

Circuit Court for Baltimore County
Case No. C-03-CR-21-003073

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2052

September Term, 2023

DARIUS Q. JOYNER

v.

STATE OF MARYLAND

Leahy,
Reed,
McDonald, Robert N.
(Senior Judge, Specially Assigned),

JJ.

Opinion by McDonald, J.

Filed: May 26, 2026

*Under Maryland Rule 1-104, an unreported opinion may not be cited as precedent as a matter of stare decisis. It may be cited for its persuasive value if the citation conforms to Rule 1-104(a)(2)(B).

Appellant Darius Q. Joyner was convicted at a bench trial in the Circuit Court for Baltimore County of first-degree murder, use of a firearm in a crime of violence, and possession of a firearm by a person with a disqualifying prior conviction. In this appeal, Mr. Joyner challenges the sufficiency of the evidence to support his conviction of first-degree murder and the admission in evidence of two exhibits with photographs that depict him in possession of a handgun.

For the reasons set forth in this opinion, we conclude that (1) the evidence introduced at trial was more than sufficient to support the trial judge’s conclusion that Mr. Joyner was guilty of first-degree murder; and (2) the trial court did not err or abuse its discretion in admitting and considering the two challenged exhibits.

Accordingly, we affirm the judgment of the Circuit Court.

I

Background

A. Discovery of Ms. Brown’s Body

At approximately 12:45 a.m. on July 10, 2021, a young woman later identified as Lyric Brown was found unconscious lying in the middle of Sorley Road in Cockeysville. She was clothed only in a t-shirt and underwear and was bleeding profusely from her head. She was first discovered by a married couple who happened to be driving by that evening. While the husband called 911, the wife got out of their car near the prone body and, at the same time, saw a dark-colored car driving away.

At the time her body was discovered, Ms. Brown had been living in a nearby apartment with her one-year old daughter and her parents and sisters. A video recording

later recovered by the police from a surveillance camera inside that apartment showed that she had left the home minutes before she was found in the road by the couple.

Police officers who responded to the 911 call found a shell casing between Ms. Brown's legs and a wig next to her body. A short distance away police also recovered live ammunition from the steps of a nearby apartment, a cell phone, and a plastic grocery bag that contained various personal items belonging to Ms. Brown, including an insurance card with her name.

In the meantime, Ms. Brown was transported by ambulance to a nearby hospital where she was pronounced dead shortly thereafter. The medical examiner later conducted an autopsy and determined that she had died from a gunshot to the head. Based on the conditions around the entry wound, the medical examiner concluded that she had been shot at close range – that is, within two feet. The direction of the gunshot was front to back, right to left, and downward. The medical examiner concluded that the manner of death was homicide.

B. Mr. Joyner is Charged, Arrested, and Tried

Police conducted further investigation into the circumstances of Ms. Brown's death. On July 14, 2021, several days after the death of Ms. Brown, police filed a statement of charges against Mr. Joyner for various crimes related to the murder of Ms. Brown and obtained a warrant for his arrest.

A few days later, police located an Acura registered to Mr. Joyner parked on a street in Baltimore City. That car fit the description of the car leaving the scene of the murder. The police obtained a court order to place a GPS tracking device on the car. When the car

was later detected to be headed south out of the city, police tracked the car and stopped it in Charles County. They arrested Mr. Joyner, the sole occupant of the car, and seized three cell phones found within the car. They also executed search warrants at Mr. Joyner's apartment and another location.

On August 16, 2021, a grand jury in the Circuit Court for Baltimore County returned an indictment charging Mr. Joyner with first-degree murder, first-degree assault, use of a firearm in the commission of a crime of violence, possession of a regulated firearm by a disqualified person, and five additional firearm offenses.

Mr. Joyner subsequently waived a jury trial. A judge of the Circuit Court conducted a bench trial during January 9 - 11, 2023.

