

Circuit Court for Baltimore City
Case No. 123115002

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2548

September Term, 2024

RICKY D. CRENSHAW

v.

STATE OF MARYLAND

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 7, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Baltimore City of first degree murder and related offenses, Ricky D. Crenshaw, appellant, presents for our review three issues: whether the evidence is insufficient to sustain the convictions, whether the court erred in denying his motion to dismiss, and whether the court erred in denying his motion for new trial. For the reasons that follow, we shall affirm the judgments of the circuit court.

At trial, the State produced evidence that the victim, Terence Avery Cheatham, died of multiple gunshot wounds. The State called A.,¹ who at the time of trial was seventeen years old. A. testified that on the afternoon of March 21, 2023, she and a friend were sitting at a bus stop on Edmondson Avenue near Pulaski Street, when A. saw “two cars . . . behind each other.” A. testified:

[T]he victim got out the car and then he started talking and then the other person just sat in the car, just ignoring everything and I was, like, towards the other car that the person got out of and, like, I looked at his waist and I was, like – I told my friend get your phone out, but she couldn’t so I pulled my phone out and I started to record what happened.

* * *

When I was sitting on the bus stop recording, I was just talking to my friend and then she proceeded to pull her phone out and then, like, he went like this. He stood up and then he looked like he was about to pull something out, so I was still recording and then the victim walked towards his car, but he was still near his car, also, and then the other man got out and he shot four times, but I couldn’t see that the man dropped down because a car had went by already.

¹Following A.’s testimony, the court ordered that it be redacted pursuant to Rule 16-504.1(b)(1) (“on motion of a party or other interested person or on its own initiative, the court may order that a specified portion of a criminal proceeding be redacted from a copy of an audio recording subject to dissemination pursuant to subsection (a)(1) of this Rule if, by written order or on the record, the court makes a finding by clear and convincing evidence that (A) a compelling reason under the particular circumstances exists for the redaction and (B) no substantial harm will result from the redaction”).

The State subsequently played the recording for the jury. A. also identified five still photographs taken from the recording as “picture[s] of the suspect pointing his gun at the victim.” The photographs depict an individual wearing a black ski mask, glasses, a dark blue and black jacket, black pants with white stripes, and black shoes. The individual is also wearing a ring on his left pinky finger and a watch on his left wrist, and carrying a black handgun in his right hand.

A. testified that following the shooting, she called 911. A recording of the call was played for the jury. During the call, A. stated that the shooter was “black” and wore “a ski mask,” “sunglasses” or “eyeglasses,” and “all black” clothing. A. further stated that the shooter departed in “a green Crown Vic” with Maryland license plate number TNN2313.

The State also produced evidence that Baltimore Police crime laboratory technician Emily Hopkins responded to the site of the shooting and discovered a “projectile” and five cartridge cases. Baltimore Police Sergeant Matthew Tobjy entered the license plate number into the police’s “license plate reader system,” which indicated that the plate was located in the 1300 block of East Lanvale Street. On the morning of March 22, 2023, Sergeant Tobjy went to that location and discovered a green Lincoln automobile with Virginia license plate number TTM2313. After the sergeant contacted the police’s Regional Auto Theft Task Force, an individual entered the Lincoln and “drove off.” Task Force officers subsequently stopped the Lincoln and took the driver, whom Sergeant Tobjy identified in court as Mr. Crenshaw, into custody. During a “pat-down” of Mr. Crenshaw,

Task Force officers discovered in his waistband a black Polymer 80 nine millimeter handgun loaded with ammunition with blue tips.

Mr. Crenshaw was subsequently transported to the “homicide section” of the police department’s headquarters, where Ms. Hopkins took photographs of him. The interaction was recorded on video, and the recording was played for the jury. The photographs, which were entered into evidence, depict a gold ring on Mr. Crenshaw’s left pinky finger, and a watch on his left wrist. While Ms. Hopkins was taking the photographs, and without any request by her, Mr. Crenshaw removed the ring from his finger.

That same day, Sergeant Tobjy returned to the 1300 block of East Lanvale Street and executed a warrant for a search of an apartment at that location. During the search, the sergeant discovered a pair of black shoes, a dark blue and black jacket, black “track pants,” a backpack with an attached identification card bearing Mr. Crenshaw’s name and photograph, “nine millimeter rounds,” a “[m]agazine with two rounds that had blue tips,” and an “[e]xtended magazine with additional nine millimeter rounds.” On March 24, 2023, Baltimore Police crime laboratory technician Amoreen Watt “process[ed]” the Lincoln. In the front seats of the vehicle, Ms. Watt discovered a black face mask and pair of sunglasses. In the trunk of the vehicle, Ms. Watt discovered two black face masks and a bank card bearing Mr. Crenshaw’s name.

