] Following the arraignment, Stone's trial was set for July 29, 2013.

[2] Alfred Guillaume, an attorney who was representing Stone in his other pending cases was present at Stone's arraignment to withdraw the bail review motions he had earlier filed on Stone's behalf. Mr. Guillaume informed the court that he was not representing Stone in this case.

[3] At the time of Stone's hearing, Md. Rule 4-215(a) required:

> (a) At the defendant's first appearance in court without counsel, or when the defendant appears in the District Court without counsel, demands a jury trial, and the record does not disclose prior compliance with this section by a judge, the court shall:
>
> (1) Make certain that the defendant has received a copy of the charging document containing notice as to the right to counsel.
>
> (2) Inform the defendant of the right to counsel and of the importance of assistance of counsel.
>
> (3) Advise the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.
>
> (4) Conduct a waiver inquiry pursuant to section (b) of this Rule if the defendant indicates a desire to waive counsel.

On July 9, 2013, Attorney Stephen R. Tully entered his appearance on Stone's behalf and requested a postponement, which was granted. Stone's trial date was postponed to October 21, 2013, and then again, by joint motion of the parties, to November 27, 2013. On November 26, 2013, the court granted Attorney Tully's petition to withdraw his appearance. Stone's trial was rescheduled for March 17, 2014, but was administratively postponed due to bad weather until March 19, 2014. On March 19, 2014, Attorney Janette DeBoissiere of the Public Defender's Office entered her appearance on Stone's behalf and Stone's trial was postponed to May 13, 2014.

On May 7, 2014, five days before he was set to go to trial, Stone filed a *pro se* Petition to Withdraw Appearance of Attorney, requesting that the court strike Ms. DeBoissiere's appearance for the following reasons:

1. I have only see her 1 time in almost 2 months.

2. We did not discuss a strategy

3. She has not gotten all the discovery from the State

(continued…)

> (5) If trial is to be conducted on a subsequent date, advise the defendant that if the defendant appears for trial without counsel, the court could determine that the defendant waived counsel and proceed to trial with the defendant unrepresented by counsel.

The clerk shall note compliance with this section in the file or on the docket.

Rule 4-215(a) was subsequently amended, effective January 1, 2014, by the addition of a new provision, (a)(6), which is not relevant in the instant case. Md. Rule 4-215 Historical Notes, Credits.

4. To [*sic*] many other reasons to list

At a motions hearing on May 8, 2014, the circuit court and Stone had the following exchange:

> THE COURT: Could you tell me why you want Ms. DeBoissiere to not represent you?
>
> THE DEFENDANT: Because I've only seen her one time and we have [*sic*] spoken or anything about our strategy about the case, which is coming up -
>
> THE COURT: Next week.
>
> THE DEFENDANT: -- next week. Yeah, and --
>
> THE COURT: Has Ms. DeBoissiere represented you in the past?
>
> THE DEFENDANT: Yeah, years ago.
>
> THE COURT: Okay. So you're familiar with Ms. DeBoissiere. The Public Defender's Office has represented [*sic*] in a myriad of cases before me and the other judges, right?
>
> THE DEFENDANT: Yeah, she has. It's, like, 12 years.
>
> THE COURT: Okay. And you know that she's been an attorney, public defender criminal defense attorney for -- 20 years?
>
> MS. DEBOISSIERE: Over 20, yes.
>
> THE COURT: Over 20 years. Has appeared before this judge a thousand times.
>
> MS. DEBOISSIERE: Probably.
>
> THE COURT: Maybe more. A thousand before the other judges. You know her to be an experienced attorney?
>
> THE DEFENDANT: I don't know. I took a plea the last time.
>
> THE COURT: In part because of her advice although it had to have been your decision, of course.

THE DEFENDANT: My decision.

THE COURT: Yeah. Okay. It's not unnoticed by this judge that you have a habit and a history of delay of cases. That you come in at the eleventh hour and you don't want this attorney and you don't want that attorney. Yeah, well --

THE DEFENDANT: This is the only time that ever happened.

THE COURT: Not so much.

THE DEFENDANT: This is the only time that ever happened.

MS. DEBOISSIERE: He has other problems, Your Honor. If I may add to his request?

THE COURT: I know he's had some medical issues, too, in the past.

MS. DEBOISSIERE: Well, he had a medical emergency on one occasion. He had private counsel whom he had retained at the time that he had two cases, but he had four burglaries total in those two cases.

THE COURT: I know.

MS. DEBOISSIERE: Then there was a motion to sever[] --

THE COURT: I know.

MS. DEBOISSIERE: -- the lawyer who had been hired for one trial. Was allowed to only represent him for one trial. That left two others from that case outstanding. And actually it's five burglaries, I think. And two others in the other case still outstanding. So he then hired the lawyer one at a time and ran out of money I think essentially. So --[4]

THE COURT: Well, I'll tell you, Ms. DeBoissiere, to be quite candid in earshot obviously of your client. If you were an inexperienced attorney, if I didn't know your capability, I might have a skosh of sympathy for the petition. I don't even have an eyelash of sympathy for the petition. I don't

[4] At the time, Public Defender DeBoissiere was representing Stone in his other case which was set for trial in September of 2014.

think it's valid. I think it's ridiculous. You're an experienced, competent attorney. The only thing Mr. Stone says, he hasn't seen you a lot.

THE DEFENDANT: That's not -- that's the only thing I --

MS. DEBOISSIERE: May I ask of the clerk? I seen [*sic*] him I think --

THE COURT: Sure.

MS. DEBOISSIERE: I think it's a total of four times counting the times he's been in this building.

THE DEFENDANT: Well, I've been in here for other reasons.

MS. DEBOISSIERE: But I've been at the jail twice to talk to him, Your Honor, so far.

THE COURT: Are there any other reasons, Mr. Stone?

THE DEFENDANT: Yeah, I was out on bond on another charge, and I posted bond. So I still should be out on bond on another charge. I posted bail in another charge and Howard County Detention Center released me to Baltimore City where I had another misdemeanor detainer. And they released me. Said I go on my way.