C. The Evidence at Trial

Summary

At the trial, the prosecution presented the testimony of one of the people who discovered Ms. Brown's body shortly after she had been shot, played a recording of their 911 call, and presented the testimony of several police officers who responded to that call. A close friend of Ms. Brown described the acrimonious relationship of Ms. Brown and Mr. Joyner; a friend of Mr. Joyner testified that Mr. Joyner had confessed to her that same night that he had shot Ms. Brown; and a cellmate of Mr. Joyner at the county detention center testified that Mr. Joyner had made statements suggesting that he had killed his girlfriend. The prosecution also presented the testimony of a police forensic analyst who had extracted information from five cell phones related to the case, including three possessed by Mr. Joyner at the time of his arrest, and testimony of an FBI agent who had analyzed

information that tracked the location of one of Mr. Joyner’s cell phones on the evening of the murder. The lead detective who investigated the case described the arrest of Mr. Joyner and the execution of the search warrants, and introduced various items of evidence obtained during the investigation. The prosecution also introduced a number of documentary and digital exhibits, including various audio and text messages obtained from the cell phones, as well as photos from Ms. Brown’s cell phone depicting Mr. Joyner with a handgun.

The defense did not call any witnesses and Mr. Joyner exercised his right not to testify.

A “Toxic” Relationship, Mr. Joyner’s Gun, and a Final Break-up

At the time of her death, Ms. Brown had been dating Mr. Joyner for more than a year, according to Deaji Johnson, a longtime friend of Ms. Brown who spoke or texted frequently with her. Ms. Johnson said that Ms. Brown had a hair-related business and that Mr. Joyner, who had a clothing brand called “Black Connections for Life,” was suggesting that he could promote her hair business as part of his brand.

Ms. Johnson testified that Mr. Joyner was frequently at Ms. Brown’s Cockeyville apartment and described the relationship between Ms. Brown and Mr. Joyner as “toxic” with “back and forth fighting” and a pattern of break-ups followed by reconciliations. She recounted one episode in which Mr. Joyner apologized for giving Ms. Brown a black eye and another in which he told Ms. Brown that she had to leave the birthday party they were attending and pulled out a gun. Ms. Johnson recalled a second incident involving Mr. Joyner and a gun when they were all at a game night and Mr. Joyner asked Ms. Brown to put his gun in her bag.

Ms. Johnson testified that, in early July 2021, Ms. Brown was in the process of breaking up with Mr. Joyner and that Mr. Joyner was supposed to return clothes to Ms. Brown that she had left at his apartment. Early on the afternoon of July 9, Ms. Johnson had a video call with Ms. Brown via Facetime. During that call, Ms. Brown showed her texts that Ms. Brown was receiving from Mr. Joyner and played audio messages that he was sending her as well. The audio messages were played for the court and copies of those text messages were admitted into evidence at trial.

On the morning of the next day (July 10), several hours after Ms. Brown’s body had been found in the street outside her family’s apartment, Ms. Johnson received a call from Ms. Brown’s sister. She went over to the Browns’ apartment. She testified that, while she was there, she, and Ms. Brown’s sister and mother, all received direct messages from Mr. Joyner. In the message to her, he thanked her for being a “good sister.”

Text and Audio Messages Between Mr. Joyner and Ms. Brown

The police extracted text messages and audio messages from Ms. Brown’s cell phone. A prosecution exhibit listed in chronological order nearly 400 text messages between Ms. Brown and Mr. Joyner during a 29-hour period between 8 p.m. on the evening of July 8 to 12:42 a.m. in the early morning hours of July 10,¹ just minutes before Ms.

¹ A police analyst explained that the times listed in the extractions were stated in a “universal time” known as UTC that is equivalent to Greenwich Mean Time and that can be converted to local time in Maryland by subtracting either 4 or 5 hours, depending on the particular date – in particular, 4 hours for dates in July. While the analyst referred consistently to local Maryland time as Eastern *Standard* Time, it is evident from the context – *i.e.*, dates during July – that the relevant local time for this conversion was Eastern *Daylight* Time, as the FBI agent who also testified about the extractions explicitly stated.

Brown was murdered. The content of the individual text messages was set out along with the phone numbers of the sender and recipient and the time the message was sent. Interspersed in chronological order among those text messages was similar information about, although not the content of, 13 audio messages from Mr. Joyner to Ms. Brown during the same time period. Some of these text and audio messages were shared by Ms. Brown with Ms. Johnson during their Facetime call on July 9.

