Circuit Court for Baltimore City
Case No. 112314002/112314003

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2326

September Term, 2023

KENTRELL KENARD BROWN

v.

STATE OF MARYLAND

Friedman,
Kehoe, S.,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: August 25, 2025

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This appeal arises from the denial of a motion to suppress evidence. Following the conclusion of a jury trial in the Circuit Court for Baltimore City, the Appellant, Kentrell Kenard Brown ("Mr. Brown"), was found guilty of the use of a handgun in the commission of a felony or crime of violence and conspiracy to commit murder. On appeal, Mr. Brown argues that the trial court erred in denying the motion to suppress his recorded statement given to the Baltimore City Police Department ("BCPD") Homicide Unit. He argues that his statement was involuntary under the Fourteenth Amendment's Due Process Clause, Article 22 of the Maryland Constitution, and Maryland common law. For reasons that we will outline, we affirm the judgment of the Circuit Court for Baltimore City.

I. FACTUAL BACKGROUND

A. Evidence Admitted at the Suppression Hearing

Mr. Brown was charged in the Circuit Court for Baltimore City for first-degree murder, use of a handgun in the commission of a felony or crime of violence; wearing, carrying, or transporting a handgun; and conspiracy to commit murder. Mr. Brown filed a pre-trial motion—pursuant to Maryland Rule 4-252 and 4-253—to suppress the recorded statement that he gave during a custodial police interrogation on September 29, 2012. The circuit court held a hearing on the motion on December 9, 2013. The evidence at the suppression hearing consisted of testimony from Detective Thomas Jackson ("Det. Jackson"), Mr. Brown's recorded statement, a suspect/witness activity sheet, photo arrays, and Mr. Brown's testimony. At the conclusion of the hearing, the circuit court denied Mr.

Brown's motion to suppress. The following facts are taken from the admitted evidence and the facts established by the circuit court at the suppression hearing.

1. Det. Jackson's Testimony and Supporting Evidence

In 2012, Det. Jackson was working in the BCPD Homicide Unit. The State called him as a witness to testify about his investigation into the fatal shooting that occurred on the 200 block of Reedbird Avenue on September 27, 2012. Det. Jackson testified that he did not respond to the shooting that night. However, officers from the south district responded to the shooting and found the victim, Ms. Queren Thomas ("Ms. Thomas"), [1] on the ground next to her sedan. Ms. Thomas sustained gunshot wounds and passed away while being transported to the hospital. The south district officers were able to identify two witnesses, Alonzo Lynn ("Mr. Lynn") and Antoinette Kendricks ("Ms. Kendricks").[2] The witnesses were brought to the station to be interviewed that night.

On September 28, 2012, Det. Jackson listened to Mr. Lynn's and Ms. Kendricks's recorded interviews. The responding officers presented a photo array to Mr. Lynn. Mr. Lynn identified Mr. Brown and wrote on the back of the photo array that: "This is Kentrell. He got into the sedan with Montrell [Kendricks] and Sunny. He had a gun." Detectives then acquired a search and seizure warrant for Mr. Brown's address in Abingdon, Maryland. At about 2:40 p.m., BCPD detectives, Harford County detectives, and a Special Weapons and

[1] Mr. Brown also knew Ms. Thomas by her nickname "Sunny." Mr. Brown frequently refers to her as Sunny throughout his recorded statement and his testimony.

[2] Mr. Brown refers to Ms. Kendricks as "Auntie" throughout his recorded statement and testimony.

Tactics ("SWAT") team executed the no-knock warrant. Det. Jackson entered the home around five minutes after the initial entry and observed Mr. Brown sitting in a chair with two young children. Det. Jackson explained to Mr. Brown why the police were entering and searching the house. After police conducted the search, Det. Jackson asked Mr. Brown to come to the BCPD Homicide Unit station to speak with him. Det. Jackson and a group of officers remained at Mr. Brown's home for about an hour and a half to two hours while they waited for an adult to watch the young children. Det. Jackson testified that officers did not restrain or handcuff Mr. Brown during this time. Det. Jackson also testified that he did not have any further conversations with Mr. Brown while at his residence.