Then Howard County called back and said, they shouldn't release me because I had a no-bond, no charge. These people had called and said I had no bond on a charge that I was already out on bail on. And instead of her filing the motion for habeas corpus, she filed a bond reduction to try to get my no bond reduced to something when it shouldn't even be -- that shouldn't even be what should have been filed.

THE COURT: I would have, too. That's the correct thing to have filed. Anything else?

THE DEFENDANT: No, no. Well, it was supposed to been [sic] I'm not supposed -- my bond was never revoked is what I'm saying.

THE COURT: Anything else?

THE DEFENDANT: It's an error in the Clerk's Office.

THE COURT: Okay. Anything else?

THE DEFENDANT: No, she just haven't [*sic*] told me anything about what we're going to do.

THE COURT: Let me ask Ms. DeBoissiere on the record. Do you feel competent to represent Mr. Stone in his case?

MS. DEBOISSIERE: I feel competent to represent him. Yes, Your Honor.

THE COURT: Anything else you want to say?

MS. DEBOISSIERE: I think he has the right to fire me anyway. If he's –

THE COURT: He does.

MS. DEBOISSIERE: And I have advised him I try to follow the Rule of 4-215(e), which requires him to be told that he still has a choice to go pro se in trial or to choose to go with the understanding that the trial would still be going forward –

THE COURT: Yes.

MS. DEBOISSIERE: -- but he would be doing it without counsel.

We have discussed all of the options, and I think he clearly understands his choices. He had advised me he still wished to fire me from his case. I told him I was not fired until the judge ordered me out of the case and that I would continue. And I have filed additional motions that I'm prepared to argue here today for him. But I think legally he has the right to tell me to step away from the case . . . .

* * *

THE COURT: . . . Anything else? Do you want to fire Ms. DeBoissiere?

THE DEFENDANT: Yes.

THE COURT: And if you do, that's your right to do that, but I'm not granting you a postponement for next week's case.

THE DEFENDANT: Well, I need a postponement, Your Honor, because –

THE COURT: You're not getting it.

> THE DEFENDANT: - - that was - - well, the State has not gave [sic] us the discovery.

Stone alleged that the State had not given him all of the discovery to which he was entitled—specifically, discovery relating to a tracking device that he accused the police of placing on his vehicle. The prosecutor explained that police had installed tracking devices on the vehicles that Stone was accused of stealing, but had not placed any such device on Stone's own vehicle. The court then continued:

> THE COURT: Mr. Stone? Let me explain to you as your lawyer correctly explained. You have the right to fire her if you want to. I don't think it's a good idea, but it's your idea. If you want to fire her, it's up to you, but then you're going forward by yourself next week on trial.
>
> THE DEFENDANT: Your Honor, there was a tracking system on my car that Howard County Police Department had a court order to do so.
>
> THE COURT: Listen to the court's question. That issue is done. The State says there was no tracking device that she knows of period. My question to you is, do you wish to have Ms. DeBoissiere, a competent attorney, represent you next week [?]
>
> THE DEFENDANT: She hasn't been competent.
>
> THE COURT: -- or do you wish to represent yourself?
>
> THE DEFENDANT: She hasn't been competent in my case.
>
> THE COURT: Answer my question. Do you wish to fire Ms. DeBoissiere?
>
> THE DEFENDANT: I want to have my own attorney.
>
> THE COURT: Answer the court's question.
>
> THE DEFENDANT: I did. I want to have my own attorney.
>
> THE COURT: Answer the court's question. Do you wish to fire Ms. DeBoissiere?

THE DEFENDANT: Yes, I do.

The court discharged Ms. DeBoissiere and the Office of the Public Defender from the case.

On May 13, 2014, Stone presented before a different judge, without counsel, and asked for a postponement to obtain a private attorney. The court denied the request, noting that Stone "appeared before th[e] Court on May 8th and the Court . . . [had] instructed [him] that there [would] be no postponements." The court also noted Stone's history of requesting postponements for medical reasons:

> THE COURT: . . . The Court put you on notice that this case was not going to be postponed today. The Court recognizes this morning that you indicated you had some medical emergency issues and you weren't coming to court but the Court also received information from the jail that you were cleared by medical staff.
>
> The Court notes that the last time you were here on one of your cases, Judge Becker denied your postponement and you had an alleged medical emergency to where you had to be taken to the hospital. You were found to be fine. So, you do have a history and a pattern of if the Court denies your postponement, having some medical issues that causes you possibly to get a postponement.
>
> Let me also explain to you, sir, the case is going to go forward today. The Court also has case law out there that says that the Court can try you on this matter without you being here. The Court obviously has to notify you *so I'm putting you on notice that it is possible that this Court can try you in your absence. They call it in absentia*. I don't know if you would want to avail yourself of that because obviously, you will not be participating in a [trial] to where you're facing many years in prison if you were, in fact found guilty.
>
> So, at least because you do have a pattern of delaying and requesting postponements, ["]I want to hire an attorney, I want to fire an attorney, I need to get an attorney,["] this back and forth stuff. Okay and all of the sudden ["]now I'm having a heart attack["] and you gotta go to the hospital.

(Emphasis supplied). In this way, the court warned Stone that he could be tried *in absentia*. Stone then responded:

DEFENDANT: Like I said, I don't believe that I'm medically capable to do a trial -- to finish a trial here. You know what I mean? I need a postponement.

THE COURT: And what is your medical problem because you were cleared --

DEFENDANT: I have not been to the doctor's yet. Those physicians down at the jail that just clear[ed] me, they're not doctors. They just said, okay -- well, they don't even have the proper x-ray machines or anything to do anything down there. You had the assistant warden just standing there and saying, well, he's ready for -- court called and we gotta take him to court. They said hold up, hold up and then they said, yeah, we're getting ready to clear him. They're down their throat telling him, well, we gotta take him to court, how long are you going to be? And, you know, I'm getting ready to clear him now. That's what they keep saying.