Like many text messages, the text messages introduced into evidence are rife with abbreviations, typos, and misspellings, but their content is readily understood. One theme pervades the messages. Mr. Joyner alternately cajoled and pleaded with Ms. Brown to remain in a relationship with him while Ms. Brown adamantly refused his entreaties.² Mr. Joyner pressed for reconciliation and stated “I’m not trying too harm u or hurt u” and “Like I was wrong but don’t pentalize me,” but Ms. Brown insisted “Lol im good you can just bring my stuff.” Mr. Joyner then sent a series of messages asking her to spend time with him and stating “You think ima harm u.” Over the course of 20 minutes he sent seven messages seeking reconciliation, most of which Ms. Brown did not respond to. She finally stated in a couple of messages that “imma move on and I’m not rey be no victim to somebody that’s delusional” and “We not together and that’s just it.”

A DVD recording of the 13 audio messages from Mr. Joyner to Ms. Brown during the afternoon of July 9, 2021, was introduced into evidence and played for the court. The

² In one of the first messages (July 8 at 8:06 p.m.), she stated “We not together Darius,” a sentiment she repeated numerous times in different ways in subsequent messages. She stated in one of the later messages that “I’m done talking bout this ... cause I mean what I said this conversation wasting both our time” (July 9, 11:37 p.m.).

audio messages range in duration from nine seconds to slightly more than four minutes – cumulatively approximately 18 minutes. Ms. Johnson identified Mr. Joyner as the voice on one of the first of those audio messages that she said Ms. Brown had played for her while they were communicating over Facetime that afternoon.

The audio messages appear to be a continuous, one-sided, profanity-laced tirade in which the speaker, in a rapid and excited voice, declared his love for Ms. Brown, complained that she had not reciprocated his feelings appropriately, insisted on learning the details of her intimate relations with other men, stated that he is “not delusional,” and contemplated the possibility that he would act violently against Ms. Brown. Among other things, Mr. Joyner alternated between describing violent retaliation he could take against Ms. Brown and assuring her that he would not do so. For example, he stated that “[i]f it gets to the stage of violence, you are not going to make it out alive ‘cause I’m really going to kill you for real,” but then insisted that he was “not on the same path.” He said that he would not “hurt or harm” her because, if that was true, he “would have killed [you] already,” but that a restraining order “will unleash a different beast.”

In the next to last text message in the compilation exhibit, shortly after 12:40 a.m. on July 10, Ms. Brown tells Mr. Joyner not to take “forever” in bringing her possessions back to her. In the final message, at 12:42 a.m., just before the murder, she tells him “just go home.”

A Confession to a Former Girlfriend

A high school friend of Mr. Joyner, Jamila Shears, was called as a witness by the prosecution. Ms. Shears said that she and Mr. Joyner had been in a romantic relationship

during 2016-17, had remained friends after breaking up, and during 2021, had communicated with each other every day. She said that she knew Mr. Joyner was in a relationship with Ms. Brown at that time, although she had never met Ms. Brown. By that time, Ms. Shears said, she and Mr. Joyner were “just friends.”

Ms. Shears testified that, on the evening of July 9, 2021, while she was attending a birthday party, Mr. Joyner called her and told her not to talk to him again. She did not think much of that admonition as they each periodically broke off from communicating with one another. Later that same evening, Mr. Joyner appeared on the steps of her house at about 1:45 a.m. the next day (July 10). After Ms. Shears let him into the house, he went to her bedroom, sat on her bed, and placed a gun on the floor. Ms. Shears asked him what was going on. He told her that Ms. Brown wanted “her stuff” and that he had shot her. He told her that he and Ms. Brown had been arguing, that there was a struggle between them, and that his gun went off.³ While making this confession to Ms. Shears, Mr. Joyner began to cry. Ms. Shears told him to lie down. By 2:30 a.m., he had fallen asleep.

According to Ms. Shears, the next morning, after waking up, Mr. Joyner borrowed her cell phone to call his brother. During the time that Mr. Joyner had her phone, it was used to conduct internet searches using words such as “Cockeysville”, “murder”, and “shooting.” A text message sent from that phone to Mr. Joyner’s brother while he had the phone stated “Bro I lost it.” Mr. Joyner left her house later that morning around 11:30 a.m.

³ Ms. Shears admitted that, when she was originally interviewed by the police and told them about Mr. Joyner’s confession that he had killed Ms. Brown, she had not mentioned that Mr. Joyner had described a struggle with Ms. Brown over his gun.