Around 4:15 p.m., Det. Jackson, accompanied by two other detectives, handcuffed Mr. Brown and transported him in an unmarked vehicle from Harford County to the BCPD Homicide Unit station. During the ride, Det. Jackson only spoke to Mr. Brown to ask him general questions, such as: "do you want the window down?" and "are you okay?" Det. Jackson also testified that he did not make any statements to induce Mr. Brown to speak with him before conducting the custodial interrogation at the Homicide Unit station.

They arrived at the station between 5:15 p.m. and 5:30 p.m. Mr. Brown's handcuffs were removed in the parking garage. Det. Jackson escorted Mr. Brown to an interview room that was set up with a table and three chairs. Det. Jackson informed Mr. Brown that he was not under arrest and offered him food, snacks, and drinks. However, Mr. Brown declined. Det. Jackson left the room—leaving the door open—to gather his documents, the

information sheets, and the advice of rights form. Mr. Brown remained at the table with another detective.

At 5:44 p.m., Det. Jackson reentered the room and began the interview with Mr. Brown. Det. Jackson testified BCPD conduct interviews unarmed and neither he nor the other detective had their sidearms in the interview room. Mr. Brown was advised of his *Miranda* rights,[3] confirmed that he understood his rights, and signed a waiver at 5:45 p.m. Det. Jackson testified that he gathered information about Mr. Brown at the beginning of the interview. He determined that Mr. Brown was 18 years old and was enrolled in the eleventh grade. Mr. Brown also spoke "normally" and did not appear to be under the influence of drugs or alcohol. Mr. Brown also indicated that he wanted to speak with the police and did not ask for an attorney during the interview process.

Det. Jackson interviewed Mr. Brown for approximately six hours, but the interview was not continuous. The State admitted Det. Jackson's "Suspect/Witness Activity Sheet" that documented each of the following events. During the six-hour interview, Mr. Brown was offered and declined food at 6:15 p.m. and 8:45 p.m. Mr. Brown was given water at 12:30 a.m. and indicated that he was hungry during the recorded interview around 1:50 a.m. At 2:15 a.m., Mr. Brown finished his statement and was provided pizza and Sprite. He also took at least one bathroom break. Mr. Brown also testified that Det. Jackson left the room to contact Mr. Brown's mother and girlfriend to determine where he was on the night of the incident.

[3] *Miranda v. Arizona*, 384 U.S. 436 (1966).

Moreover, Mr. Brown implicated other individuals in the crime and the detectives took breaks to investigate the information and prepare photo arrays for Mr. Brown to identify the individuals. The State also admitted both photo arrays. Det. Jackson testified that it took about 30 minutes to create Mr. Lynn's photo array and about an hour or more to create a photo array for Montrell Kendricks ("Mr. Kendricks"). Mr. Brown wrote on both photo arrays. He identified Mr. Lynn and Mr. Kendricks, wrote who they are and what they did in connection with the investigation, and indicated the time and date on both photo arrays.

2. Mr. Brown's Recorded Statement

Mr. Brown concluded the interview by agreeing to provide a recorded statement. He began by stating that he was not promised anything in exchange for his statement, he was not under the influence of drugs or alcohol, and that he could read and write in English. Mr. Brown also confirmed that he read, and waived, his *Miranda* rights at 5:45 p.m. Before he began his statement, he read and waived his *Miranda* rights a second time at 12:15 a.m. The State admitted both of Mr. Brown's signed *Miranda* waivers at the suppression hearing.

Mr. Brown began his statement by discussing his relationship with Ms. Thomas. Ms. Thomas and Mr. Brown met through his friend and only knew her for a couple of months. Whenever Mr. Brown saw Ms. Thomas, she would pick him up in her sedan.

When he recalled the events that occurred on September 27, 2012, he stated that he called Ms. Thomas, whom he identified as "Sunny," to come pick him up that night. When

Ms. Thomas arrived, Mr. Brown and his two associates—Mr. Lynn and Mr. Kendricks—entered the backseat of the vehicle. Mr. Brown stated that Mr. Lynn shot Ms. Thomas before they all exited the car. Mr. Lynn did not make any comments before or after shooting Ms. Thomas.