THE COURT: Well, I understand that. The Court had received information that Mr. Stone was not feeling well and cannot be brought to trial. The detention center contacted the administrative judge's chambers. They were advised that you were being treated by the medical department and the deputy director, Ms. Shivell, was checking in at 8:45. We got a call back saying you were cleared from medical and, in fact, I think we received a fax of the medical chart -- the medical notes, rather, from this morning.

You had complained of chest pain in your arm and abdominal pain. You were checked out by the nurse. It was a physician's assistant. It was possible you did not take your blood pressure medication last night. You were given aspirin. You were -- Mr. Stone is caught up on his medication. It does not require any further medical attention or medical assistance.

You were cleared by the medical staff and the jail arranged for you to be returned today. And you got here probably about 15, 20 minutes ago. So, medically, from the information we received from the detention center that you are okay or were fine -- well enough to –

DEFENDANT: I said they're not doctors. They're not doctors down there.

THE COURT: Okay, well --

DEFENDANT: Assistant -- whatever -- assistant --

THE COURT: Physician's assistant as well as a nurse. So, you were cleared by the jail so obviously you're not in any medical problems that would cause you not to be able to participate in this trial.

Thereafter, the court advised Stone of his right to a jury trial. Stone requested some time to consider the issue and talk to the State. The court permitted the additional time, but reminded Stone that the State's attorney was not his attorney, and further advised:

> THE COURT: You have no attorney. The Court did advise you when she granted -- when the Court granted your motion to withdraw or strike your attorney's appearance that if you had no other attorney enter, his or her appearance today, you would be going forward without one. So, this Court is going to also find that you have waived your right to an attorney since you showed up here today without one. But, I will allow you a few minutes to talk to the state's attorney to see if you all can resolve this matter. So, I will stand down and allow you all to talk.

Mr. Stone and the State's attorney had a discussion on the record, but outside of the presence of the trial judge, and appeared to reach a possible plea agreement. The trial judge returned to the courtroom, but before hearing from the parties on their agreement, the court clarified for the record:

> THE COURT: . . . I thought of something when I was in the back. I denied Stone's request for a postponement but the Court still is required, I guess, to go through the factors that are in the rules.
>
> [PROSECUTOR]: Thank you.
>
> THE COURT: That the court does, in fact, find that there's no meritorious reason for - to postpone this, reason number one. He was -- Mr. Stone had been advised of his right to an attorney previously. And the Court finds that there's no meritorious reason now why he does not have an attorney so the Court is going to find that there's waiver of counsel even though he says he wants to appoint -- rehire [a private attorney].
>
> The Court is going to find waiver by inaction pursuant to Maryland Rule 4-215. He discharged his counsel, was advised five days ago in addition to at least one other occasion by this Court. So, pursuant to Rule 4-215(d); the Court is going to find there's been waiver by inaction. So, so the record is clear with respect to that.

The State's attorney then advised the court that Stone was "going to accept the State's plea offer." Stone was placed under oath and the court began questioning him about the plea. Near the end of the plea colloquy, Stone changed his mind and stated emphatically "I'm not going to take this deal."

After electing to proceed with trial, Stone asked the judge to recuse himself, arguing that the judge could not be fair because he had previously denied Mr. Stone's request for a bail reduction. The court denied the motion.

The parties then reviewed the voir dire questions with the court. Before Stone discharged Ms. DeBoissiere, she submitted a list of proposed voir dire questions. One of the proposed questions asked whether any venire member or members of his or her immediate family had been employed in law enforcement. The State objected to the "immediate family members" portion of the question, arguing that the Court of Appeals had recently observed that questions extending to acquaintances of venire members are overbroad. Stone objected, contending that he felt that the question should be extended to include the spouses of venire members. The court decided to inquire only into whether any of the prospective jurors were themselves employed in law enforcement.

Just before the prospective jurors arrived for selection, Stone fell to the floor:

> THE COURT: Mr. Stone, are you okay, sir? Mr. Stone? See if you can arouse Mr. Stone because Mr. Stone is apparently now on the floor. Mr. Stone, are you okay? All right, I'm going to take a two-minute break.

After a short recess, the court decided to have Stone evaluated by medical staff:

> THE COURT: In an abundance of caution, we'll call the medical personnel who will then check him out. If he's fine, we will go forward with the jury trial at 1:30. So, at this point, we'll obviously have the ambulance called.

> We'll have them check Stone out. If we get the all clear from the medical people, then we will continue with the jury trial at 1:15.
>
> * * *
>
> And, Mr. Stone, if you are fine, we're going to go forward with the jury trial today, just so you know, sir. And you can do it on the floor or in the seat, it's up to you. But let's see what the medical people say.

Several hours later, the court reconvened:

> THE COURT: All right, thank you. It is now 3:03. When I took that break, I believe Mr. Stone was seen by the ambulance crew. He was transported to Howard County General Hospital for tests. Around 2:00, I had received information from the Detention Center that said Mr. Stone was in the process of being released -- no, I think that was 1:30 and that they think he should be here between 2:30 and 3:00.
>
> Then I got another call saying they were doing blood work and it would be closer to 3:00. Fifteen minutes ago, the Detention Center contacted my chambers and said he was being taken back to x-ray. So, he is not ready to be discharged today -- well, at least now. So, in an abundance of caution, what I've done, I released this jury panel and we're bringing in a new panel tomorrow and the case will be continued until tomorrow.
>
> I was hoping that Mr. Stone could be here in time for me to give him some advice on the record but I don't think he'll be here by 4:30 and we can't be here passed [*sic*] 4:30 because they're working on our alarm - the door alarms. So, we're just going to -- not postpone this matter. We're just going to continue it until 8:30 tomorrow morning.

The court reconvened the next day, on May 14, 2014, and reported that Mr. Stone was not present:

> THE COURT: All right. Stone is not present. It is now 9:12. Mr. Stone is not present. Mr. Stone has, from what I've been informed, was transported from the Detention Center this morning and as he got off of the van and was walking in the sally port, he ended up on the ground as he did yesterday and this time was complaining of neck and back pain and an ambulance had taken him to Howard County General Hospital for an evaluation.
>
> The Court also was aware of yesterday, Mr. Stone asked for a postponement. His postponement was denied. He then indicated he wanted to take a plea. During the qualification of his waiver of trial rights, he changed his mind and wanted to have a trial.