Ms. Shears said she believed that he took the gun with him because it was no longer in the house.

An Admission to a Cellmate

The prosecution also presented testimony from Raymond France, who had briefly shared a 5 or 6 person “pod” with Mr. Joyner in the Baltimore County Detention Center while they both were detained there during late July to early August 2021.⁴ Mr. France said that he had not previously been acquainted with Mr. Joyner. According to Mr. France, Mr. Joyner told him that he had worked at a McDonald’s in the same neighborhood where Mr. France had grown up.

Mr. France said that, late one night when they were both in their beds, Mr. Joyner told him that he had been charged with shooting his ex-girlfriend. According to Mr. France, Mr. Joyner “didn’t say that he did it, but he said, if she did [cheat on him], he told her he would kill her. And then he said, she cheated on me.”

According to Mr. France, Mr. Joyner had told him that he drove a gray Acura and that he had been concerned about “pinging” of his cell phone when he was driving near his girlfriend’s home.

Mr. France contacted the police about Mr. Joyner’s statements a few days after his release from the detention center.

⁴ Mr. France said that he had been detained on a charge of violation of probation related to a prior criminal case in which he had been convicted of credit card misuse, as well as for a pending similar charge. He denied that he had been promised anything in exchange for his testimony against Mr. Joyner, as did the lead detective in the Joyner case. During the defense cross-examination, the detective said that a case pending against Mr. France when he first contacted the police was still pending at the time of Mr. Joyner’s trial.

Mapping the Movement of Mr. Joyner’s Cell Phone on the Night of the Murder

An FBI agent, who was accepted by the court as an expert in historical cellular phone record analysis, provided a “cellular mapping” analysis of the movement of Mr. Joyner’s primary phone, and by inference his movements, during the hours before and after the murder. Beginning at approximately 9 p.m. on July 9, that analysis showed that the location of the phone moved at a high rate of speed – indicating that Mr. Joyner was traveling by car – from the east side of Baltimore to Mr. Joyner’s residence in Owings Mills. Shortly after midnight there were two calls from that phone to Ms. Brown’s phone. The location of Mr. Joyner’s cell phone then moved at a high rate of speed from his residence east towards Cockeysville. At approximately 12:17 a.m. on July 10, shortly before the murder, Mr. Joyner’s phone “went dark” – *i.e.*, was not detected by a cellular tower – until 10 a.m. later that morning when it was located near the area of Johns Hopkins Hospital in Baltimore City.⁵ The agent testified that a cell phone “goes dark” when the user turns it off or puts it in airplane mode, or when the cell phone’s battery dies.

Execution of Arrest Warrant and Search Warrants

Detective Jason Metz, the lead investigator from the Baltimore County Police Department, testified that the police obtained an arrest warrant for Mr. Joyner and search warrants for his home and the home of Ms. Shears. Mr. Joyner’s Acura, which matched the description given by the woman who observed a car driving away when she came upon Ms. Brown’s body lying in the road, was eventually found parked on a street in Baltimore

⁵ Notably, Ms. Shears testified that she lived at an address in Baltimore City near Johns Hopkins Hospital.

City. Police obtained a court order to place a GPS tracking device on the car. On July 22, the signal from the device indicated that the car was heading south. Police tracked the car and stopped it in Charles County. They arrested Mr. Joyner, the sole occupant of the car, and seized three cell phones from the front seat.

Police also executed the search warrants. No gun was recovered at the time of Mr. Joyner's arrest or in any of the searches conducted pursuant to search warrants.

The contents of the three cell phones from Mr. Joyner's car, as well as Ms. Brown's phone recovered at the scene of the murder, and a cell phone belonging to Ms. Shears, were analyzed by one of the police department's forensic examiners, who was accepted by the court as an expert in digital and multi-media forensic examination.

Photos of Mr. Joyner with a Handgun

Among the items extracted from Ms. Brown's cell phone were photos and a video of Mr. Joyner with a handgun. Print outs of two photos and a screenshot from the video were introduced into evidence. Detective Metz testified that he did not know when the photos and video were taken and was unable to say whether the gun was the same one used in the murder of Ms. Brown.