Mr. Brown also provided a motive for the shooting. On the previous Monday, Mr. Brown believed that Ms. Thomas set up Mr. Brown, Mr. Lynn, Mr. Kendricks, and Mr. Brown's girlfriend to be robbed at gun point by a man. Ms. Thomas picked up Mr. Brown and his associates and parked near a school in Augusta Fells. The man came up to the passenger side of the sedan, where Mr. Lynn was sitting, gave Ms. Thomas a sign and walked away. When the man returned, he took out the gun and put it on Mr. Lynn's chest. The man told everyone to put their money and phones on the ground and took their belongings. Mr. Brown also stated that on the same day, a friend of his called to let him know that the same man robbed Ms. Kendricks and pointed a gun to her head.

The recorded statement ended with Mr. Brown confirming his identification of Mr. Lynn and Mr. Kendricks from the two photo arrays.

3. Mr. Brown's Testimony at the Suppression Hearing

Mr. Brown testified that on September 28, about 10 to 15 officers arrived at his home between 12:00 p.m. and 1:00 p.m. He stated that he woke up to a loud bang and an officer grabbed him while he was walking up the stairs from his basement. The officer threw him on the ground and asked for his name. After Mr. Brown provided his name to the officer he was handcuffed and placed in a chair. Mr. Brown asked the officer that handcuffed him

why the police were in his house, and the officer stated that the detective would tell him. A detective entered the room and began asking Mr. Brown questions about his uncle that was murdered. Mr. Brown stated that it was not Det. Jackson who asked about his uncle. Det. Jackson entered the room about five to six minutes after. However, Mr. Brown testified that they only remained in the house for about 20 minutes before he was transferred to the BCPD station. During the transfer, Det. Jackson spoke to him about life and making the right decisions. He acknowledged that none of the detectives asked him questions related to their investigation while in the car.

Mr. Brown testified that when he arrived at the police station, he remained handcuffed for one to two hours while he sat alone in the interview room before the officers began questioning him. Initially, Mr. Brown testified that the handcuffs were only removed when he went to the restroom, but later Mr. Brown changed his testimony to state that the handcuffs were off when he signed the *Miranda* wavier at 5:45 p.m. and when he wrote on the two photo arrays. Mr. Brown stated that when Det. Jackson returned to the room, and before he signed the *Miranda* waiver, he said he was hungry because he had not eaten all day. According to Mr. Brown, he was not provided with food or drinks until after he gave them a statement.

Furthermore, Mr. Brown testified that he asked for an attorney twice before he signed the *Miranda* waiver at 5:45 p.m. Mr. Brown stated that he signed the waiver because he was talking to Det. Jackson **but** did not have anything to tell him.

B. Ruling on the Suppression Motion

At the conclusion of the defense's closing arguments, the circuit court denied Mr. Brown's motion to suppress. The court was satisfied based on the totality of circumstances that Mr. Brown's statement was given freely and voluntarily. The court did not find Mr. Brown's testimony credible and stated that there was no evidence that Mr. Brown was mentally incompetent.

The court found that the length of the interrogation was not excessively long given that there were two photographic identifications that were done and that the officers had to check on the information provided by Mr. Brown to confirm whether his story was consistent with the other witnesses in the case. The court found that Det. Jackson's questions, in the recorded statement, were not oppressive or induced Mr. Brown to take "a certain path." Additionally, Det. Jackson and Mr. Brown did not testify that there was any physical mistreatment.

II. QUESTIONS PRESENTED

Mr. Brown noted a timely appeal and presents the following issue which we rephrase as follows:[4]

> Whether the circuit court erred in denying the motion to suppress Mr. Brown's statements during his interrogation.

[4] In his brief, Mr. Brown framed the question as follows:

Did the lower court err in failing to suppress Mr. Brown's statements?

III. DISCUSSION

The standard of review for a circuit court's decision to deny a motion to suppress a defendant's statement is:

> a mixed question of law and fact that we review *de novo*. In undertaking our review of the suppression court's ruling, we confine ourselves to what occurred at the suppression hearing. We view the evidence and inferences that may be reasonably drawn therefrom in a light most favorable to the prevailing party on the motion, here, the State. We defer to the motions court's factual findings and uphold them unless they are shown to be clearly erroneous. We, however, make our own independent constitutional appraisal, by reviewing the relevant law and applying it to the facts and circumstances of this case.