> He said he wanted to have a Court trial but did not want me as his judge and wanted me to recuse. When I declined that request, he then said he wanted a jury trial. We went through voir dire and got the jury list and as I was coming back into the courtroom so we could bring the panel in, he fell or collapsed on the floor and did not get up and acted as if he was unresponsive. He was taken to the hospital. He was discharged a short time later. I believe all of his vital signs were normal and basically nothing could be found to be wrong with him.
>
> The Court also notes that prior to him coming to court yesterday morning, he indicated he was having chest pains at the jail. He was evaluated at the Detention Center by a nurse that was a physician's assistant and was cleared to come to court.
>
> The Court is of the opinion that Mr. Stone is purposefully trying to delay or maybe even sabotage these court proceedings. This is not the first two times Mr. Stone has done this. Mr. Stone, in a companion case, in 13-K-59 - excuse me, 52922, Mr. Stone appeared, asked for a postponement. When the acting administrative judge denied the postponement, Mr. Stone went back down to the holding cell at which point he collapsed and had to be taken to the hospital and did, in fact, receive his postponement. I believe that was on February 4th of 2014, if I recall correctly. Yes, February 4th.
>
> The Court believes -- oh, he was also found to be fine and normal, nothing wrong with him at that point. So, it is clear from this Court's - from his conduct and his behavior that his medical issues, he is faking or fainting [*sic*] in order to avoid court proceedings so he can get a postponement.

The court decided to proceed with a trial in absentia:

> THE COURT: The Court finds, based on his conduct of feigning illness or injury to where it requires him to be taken out of the courthouse in order for him to get a postponement after his postponements have been denied is conduct that justifies his exclusion from the courtroom especially seeing that when the Court walked in, everything was fine until we were ready to bring the jurors in to be picked. Then he supposedly collapses. And the same thing, as I said, back in the other case 22 he did the same thing down in his cell. And also, I think, the first part of that applies. He was voluntarily absent after the proceedings have commenced.
>
> The Court finds that his actions, not wanting to be here, is voluntary on his part because obviously if he has some medical condition, the Court would be concerned about that and would want that treated but as Counsel clearly has indicated, whenever he has an attorney present, he appears, he is involved and engage[d] in all aspects of the proceedings. But when there's no attorney and he cannot get a postponement, then we have these alleged medical issues that starts with not wanting to leave the jail then when he's

> cleared, he comes here, feigns passing out to the point were he has to be taken to the hospital, feigning a heart -- and mind you, somebody did say he does have high blood pressure and takes medication.
>
> [PROSECUTOR]: That is correct.
>
> THE COURT: So, I don't want to minimize any issues that he may have but it's clear from his conduct that he wants to be voluntarily absent from these proceedings and they have commenced. And he was informed by this Court yesterday that there is case law that says the Court can proceed in his absence, in absentia.
>
> Also, the Court has reviewed and read, again this morning, the Pinkney case, *Pinkney versus State*, 350 Md. 201 which is a 1998 case that basically discusses the appropriateness of finding someone -- trying them in absentia and clearly they must have notice and must have -- you know, the Court or the attorney may have a duty to contact hospitals, et cetera. I think it's clear, based on Stone's conduct, that he's trying to interfere with these proceedings. He's trying to either sabotage these proceedings or trying to get a postponement. He does not want to be present during these proceedings.
>
> So, based on the Court's finding, the Court is going to find that his presence is waived and we will proceed with this trial in absentia.

The court proceeded with jury selection, and allowed the State to present opening statement and examine nine witnesses while Stone was absent. After nine witnesses had testified at trial, Stone returned to the courtroom in a wheelchair. The trial judge explained that the trial had proceeded because without Stone because he had been discharged from the hospital, "basically found to be in good health," with "no problems at all." Stone disputed this, telling the court that he had wanted to be present for trial, but his "health [had] prevented [him]" from doing so. Then, the following between Stone and the Court exchange took place:

> DEFENDANT: Well, yesterday I had -- feeling -- actually collapsed because of my chest and arm had gotten numb.

THE COURT: It is my understanding that they pretty much discharged you somewhere -- or were ready to discharge you around 3:00. They found nothing wrong with you as well as the same thing today.

DEFENDANT: Right, right. They found that I didn't have a heart attack. They said my heart was fine. They found I didn't have a heart attack. I don't know why --

THE COURT: Your signs were normal, exactly.

DEFENDANT: Okay, well --

THE COURT: And the tests were all normal.

DEFENDANT: Okay, well -- I mean, my blood pressure was up and some of my vital signs were not okay.

THE COURT: Uh-huh.

DEFENDANT: And today I tripped and fell. I told the guy at the hospital, the doctor, you know what I'm saying. I mean, the guy put a bunch of stuff around my neck like I was crippled or something. I said, it's not like that. I'm not that serious but --

THE COURT: You were laying on the ground for --

DEFENDANT: Right, right, but I don't need to be --

THE COURT: - for as long as it took the ambulance to get there --

DEFENDANT: I don't need to be --

THE COURT: -- not moving.

DEFENDANT: I don't need to be like a cripple or a paraplegic with all that stuff on me. I'm not hurt like that. You know what I mean, my back's not broken and my neck's not broken but they did that in precaution. That's what they supposed to do but --

THE COURT: You didn't cause problems at the hospital?

DEFENDANT: Well, I had to get that stuff off of me because I was feeling kind of chocked by having all the stuff around my neck. I didn't cause a

> problem, no. It was going to be a problem if I -- I felt like I was going to die if I didn't get that stuff off of me.

Stone elected to participate in the remainder of the trial.

Before the State resumed its case, Stone was presented to the jury. Thereafter, the jury was sent back to the deliberation room, and Stone was permitted to voice his concerns regarding several jurors that he alleged saw him being taken from the courthouse by ambulance the day before and made related remarks. The court, in an abundance of caution, then questioned all thirteen jurors (including the alternate). All of the jurors indicated that they had not been in the courthouse the day before.