A Stipulation Related to the Firearms Counts

The parties stipulated that Mr. Joyner had a previous conviction that disqualified him from possessing a firearm in Maryland.

D. Verdict, Sentencing, and Appeal

At the conclusion of the evidence, the prosecution asked the trial judge to render a decision on just three counts of the indictment – first-degree murder (Count 1), use of a

firearm in a crime of violence (Count 3), and possession of regulated firearm by a disqualified person (Count 5) – and nol prossed the remaining counts.

Counsel stipulated that the trial judge should simply render a verdict on each of the three counts without need to explain her reasoning.⁶ After hearing closing arguments, the trial judge found Mr. Joyner guilty on all three counts on January 11, 2023.

On December 18, 2023, the court sentenced Mr. Joyner to life imprisonment with all but 50 years suspended for first-degree murder, 10 years consecutive for the conviction of use of a firearm in a crime of violence, and an additional five years, consecutive to the sentences on the other two counts, for the conviction of possession of a regulated firearm by a disqualified person.

Mr. Joyner filed this timely appeal.

II

Discussion

In his brief, Mr. Joyner raises two issues:

1. Whether the evidence was sufficient to sustain his conviction for first-degree murder.
2. Whether the Circuit Court properly admitted into evidence and considered two exhibits that contained images of Mr. Joyner with a gun.

⁶ Maryland Rule 4-328 provides that a judge presiding at a bench trial in a criminal trial is to “render a verdict upon the facts and the law. Although not required, the court may state the grounds for its decision in open court or by written memorandum.” *Compare* Rule 2-522(a) (requiring “a brief statement of reasons” in a nonjury civil trial). In this case, the judge followed the preference of counsel and simply rendered a verdict on the three counts.

He argues that the Circuit Court erred in both respects and that his convictions should be reversed as a result.

A. *Sufficiency of the Evidence as to First-Degree Murder*

Standard of Review

When a defendant in a criminal case contends that the evidence presented at trial was insufficient to support a conviction, the standard of appellate review is straightforward. The appellate court is to view the evidence in the light most favorable to the State and assess whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Howling v. State*, 478 Md. 472, 507 (2022); *Spencer v. State*, 422 Md. 422, 433 (2011). This standard applies in cases tried before a judge as well as those tried before a jury. *See Koushall v. State*, 479 Md. 124, 148-49 (2022).

First-Degree Murder

Murder in the first degree is the “deliberate, premeditated, and willful killing of another person.” Maryland Code, Criminal Law Article, §2-201(a)(1).

There is no dispute that Ms. Brown was the victim of a homicide. Whether that homicide amounted to first-degree murder depends on whether the individual who killed her acted with willfulness, deliberateness, and premeditation. The Court of Appeals, now called the Supreme Court of Maryland, has defined those related elements as follows: “For a killing to be ‘willful’ there must be a specific purpose and intent to kill; to be ‘deliberate’ there must be a full and conscious knowledge of the purpose to kill; and to be ‘premeditated’ the design to kill must have preceded the killing by an appreciable length of time, that is, time enough to deliberate.” *Tichnell v. State*, 287 Md. 695, 717 (1980).

There is no requirement that the deliberation or premeditation take place over any particular period of time. “If the killing results from a choice made as a result of thought, however short the struggle between the intention and the act, it is sufficient to characterize the crime as deliberate and premeditated murder.” *Id.* at 718. As is generally the case, the existence of these elements must be discerned from the facts of the case, and they may be proved by circumstantial, as well as direct, evidence. *Id.*; *Pinkney v. State*, 151 Md. App. 311, 336 (2003).

The Defense Argument

Mr. Joyner argues that there was insufficient evidence at trial that he acted with premeditation and deliberation. He contends that, while there might be sufficient evidence to prove that he shot Ms. Brown, there were no eyewitnesses to that act, no video surveillance recording of it, and no incriminating post-arrest statements by him. As a result, he concludes, the trial court could only speculate as to his state of mind.