Brown v. State, 252 Md. App. 197, 234 (2021) (citations omitted) (cleaned up). At trial, the State carries the burden of proving by a preponderance of the evidence that the "inculpatory statement was freely and voluntarily made" and that it was not induced by a promise or a threat. *See Winder v. State*, 362 Md. 275, 306 (2001); *Hillard v. State*, 286 Md. 151, 418–19 (1979); *Hof v. State*, 337 Md. 581, 605 (1995).

A. The Parties' Contentions

Mr. Brown argues that the trial court erred when it denied his motion to suppress his confession because Det. Jackson obtained his statement involuntarily, under the United States Constitution and Maryland common law. In support of his argument, Mr. Brown states that the factors for considering the totality of the circumstances of the interrogation weigh against the finding that his statement was voluntary. The State counters that there is no evidence that the officers improperly threatened, promised, or induced his admissions. The State also refutes the factors determining the totality of the circumstances that Mr.

Brown relies on in his argument. The State contends that the record does not reflect any police conduct that would overbear Mr. Brown's will and induce him to confess.

B. Voluntary Statements

At trial, "[o]nly voluntary confessions are admissible against a criminal defendant." *Lee v. State*, 418 Md. 136, 158 (2011). A defendant's statement may be admitted at trial if the statement was made in accordance with federal and state law. The statement must have been "(1) voluntary under Maryland nonconstitutional law, (2) voluntary under the Due Process Clause of the Fourteenth Amendment of the United States Constitution and Article 22 of the Maryland Declaration of Rights,[] and (3) elicited in conformance with the mandates of *Miranda* [*v. Arizona,* 384 U.S. 436,[] (1966)]." *Winder*, 362 Md. at 305–06.

In the case before us, Mr. Brown does not argue that his statement was given in violation of *Miranda*. Instead, he concedes that Det. Jackson gave *Miranda* warnings and states that "the only factor that militates in the State's favor in the instant case are the fact that *Miranda* warnings were given." Additionally, under Maryland Common Law, a statement is involuntary if it is "the product of an improper threat, promise, or inducement by the police." *Lee*, 418 Md. at 158. However, the circuit court found that there was no evidence of any improper threat, promise, or undue influence. On appeal, Mr. Brown does not argue that he reasonably relied on any threat, promise, or inducement in making his statement.

Therefore, Mr. Brown's recorded statement was given in conformance with the mandates of *Miranda* and were made voluntarily under Maryland Common Law. We will

review whether Mr. Brown's statement was voluntary under Federal and State constitutional law.

C. Federal and State Constitutional Law

A defendant's confession or inculpatory statement, given during a custodial interrogation, may be admitted at trial if it is voluntary under the Due Process Clause of the Fourteenth Amendment, the Self-Incrimination Clause of the Fifth Amendment, and Article 22 of the Maryland Declaration of Rights.[5] "[D]ue process protections inherent in Article 22 are construed *in pari materia* with those afforded by the Fourteenth Amendment[.]"[6] *Lee*, 418 Md. at 159. Therefore, "a confession made during a custodial interrogation must be voluntary to be admissible." *Madrid v. State*, 474 Md. 273, 320 (2021).

Confessions that are a product of "police conduct that overbears the will of the suspect and induces the suspect to confess" are prohibited. *See Lee*, 418 Md. at 159. Some deceptive practices do not rise to the level of police coercion that reviewing courts see as overbearing. *See Id.* (citations omitted). For example, "lying to the suspect about the

[5] The Due Process Clause of the Fourteenth Amendment states that "nor shall any State deprive any person of life, liberty, or property without due process of law." U.S. Const. amend. XIV. Second, the Self-Incrimination Clause of the Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself[.]" U.S. Const. amend. V.

[6] Article 22 states that "no man ought to be compelled to give evidence against himself in a criminal case." Md. Const., Decl. of Rights, Art. 22 (2025).

strength of the evidence against the defendant and showing false sympathy for the suspect[.]" *Id.* Courts rarely conclude that a suspect confessed involuntarily. *See Id.*

> [T]he constitutional inquiry is not whether the conduct of [the authorities] was shocking, but whether [the accused's] confession was free and voluntary, viz., whether it was extracted by any sort of threats, or violence, or obtained by any direct or implied promises, however, slight, or by the exertion of any improper influence. Otherwise stated, the test of the admissibility of [a] confession is whether [the accused's] will was overborne at the time that he confessed, or whether his confession was the product of a rational intellect and a free will, or whether his statement was 'freely self-determined.' So that . . . the question is not whether the accused was frightened, but whether his disclosures to the officers were freely and voluntarily made at a time when he knew and understood what he was saying.