The State presented two additional witnesses before resting its case—DNA analyst Shannon Weitz and burglary victim Bhavin Patel. Stone took the opportunity to voir dire the DNA expert witness, and participated in cross-examination of that witness. However, when presented with the opportunity to cross-examine Mr. Patel, Stone declined.

At the close of the State's case-in-chief, the court asked Stone whether he would like to make any motions. At that time, Stone indicated that he would like to make a motion for a new trial because he "was not here during part of the trial." Because the trial was still ongoing, the court denied that motion. Stone indicated that he had no evidence to present in his defense, had subpoenaed no witnesses, and would not testify; however, he requested that he be allowed to make a closing argument. Stone, with the aid of the court, reviewed the verdict sheets and proposed instructions.

The following day, May 15, Stone was present for the State's closing argument and lodged numerous objections. During the proceeding, Stone was not cuffed or shackled and

was allowed to walk up and approach the bench. Stone made a brief closing argument, asserting his innocence and asking that the jury go through the evidence and deliberate "thorough[ly]."

Following the trial, the jury found Stone guilty of count 3 for unlawful taking of the Alemzadeh vehicle, count 5 for theft of Alemzadeh's property valued at less than $1,000.00, count 6 for first-degree burglary of the Patel residence, and count 7 for third-degree burglary of the Patel residence. The jury also found Stone not guilty on count 8 for theft of Patel's property, valued less than $1,000.00. On August 21, 2014, the court sentenced Stone to serve twenty years for first-degree burglary, a consecutive five years for motor vehicle theft, and a consecutive eighteen months for theft of items valued under $1,000.00. Stone's conviction for third-degree burglary was merged for the purposes of sentencing. Stone filed a *pro se* Notice of Appeal on September 17, 2014.

DISCUSSION

I.

Right to Counsel

A. Merit of Appellant's Request to Discharge Counsel

As noted *supra*, Stone filed a *pro se* Petition to Withdraw Appearance of Attorney, requesting that the court strike the appearance of Public Defender DeBoissiere five days before he was set to go to trial. At the motions hearing the following day, after the court denied Stone's request for a postponement, Stone insisted, against the court's advice, on discharging his attorney of record. Stone's unequivocal written and oral requests that the

court discharge Public Defender DeBoissiere activated the court's obligations under Md. Rule 4-215(e), which provides:

> (e) If a defendant requests permission to discharge an attorney whose appearance has been entered, the court shall permit the defendant to explain the reasons for the request. If the court finds that there is a meritorious reason for the defendant's request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds no meritorious reason for the defendant's request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)-(4) of this Rule if the docket or file does not reflect prior compliance.

Stone contends that the circuit court abused its discretion by finding his reason for requesting to discharge counsel to be meritless. Stone further contends that the court failed to follow the express requirements of the Rule by failing to inform him that he could retain private counsel to represent him at his trial.

As the Court of Appeals reiterated in *State v. Westray*, Rule 4-215 can be broken down in to three steps:

> *(1) The defendant explains the reason(s) for discharging counsel*
>
> * * *
>
> *(2) The court determines whether the reason(s) are meritorious*
>
> * * *
>
> *(3) The court advises the defendant and takes other action*[.]

444 Md. 672, 674-75 (2015) (italics in *Dykes*) (quoting *Dykes v. State*, 444 Md. 642, 651-54 (2015)). *Westray* instructs that, following a court's determination that a defendant lacks

a meritorious reason for discharging counsel, the third step requires that the court give the advisements and adhere to the procedures set forth in Rule 4-215(a)(1-4). *Id.* at 675.

We examine a trial court's compliance with the requirements of Md. Rule 4-215 *de novo*. *Gutloff v. State*, 207 Md. App. 176, 180 (2012). Strict compliance with every provision of the Rule is required in order to support a trial court's determination that an individual's waiver of his or her right to counsel is made knowingly and voluntarily. *See id*. (citing *Webb v. State*, 144 Md. App. 729, 741 (2002)); *Broadwater v. State*, 401 Md. 175, 182 (2007) ("Strict, not substantial, compliance with the advisement and inquiry terms of the Rule is required in order to support a valid waiver."). So long as a court has strictly complied with the provisions of the Rule, however, we review the determinations made by the court in the application of the Rule, "only for an abuse of discretion." *Peterson v. State*, 196 Md. App. 563, 574 (2010) (citing *Grant v. State*, 414 Md. 483, 491 (2010)). For example, we review a trial court's finding regarding the merit underlying a defendant's request to discharge counsel only for abuse of discretion. *State v. Taylor*, 431 Md. 615, 642 (2013); *Barkley v. State*, 219 Md. App. 137, 165-66 (2014).

We first address Stone's assertion that the circuit court failed to comply with the requirements of Rule 4-215(e), by failing to inform him at the motions hearing on May 8, 2014, that he had the option of hiring private counsel, if he was able to do so, to represent him at his trial beginning on May 13, 2014. In that hearing, however, the court was made aware that Stone had been represented by private counsel in prior cases. When asked if he wished to fire his counsel, Stone twice responded "I want to have my own attorney." Thereafter, the court clarified that Stone wished to fire his assigned public defender in this

case. The court's final comment on the record during the May 8 hearing, referring to Stone's trial starting five days later, was that "[Stone] will either have another attorney or he'll represent himself."

Notwithstanding the fact that Stone was expressly informed that he could hire a private attorney to represent him at trial, it is clear from the record that even prior to the court's closing comments, he was fully aware that he had the option of hiring a private attorney and that it was the course of action he preferred to pursue. In fact, at the outset of the hearing on May 13, Stone requested a postponement because he claimed he had hired an attorney after the last hearing, but that the attorney was not available on the trial date. The court denied that request, having already cautioned Stone that his case would move forward on May 13 with or without counsel and noting Stone's numerous attempts at delay.

Finding no merit in Stone's contention that the trial court failed to adhere to the strict requirements of the Rule, we next consider Stone's contention that the trial court abused its discretion by finding that his reasons for requesting to discharge Public Defender DeBoissiere were meritless. At the hearing on May 8, 2014, Stone explained that he wanted to discharge DeBoissiere because he had only seen her once in two months and she had not discussed her trial strategy with him. Stone also asserted that Public Defender DeBoissiere had failed to get all necessary discovery from the State, and that she had improperly handled an error in the court's recordation of his bail status.