Analysis

Viewed in the light most favorable to the State, the text and audio messages admitted in evidence certainly suggest that Mr. Joyner thought of little else on July 9, 2021, than his relationship with Ms. Brown and his perceived grievances in that relationship. In those messages, he overtly contemplated the possibility that he would “hurt or harm” Ms. Brown, including kill her. Indeed, in the first audio message shortly after noon in the day before the shooting he essentially warned Ms. Brown that “you are not going to make it out alive” if he resorted to violence. While he insisted in some of the messages that he “would have done so already” if he wished to do so, “deliberation” does not require proof of a firm,

consistent intent to do another harm. Rather, consideration and a resolution based on that consideration is sufficient.

In her responses to Mr. Joyner’s various entreaties, Ms. Brown was adamant from late on July 8 to the very end that their relationship was over. A reasonable factfinder could well conclude that Ms. Brown’s consistent resistance to Mr. Joyner’s cajoling over those 24 hours led him to resolve to “unleash the beast.”

It is also evident from Mr. Joyner’s audio and text messages that he was obsessed with whether Ms. Brown had already entered into relationships with other men and had concluded that she had done so. In his conversation with Mr. France, his cellmate in the detention center, he indicated that he had determined to kill Ms. Brown if she had “cheated” on him.

When Mr. Joyner admitted to Ms. Shears, his former girlfriend, that he had killed Ms. Brown, he apparently attempted to minimize his culpability when he claimed, according to Ms. Shears, that he shot Ms. Brown as a result of a struggle over his gun that was initiated by Ms. Brown. The trial judge may well have discounted the notion that Ms. Brown was accidentally killed in a physical struggle that she initiated in light of the fact that Ms. Shears conceded that she had not mentioned any such struggle in her first interview with the police when she had described Mr. Joyner’s admission about killing Ms. Brown. Moreover, as the trial judge noted during the trial, the autopsy report indicates that the single gunshot that killed Ms. Brown entered the top of her forehead and traveled downward, front to back and right to left. Mr. Joyner was almost a foot taller than Ms.

Brown.⁷ All of this seems consistent with Ms. Brown facing a taller right-handed shooter shooting downward into her head. The photos of Mr. Joyner holding a handgun show him wielding it with his right hand.

Finally, the movement of the location of Mr. Joyner’s cell phone analyzed by the FBI agent appeared consistent with Mr. Joyner driving from his residence in Owings Mills to Ms. Brown’s apartment in Cockeysville on the night of the murder. Tellingly, Mr. Joyner’s cell phone “went dark” en route shortly before Ms. Brown’s murder and was not detected again until the next day when it was located in the vicinity of Ms. Shears’ residence in Baltimore City. The trial judge could reasonably have concluded that Mr. Joyner, having reached the decision to kill Ms. Brown for her rejection of him or her presumed “cheating,” had deliberately turned his phone off to evade responsibility for her killing.

Viewed in the light most favorable to the State, the evidence was sufficient to support the trial judge’s verdict of first-degree murder on the homicide count.

B. Whether Photos of Mr. Joyner with a Handgun were Admissible

Mr. Joyner argues that two of the State’s documentary exhibits introduced into evidence at trial and thus considered by the trial judge in reaching her verdict were inadmissible. Both exhibits contain images extracted from Ms. Brown’s cell phone after the murder. Images in both exhibits show Mr. Joyner holding a handgun, although it is unclear whether the two exhibits depict him with the same handgun.

⁷ The indictment indicates that Mr. Joyner is 6’1”; the autopsy report states that Ms. Brown was 5’3.”

The Exhibits

Exhibit 20A contains a video screenshot of Mr. Joyner in a short-sleeved t-shirt with a handgun in his right hand. A caption, added to the exhibit by Detective Metz, describes the image as “[a] screenshot of video in Lyric’s phone that depicts Darius holding a silver/black handgun.”

Similarly, Exhibit 20B contains two photos of Mr. Joyner, both of which appear to have been taken on the same occasion, in which he is wearing a sleeveless t-shirt and is again holding a handgun in his right hand. A third image on the exhibit is apparently a screenshot from Ms. Brown’s cell phone of an excerpt of a text message conversation between Mr. Joyner and Ms. Brown. As the trial judge noted, the type in the reproduction of the text message screenshot is so small that it is virtually unreadable by a naked eye. A caption on the exhibit, again added by Detective Metz, states “Images observed in Lyric Brown’s cellular phone that depict Darius smiling while holding a gun and an image of a conversation between Darius and Lyric giving insight into their relationship.”⁸

Standard of Admissibility and Appellate Review

As a threshold matter, evidence is admissible only if it is “relevant” – that is, “evidence having any tendency to make the existence of any fact that is of consequence to

⁸ Both exhibits also contain an identical legend at the bottom of the page:

Attachment #7
Lyric Brown iPhone (410-301-5625) Forensic Cell Phone Review
Detective Note – 9/27/2021 10:41 a.m.