State v. Hill, 2 Md. App. 594, 601–02 (1967) (citations omitted).

A reviewing court determines whether a statement was involuntary based on "the totality of the circumstances affecting the interrogation and confession." *Winder*, 362 Md. at 307.

> The totality of the circumstances includes a number of factors, e.g. [1.] where the interrogation was conducted, [2.] its length, [3.] who was present, [4.] how it was conducted, [5.] its content, whether the defendant was given *Miranda* Warnings, [6.] the mental and physical condition of the defendant, [7.] the age, background, experience, education, and intelligence of the defendant, [8.] when the defendant was taken before a court commissioner following arrest, and [9.] whether the defendant was physically mistreated, physically intimidated or psychologically pressured.

Hof, 337 Md. at 596–97 (internal citations omitted).

D. Analysis

Mr. Brown contends that his statement was provided involuntarily under Federal and State constitutional law because "officers played to the sympathies of an immature 18-year-old boy by referencing the death of his uncle, they subjected Mr. Brown to a lengthy

drive to Baltimore City, and kept Mr. Brown under constant police surveillance in an interrogation room without food for many hours." The State contends that Mr. Brown's statement was voluntary by a preponderance of the evidence because the record does not reflect any police conduct that would overbear Mr. Brown's will and induce him to confess. The State argues that Mr. Brown did not display any evidence of mental incapacity, had high school education, and was not inexperienced in the criminal justice system. We agree with the State.

Under an evaluation of the totality of the circumstances, Mr. Brown freely and voluntarily gave his recorded statement. Mr. Brown was transported to the BCPD Homicide Unit station where his handcuffs were removed upon arrival, and he was placed in an interview room with a table and three chairs. Two police officers were present, Det. Jackson and a second detective. Both detectives were unarmed throughout the six-hour duration of the interview. Det. Jackson testified that the interview lasted for approximately six hours because he was investigating information provided by the Mr. Brown such as contacting Mr. Brown's mother and girlfriend to determine his whereabouts on September 27 and creating two photo arrays that took approximately 2 hours. Additionally, Det. Jackson stated that the interview was paused for bathroom breaks for both Mr. Brown and the detectives. Det. Jackson also offered Mr. Brown food and drinks twice at 1:50 p.m. and 8:45 p.m., which Mr. Brown declined. Mr. Brown was provided water at 12:30 a.m. and indicated he was hungry during his recorded statement at 1:50 a.m. Mr. Brown was given pizza and Sprite at 2:15 a.m. at the conclusion of his statement.

Furthermore, Mr. Brown was 18 years old and enrolled in eleventh grade at the time the interview was conducted. He read and understood his *Miranda* rights, and knowingly and voluntarily waived them, twice. He waived his *Miranda* rights at 5:45 p.m. before his custodial interview began and at 12:15 a.m. before he gave his recorded statement. Mr. Brown testified that he wanted to speak to the police which is why he decided to sign the *Miranda* waivers. Det. Jackson observed that Mr. Brown spoke "normally" and was not under the influence of drugs or alcohol during the interview. Mr. Brown also began his recorded statement by acknowledging that he was not promised anything in exchange for his statement, he was not under the influence of drugs or alcohol, and that he could read and write in English.

Moreover, the circuit court found that there was no evidence presented that would suggest that Mr. Brown was threatened, improperly induced, or promised anything in return for his statement. Nothing in the testimony—that the trial court found credible—and the evidence presented at the motions hearing suggest that the detectives engaged in coercive tactics or that Mr. Brown was threatened or improperly influenced to give a statement. The circuit court also reviewed the recorded statement and found that "the questions were not at all oppressive or led the defendant down a certain path." Therefore, we conclude that Mr. Brown freely and voluntarily gave the recorded statement.

IV. CONCLUSION

We hold that Mr. Brown voluntarily gave his statement to Det. Jackson on September 29, 2012. Furthermore, the trial court properly found that there was no improper

inducement, threats, or promises made to Mr. Brown that would have influenced his decision to provide a statement. For those reasons, we affirm the decision of the Circuit Court for Baltimore City.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE CITY IS AFFIRMED. APPELLANT TO PAY COSTS.