After questioning Stone and his attorney, the court determined that Public Defender DeBoissiere had, in fact, seen Stone at least four times, twice visiting him in jail.[5] The court emphasized that Public Defender DeBoissiere was a very experienced defense attorney who had appeared before the judge innumerable times. The court also confirmed that Stone's attorney had acted appropriately in pursuing discovery from the State and filing a motion to address Stone's bail.

The court noted that Stone had a history of manipulating the court to delay his trials. Given the short time before Stone's trial was set to begin, and the vast experience of his assigned public defender, the circuit court afforded his petition to discharge counsel "not an eyelash of sympathy[.]" The court concluded that Stone's reasons for requesting to discharge DeBoissiere were without merit.

We generally defer to the circuit court's opportunity to observe the parties and assess their credibility. *See Alford v. State*, 202 Md. App. 582, 609 (2011). In the instant case, we discern no abuse of discretion in the trial court's determination that Stone's proffered reasons for desiring to discharge counsel had no merit. As explained above, following a court's determination that a defendant does not have meritorious reason for discharging counsel, the court must "*advise*[] *the defendant and take*[] *other action*" consistent with Rule 4-215(a)(1-4). *Westray*, *supra*, 444 Md. at 675 (citation omitted). In *Dykes v. State*, *supra*, the Court of Appeals clarified:

[5] Counsel clarified that she had seen Stone "a total of four times counting the times he's been in [the Courthouse];" however, she had been in the courthouse "for other reasons." Counsel indicated that she had been "at the jail twice to talk to [Stone]" regarding his case.

> If . . . the court finds that there is no meritorious reason for discharge of defense counsel, the court is to:
>
> • advise the defendant that the trial will proceed as originally scheduled
>
> • advise that the defendant will be unrepresented if the defendant discharges counsel and does not have new counsel
>
> • conduct further proceedings in accordance with subsection (a) of the rule—which governs a defendant's first appearance in court without counsel—if there has not been prior compliance[.]

444 Md. at 653. It is clear that the circuit court in this case properly advised Stone. We perceive no error or abuse of discretion in the decisions of the circuit court regarding Stone's knowing and voluntary discharge of counsel.

B. Waiver by Inaction

Stone contends that when he appeared for trial on May 13, 2014 without counsel, the circuit court abused its discretion by finding that Stone had no meritorious reason for appearing without counsel. Stone asserts that the trial court failed to afford Stone an adequate opportunity to explain the absence of counsel, and, therefore, lacked sufficient information to exercise its discretion regarding the merit of his reason for appearing unrepresented.

Maryland Rule 4-215(d) provides:

> (d) If a defendant appears in circuit court without counsel on the date set for hearing or trial, indicates a desire to have counsel, and the record shows compliance with section (a) of this Rule, either in a previous appearance in the circuit court or in an appearance in the District Court in a case in which the defendant demanded a jury trial, the court shall permit the defendant to explain the appearance without counsel. If the court finds that there is a meritorious reason for the defendant's appearance without counsel, the court shall continue the action to a later time and advise the defendant that if counsel does not enter an

> appearance by that time, the action will proceed to trial with the defendant unrepresented by counsel. If the court finds that there is no meritorious reason for the defendant's appearance without counsel, the court may determine that the defendant has waived counsel by failing or refusing to obtain counsel and may proceed with the hearing or trial.

Thus, according to Rule 4-215(d), the trial court must not only provide a forum for the defendant to explain why he has appeared for trial without an attorney, but must also "give much more than a cursory consideration [to] the defendant's explanation." *Johnson v. State*, 355 Md. 420, 446 (1999) (citing *Moore v. State*, 331 Md. 179, 185 (1993)). As the Court of Appeals previously opined:

> In determining whether the defendant's reason is meritorious, the court's inquiry (1) must be sufficient to permit it to exercise its discretion . . . (2) must not ignore information relevant to whether the defendant's inaction constitutes waiver . . . and (3) must reflect that the court actually considered the defendant's reasons for appearing without counsel before making a decision.
>
> *Broadwater* [*v. State*], 401 Md. [175,] 204 [(2007)] (*quoting McCracken v. State*, 150 Md. App. 330, 356-57 (2003)). We review a trial court's finding of waiver under Rule 4-215(d) only for an abuse of discretion. *See, e.g.*, *Broadwater*, 401 Md. at 206. A trial court abuses its discretion when a discretionary decision "either does not logically follow from the findings upon which it supposedly rests or has no reasonable relationship to its announced objective." *Dehn v. Edgecombe*, 384 Md. 606, 628 (2005) (*quoting North v. North*, 102 Md. App. 1, 14 (1994)).

Grant v. State, 414 Md. 483, 491 (2010) (alterations and parallel citations omitted).

On the morning his trial was set to begin, following his detour to the prison infirmary, Stone arrived in court and requested a postponement so that he could obtain a private attorney. Stone explained that he had not been able to retain a private attorney because he had to expend funds to pay for his bail bond and his multiple trials had been

scheduled in such a short period, he had not had time between them to get the money together to pay another retainer. The court found that Stone's explanation lacked merit because at his hearing on May 8, 2014, Stone had been expressly informed that if he chose to discharge Public Defender DeBoissiere and did not retain another attorney before his trial began on May 13, 2014, that no additional postponements would be granted and that he would be required to represent himself. The court also noted Stone's history of dilatory tactics, such as requesting postponements to hire or fire counsel. Insofar as Stone asserted that a particular attorney would be representing him in this case, but that he was not available "right now," the court correctly noted that no attorney had entered his or her appearance on Stone's behalf.