No testimony was adduced concerning this legend and it was not discussed in connection with the defense objection to the two exhibits.

the determination of the action more probable or less probable than it would be without the evidence.” Maryland Rule 5-401. Conversely, evidence that is not relevant is not admissible. Maryland Rule 5-402. A trial court’s determination whether evidence is relevant or not is a legal question, which an appellate court reviews *de novo*. *Akers v. State*, 490 Md. 1, 24 (2025).

The question of relevance is not necessarily determinative as to admissibility. Even relevant evidence may be excluded “if its probative value is substantially outweighed by the danger of unfair prejudice” or several other adverse impacts not at issue in this case.⁹ Maryland Rule 5-403. An appellate court reviews a trial court’s application of this balancing test on a deferential “abuse of discretion” standard. *Akers*, 490 Md at 25. An abuse of discretion occurs only when “no reasonable person would take the view adopted by the circuit court.” *Williams v. State*, 457 Md. 551, 563 (2018); *see also North v. North*, 102 Md. App. 1, 14 (1994) (en banc) (Wilner, C.J.) (to be an abuse of discretion, “[t]he decision under consideration has to be well removed from any center mark imagined by the reviewing court, and beyond the fringe of what that court deems minimally acceptable”).

The Defense Objection

The parties initially skirmish over whether the defense adequately preserved an objection as to the relevance of the two exhibits, as opposed to an objection only as to how

⁹ Relevant evidence may also be excluded if its probative value is substantially outweighed by “confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Maryland Rule 5-403. Mr. Joyner does not rely on any these factors.

the trial judge weighed the probative value of those exhibits against the danger of unfair prejudice. In essence, the State argues that defense counsel failed to object on relevance grounds and that this Court should apply only the more deferential “abuse of discretion” standard of review in assessing the trial court’s ruling.

From our review of an updated version of the trial transcript,¹⁰ it appears that, while defense counsel primarily argued in the Circuit Court that the photos in the two exhibits were unfairly prejudicial, he also questioned whether they were “even relevant” in his initial statement of his objection. The prosecutor likewise referred to the question of relevance in his argument and the trial judge alluded to aspects of prior testimony in the case that related to the relevance of the exhibits. It is evident that everyone understood that the relevance of the exhibits was a threshold issue, even if the primary discussion in the Circuit Court concerned whether there was a danger that the exhibits would have a prejudicial effect that outweighed their probative value. Accordingly, in our view, the issue

¹⁰ The initial transcription of the sidebar argument in the Circuit Court concerning the defense objection to the admissibility of the two exhibits contained various gaps. A notation by the transcriptionist stated that the “typist had a hard time hearing the audio during the sidebar.” After the filing of the State’s brief raising the preservation issue noted in the text above and apparently some further effort by the transcriptionist to fill in some of the gaps in the transcript, this Court granted Mr. Joyner’s motion to correct the record with an updated version of that portion of the trial transcript.

In his reply brief, Mr. Joyner suggests that, if further clarity on the issue is necessary, we could order a limited remand under Maryland Rule 8-604 for the Circuit Court itself to clarify the record as to his objection and that court’s ruling. In light of our conclusion that the issue of relevance was, at the very least, decided by the trial court, such a limited remand is not necessary.

of relevance was “raised in or decided by the trial court” and thus falls within the category of issues “ordinarily” addressed by an appellate court. Maryland Rule 8-131(a).

Analysis

The images in the two exhibits were relevant for several reasons. They were found on the victim’s phone shortly after she was murdered by gunshot and depicted a person who had very recently expressed the possibility of killing her in possession of a gun. Those images corroborated the testimony of Ms. Johnson, Ms. Brown’s close friend, that Mr. Joyner had carried a gun in Ms. Brown’s presence close in time to her murder – testimony that had already been admitted without objection. The images were also consistent with the testimony of Ms. Shears, Mr. Joyner’s former girlfriend, that he appeared at her residence shortly after the murder with a handgun when he confessed to having killed Ms. Brown.

It is true, as Mr. Joyner argues, that the murder weapon was never recovered and that the State did not establish that the images in the two exhibits depicted that firearm. However, that does not render irrelevant the fact that he possessed the type of weapon used to kill Ms. Brown close in time to her murder. This Court has concluded in a number of cases that evidence that a defendant possessed a weapon was relevant and admissible at a trial concerning an offense committed with the same type of weapon.¹¹ For example, in

¹¹ To support Mr. Joyner’s argument that the photos of himself with a handgun were irrelevant, his appellate brief relies primarily on *Dobson v. State*, 24 Md. App. 644 (1975). In that case, this Court held that testimony during the State’s rebuttal case that the defendant had possessed a gun some months *after* the alleged crime was too remote to be relevant. The circumstances of that case were quite different from those of this case. In holding that the evidence was inadmissible in *Dobson*, this Court reasoned that the evidence was not

Reed v. State, 68 Md. App. 320 (1986), the Court held that a trial court properly admitted testimony that the defendant had possessed a handgun two years before the victim was murdered with a handgun. The *Reed* Court explained that the testimony “was probative to show that the [defendant] possessed the type of weapon employed in killing [the victim]” and that the fact of the years-long gap between the possession and the homicide “went to the weight of that evidence.” *Id.* at 330; *see also Hayes v. State*, 3 Md. App. 4, 8 (1968) (affirming admission of evidence of defendant’s possession of a handgun four days prior to murder and stating that “[i]t is always relevant to show that the defendant before the date of the crime had in his possession the means for its commission”); *Doye v. State*, 16 Md. App. 511, 518, *cert. denied*, 268 Md. 747 (1973) (defendant’s possession of weapon similar to that used to commit rape properly admitted because of its relevance “to show that the defendant owned or had access to any article with which the crime was or could have been committed”); *Brooks v. State*, 24 Md. App. 334, 344 (1975) (same); *see also United States v. Covelli*, 738 F.2d 847, 855-56 (7th Cir. 1984) (“[E]vidence of prior possession of a weapon can be used to prove opportunity and identification even where it cannot be directly identified as the weapon used in the crime”).

As to whether the exhibits posed a “danger of unfair prejudice” that outweighed their probative value, the trial judge acted within her discretion in concluding otherwise

proper rebuttal, as the State itself had adduced the testimony it was purporting to rebut – testimony by the defendant’s father that he had not seen the defendant with a gun on a particular occasion. 24 Md. App. at 658-59. Moreover, the Court noted that the gun that was the subject of the rebuttal testimony could not have been the stolen firearm that had been seized from the defendant by the police pursuant to a search warrant in light of the date of the theft of that firearm. *Id.* at 660.

and admitting the exhibits. Given the other evidence that Mr. Joyner possessed a gun in Ms. Brown’s presence and, most notably, at and around the time of her murder by gunshot, the images did not amount to *unfair* prejudice that “substantially outweighed” their probative value. At worst, they were cumulative of the significant and substantial evidence that Mr. Joyner possessed a firearm – in particular, on the date of the charged offenses.¹²

III

Conclusion

For the reasons explained above, we hold that there was sufficient evidence introduced at trial for the trial judge to conclude that Mr. Joyner was guilty of first-degree murder. In addition, the trial judge did not err when she admitted in evidence the exhibits containing images of Mr. Joyner with a gun.

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

¹² In the Circuit Court, defense counsel objected to the inclusion of the detective’s captions on both exhibits and of the screenshot of the excerpt from a text message found on the Ms. Brown’s phone in Exhibit 20B. Mr. Joyner does not emphasize that portion of the objection on appeal. While it is not entirely clear why this material was included in these exhibits, the detective’s captions essentially matched his foundational testimony identifying the exhibits. The text message in the screenshot is largely unreadable, as the trial judge noted. In any event, it was likely cumulative of the nearly 50 pages of text messages and 18 minutes of audio messages left by Mr. Joyner that had already been admitted in evidence and that had borne out Ms. Johnson’s description of a “toxic relationship.”