Rule 4-215(d) states that if a defendant appears for trial without counsel, having been previously advised of the right to counsel pursuant to the rule, the court must determine whether there is a meritorious reason for appearing without counsel. If there is none, "the court may proceed with the hearing or trial." *Id*. As we noted above, the circuit court fully complied with the requirements of Rule 4-215(e) before allowing Stone to discharge counsel on May 8, 2014. At the May 8 hearing, the court provided all of the necessary advisements informing Stone that if he failed to retain counsel before his assigned trial date, he would have to proceed *pro se* and that no additional postponements would be granted. The court was also aware of Stone's efforts to manipulate the court and delay his trials in other cases. Under all the circumstances, we are not persuaded that the circuit court failed to afford Stone an adequate opportunity to explain why he remained unrepresented or that the court abused its discretion by finding that there was no

meritorious reason for Stone's failure to obtain counsel before his assigned trial date. We therefore conclude that the trial court had a sound factual and legal basis for denying Stone's requests to postpone his trial.

II.

Conducting Trial in Stone's Absence

At the time of his trial, Stone faced charges in the underlying action and at least one other case, arising from a string of burglaries that occurred in Howard County. The extensive record of judicial proceedings demonstrates that Stone frequently tried to manipulate the system to delay his trials—routinely by discharging counsel whenever he was denied a postponement or otherwise felt aggrieved by a court's ruling and by feigning illness.

Stone asserts that the trial court abused its discretion by conducting most of his trial in his absence. He contends that the record does not clearly establish that he was voluntarily absent because he was in the hospital. According to Stone, the "totality of the circumstances[,]" including the fact that Stone was not represented by an attorney and the fact that his trial had not yet begun when the court decided to proceed without him, "counseled in favor of postponement." Stone maintains that as a result of his absence from the beginning of his trial, he had no idea what evidence was presented and, therefore, could not present an adequate defense.

Maryland Rule 4-231(c) governing the waiver of a criminal defendant's right to be present at trial, provides:

> (c) Waiver of Right to Be Present.—The right to be present under section (b) of this Rule is waived by a defendant:
>
> > (1) who is voluntarily absent after the proceeding has commenced, whether or not informed by the court of the right to remain; or
> > (2) who engages in conduct that justifies exclusion from the courtroom; or
> > (3) who, personally or through counsel, agrees to or acquiesces in being absent.

This Court reviews a trial court's decision to conduct a trial *in absentia* for abuse of discretion. *See Collins v. State*, 376 Md. 359, 376 (2003) ("Before trying a defendant *in absentia,* the trial court must . . . exercise sound discretion in determining whether to proceed with the trial of an absent criminal defendant." (quoting *Pinkney v. State*, 350 Md. 201, 213 (1998)). But as Judge Raker cautioned in Maryland's seminal case addressing the issue:

> When the denial of the right to be present embraces other constitutional guarantees, the standard used to find a waiver of the right to be present must properly rise to the level of the standard to be applied in finding a waiver of the specific constitutional guarantees embraced by the common law right to be present.

Pinkney, 350 Md. at 215. Thus, "[w]hile there is no question that the trial judge has broad discretion to control the conduct in his or her courtroom, '[t]rial *in absentia* should be the extraordinary case, "undertaken only after the exercise of a careful discretion by the trial court.'" *Biglari v. State*, 156 Md. App. 657, 674 (2004) (quoting *Pinkney*, 350 Md. at 221 (citation omitted)). When determining the propriety of proceeding *in absentia*, trial courts must balance "the right of the defendant to be present at trial, and the need for the orderly administration of the criminal justice system." *Pinkney*, 350 Md. at 213.

In *Pinkney*, the Court recognized that a defendant can "waive the right, or *forfeit it through misconduct*, in a number of situations." *Id*. at 215 (quoting Charles H. Whitebread & Christopher Slobogin, CRIMINAL PROCEDURE § 28.03, at 720 (3rd ed. 1993)). Regardless of whether "we speak in terms of waiver or forfeiture," before a court can find a defendant waived the right to be present, the court must

> Generally be satisfied of two primary facts: that the defendant was aware of the time and place of trial, and that the non-appearance was both knowing and sufficiently deliberate to constitute an agreement or acquiescence to the trial court proceeding in his or her absence. Usually, as in this case, the defendant's awareness of the time and place of trial will be easily established.
>
> * * *
>
> In most cases, the more difficult question presented will be why the defendant is not in court.

Id. at 215-16.

In the present case, the record clearly establishes that Stone was aware of the time and place of trial, so as in *Pinkney*, we have to address the more difficult question of why the defendant was not in court. We first observe, as did the court below, that Stone had a record of claiming illness and/or injury on previous occasions for the purposes of delaying court proceedings. On each of those occasions, medical examinations revealed that Stone was not suffering from any acute or chronic illnesses or injuries that would have prevented him from participating in his own defense. Stone's claims of illness on the morning that his trial was scheduled to begin caused his trial to be delayed until after he was examined by medical personnel in the prison infirmary. Noting his history of delay, the court warned Stone that if he continued to remove himself from the proceedings by falsely claiming to

be ill, the court could decide to try him *in absentia*. Despite the court's warnings, Stone continued to delay the pre-trial proceedings: first, by engaging the prosecutor in an extended discussion regarding a potential plea agreement and later declining the plea agreement; second, by stating that he wanted a bench trial but only if the presiding judge recused himself; and finally, just as the court was preparing to bring in the panel of potential jurors, by collapsing to the ground and pretending to be unresponsive. The court, out of an abundance of caution, called an ambulance, and Stone was transported to the hospital for evaluation. When it appeared that Stone would not be released from the hospital before the court had to adjourn for the evening, the court continued the case, advising that the parties were expected to be present and ready to proceed the next morning.

Generally, it is true that a defendant's confinement in a hospital generally would weigh against proceeding with his trial in his absence. *See, e.g.*, *Sorrell v. State*, 315 Md. 224, 229 n.2 (1989) ("Verification that a party is not at home, not at work, and not in any local hospital may justify the conclusion that the absence is voluntary"); *Barnett*, 307 Md. at 199, 213-14 (noting that the court had called all of the area hospitals to confirm that the defendant had not been admitted as a patient at any of them). And we note that in the instant case, the court postponed the first day of trial because the court could not obtain confirmation on whether Stone was released or what his condition was. Stone was released from the hospital and returned to the jail that night. The next morning, Stone again collapsed again on the way to court, this time claiming that he had injured his back and neck, knowing that such injuries would necessitate a return to the hospital for evaluation.

Based on Stone's pattern of conduct, the court found that Stone was purposefully attempting to delay or sabotage the proceedings.

Under all the circumstances, we discern no error in the trial court's determination that Stone's absence from his own trial was both knowing and voluntary. On the day Stone's trial was scheduled to begin, the court acknowledged Stone's history of feigning illness and expressly warned Stone that if he continued to feign illness for the purposes of delay, his trial would proceed in his absence. When Stone collapsed prior to jury selection, the court clearly found that his symptoms were not credible. The court's suspicions that Stone was feigning illness were confirmed when Stone was released from the hospital after, once again, medical professionals determined that he was healthy. Therefore, when Stone claimed that he suffered an injury while being transported to the courthouse for the second day of trial, the court reasonably disbelieved his injury was genuine.[6]

After postponing the trial the first time to ensure that Stone would be released from the hospital—despite Stone's history of feigning illness—the court rightly concluded that Stone's subsequent absence was not involuntary. We conclude, therefore, that the trial court did not abuse its discretion by proceeding with Stone's trial in his absence.

[6] The court's skepticism was borne out by the medical examination of Stone at a nearby hospital, which once again concluded that Stone was healthy and fit for trial. Moreover, once Stone appeared for the conclusion of his trial, the record does not indicate that he exhibited any signs of medical distress. When assessing a trial court's decision to conduct all or part of the proceeding in absentia, this Court may consider information that was not confirmed until after trial. *See Reeves v. State*, 192 Md. App. 277, 295-300 (2010) (analyzing jurisprudence from other states and concluding that we "[m]ay consider information that only became known in hindsight when reviewing a trial court's determination of voluntary absence of a defendant and decision to proceed with trial.").

III.

Voir Dire Question Regarding Spouse's Employment in Law Enforcement

Before she was discharged by Stone on May 8, 2014, Public Defender DeBoissiere submitted a list of proposed voir dire questions to the court. Among the proposed questions was one that asked whether any venire member or his or her immediate family members had been employed in law enforcement. The State objected to the to the "immediate family members" portion of the question, noting that the Court of Appeals had recently observed that questions extending to acquaintances of venire members are overbroad. Stone objected, arguing that he felt that the question should be extended to include the spouses of venire members. The court disagreed, and inquired only whether "any the prospective juror [has] ever been employed by or associated with any municipal, state, or federal police force, law enforcement agency, prosecutor's office or other law office."

Stone now contends that the trial court abused its discretion by refusing to propound his requested voir dire question. We rely on the Court of Appeals opinions in *Perry v. State*, 344 Md. 204 (1996) and *Pearson v. State*, 437 Md. 350 (2014), because they are dispositive of this issue.

In *Perry*, the Court of Appeals reasoned that it is not "tenable to argue that a juror is disqualified simply because of the experience of a member of the prospective juror's family or on the part of a close personal friend." *Perry*, 344 Md. at 218. In *Pearson*, the Court of Appeals applied this principle and determined that, although it was an abuse of discretion for the court not to ask whether any prospective juror had ever been a member of a law enforcement agency, "the circuit court did not abuse its discretion in declining to

ask during *voir dire* whether any prospective juror's **acquaintance** had ever been a member of a law enforcement agency." 437 Md. at 369, n.6 (emphasis in original). Thus, the Court of Appeals made clear that a trial court does not abuse its discretion by declining to propound a question about the occupation(s) of a venire member's "acquaintances." *See id.* The Court concluded that a trial court acts within it discretion by limiting the scope of voir dire questions to the experience of the venire members themselves, rather than exploring the experiences of all of their friends and family members. *Id.*

> Maryland has adopted, and continues to adhere to, limited voir dire. It is also well settled that the trial court has broad discretion in the conduct of voir dire, most especially with regard to the scope and the form of the questions propounded and that it need not make any particular inquiry of the prospective jurors unless that inquiry is directed toward revealing cause for disqualification.

Dingle v. State, 361 Md. 1, 13-14 (2000) (internal citations omitted). In Maryland's "limited voir dire", "the sole purpose of *voir dire* 'is to ensure a fair and impartial jury by determining the existence of [specific] cause for disqualification[.]'" *Pearson*, 437 Md. at 356 (quoting *Washington v. State*, 425 Md. 306, 311 (2012)). "[F]acilitating 'the intelligent exercise of peremptory challenges' is not a purpose of *voir dire* in Maryland." *Id.* at 356-57 (quoting *Washington*, 425 Md. at 312). "Bias on the part of prospective jurors will never be presumed, and the challenging party bears the burden of presenting facts, in addition to mere relationship or association, which would give rise to a showing of actual prejudice." *Davis v. State*, 333 Md. 27, 38 (1993) (quoting *Borman v. State*, 1 Md. App. 276, 279 (1967)).

To the extent that a prospective juror's spouse's employment might cause that prospective juror to give more or less credit to the testimony of a law enforcement witness, that potential was fairly addressed by a different voir dire question, asking each prospective juror whether he or she believed "that the testimony of a police officer is any more or less credible than the testimony of a civilian witness merely because of the officer's position in a law enforcement agency[.]" By suggesting that spouses are different from "acquaintances" such that—as a matter of law—courts *must* ask prospective jurors about their spouse's occupations even though it ordinarily would not be an abuse of discretion to refuse to ask the question about other individuals known to the jurors, Stone suggests that we must make an arbitrary distinction between an individual's spouse and any of the other persons with whom a potential juror may have a special or close relationship, *i.e.*, a parent, child, sibling or other person with whom they have engaged in a long-term, intimate relationship. It is the status of the prospective juror that is important; not that of his or her spouse, son, mother, or "significant other." Especially given that the question about law enforcement occupation was preceded by the question concerning law enforcement bias, the trial court did not abuse its discretion by limiting the scope of its question to only the potential jurors themselves. Discerning no error or abuse of discretion, we decline to overturn Stone's convictions on this basis.

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