The State also called Jennifer Ingbretson, whom the court accepted “as an expert in the field of firearms examination, identification, and comparison.” Ms. Ingbretson testified that the caliber of the firearm seized from Mr. Crenshaw is “a nine millimeter Luger.” Ms. Ingbretson test-fired the firearm and compared the spent cartridge cases to the cartridge

cases collected at the site of the shooting. Ms. Ingbretson concluded that the cartridge cases collected at the site of the shooting “were consistent with having been fired with the . . . firearm” seized from Mr. Crenshaw. Ms. Ingbretson also testified that the live rounds seized by Sergeant Tobjy “were nine millimeter Luger.”

Mr. Crenshaw first contends that “the evidence is legally insufficient to sustain [the] convictions because the State failed to prove his identity as the gunman.” We disagree. The State played for the jury the video recording made by A., and the jury could determine for themselves whether the recording, and the still photographs taken from the recording, depicted Mr. Crenshaw. Clothing similar to that worn by the person depicted in the photographs and described by A. during her call to 911 was subsequently discovered in a green Lincoln automobile driven by Mr. Crenshaw, and in an apartment near where he entered the vehicle. The Lincoln and its license plate number were similar to that described by A. during her call to 911. When Ms. Hopkins took photographs of Mr. Crenshaw, he was wearing a ring and watch similar to that worn by the person depicted in the photographs. The firearm seized from Mr. Crenshaw’s waistband contained ammunition similar to that discovered in the apartment. The apartment contained an identification card bearing Mr. Crenshaw’s name and photograph, and the Lincoln contained a bank card bearing Mr. Crenshaw’s name. Finally, Ms. Ingbretson testified that cartridge cases collected at the site of the shooting “were consistent with having been fired with the . . . firearm” seized from Mr. Crenshaw, and live rounds discovered inside the apartment were of the same caliber as the firearm. From this evidence, a rational trier of fact could

conclude beyond a reasonable doubt that Mr. Crenshaw shot Mr. Cheatham, and hence, the evidence is sufficient to sustain the convictions.

Mr. Crenshaw next contends that the court “erred by not dismissing the case . . . after closing arguments.” During closing argument, the prosecutor stated, in pertinent part:

The watch. Okay. Remember the shooter had a big gold watch on his left hand. We’ll get to why there’s a – why this is here. See this? We’ll get to why that’s here in a second. The watch is an individual characteristic.

The pinky ring. The pinky ring. All right. On his pinky here, before he took it off. You saw the video of him taking it off when Technician Hopkins was photographing him on his pinky here when he’s being arrested by Detective Halstead and it was on the shooter’s left hand as well. The shooter in the video.

During defense counsel’s closing argument, the following colloquy occurred:

[DEFENSE COUNSEL:] This is my other question, ladies and gentlemen. Where is the ring? Where is the watch? You have pictures of it? He took it off. It’s supposed to be in evidence. Let me see it. Do you have it?

[PROSECUTOR]: It’s right there.

[DEFENSE COUNSEL]: Let me see. This never was opened, was it? You never saw it. Did you look at it or they just – they just want you to look at it.

After the court excused the jury for deliberations, the prosecutor asked the court “to address” the matter. The court noted that “when [defense counsel] asked regarding specific evidence,” the prosecutor “theatrically[] lifted it and said it’s right here.” The court asked if “the defense [was] asking for anything regarding that,” and the following colloquy occurred:

[DEFENSE COUNSEL:] So normally, under these circumstances, I would ask for a mistrial because there are bells that can’t be unrung. If my

whole way of going – I know, I know – going about my closing was focused on those particular items, it definitely affected my defense of Mr. Crenshaw. I’ve advised Mr. Crenshaw that I would want to ask for a mistrial. He does not want that. He does not want a mistrial. He would like me to ask, based on [the prosecutor’s] conduct, for the Court to dismiss this case.

Now, I told him, you know, that’s something that the Judge will have to consider. I think he wants to speak on that point as well. . . .

I’ve advised him. He wants me to request – based on the fact that the State conducted itself in this way, in this trial, he wants – he would like the Court to dismiss this case. And have I spoken – or have I articulated what you want, sir?

[MR. CRENSHAW]: Absolutely.

[DEFENSE COUNSEL]: Do you want to still speak and say something?

[MR. CRENSHAW]: Yes, I do.

[DEFENSE COUNSEL]: Your Honor, will you allow him to?

[MR. CRENSHAW]: I feel no disrespect in your courtroom, Your Honor, but I feel conspired against in this matter because throughout this whole trial, I haven’t shown any negligence. I haven’t showed any signs that I didn’t have – that I didn’t like what he was doing at trial. But he simply left the main two things out, which is the ring and the watch. It was never admitted into trial. But those are the same pictures he showed the other day to the jury. The same – the other day he showed pictures of this stuff to the jury showing that I was this guy. And they so focused on just the ring and the watch. These are the same pictures were shown throughout this whole trial, just to let this courtroom know that what he did was, like, a conspiracy towards me.

Like, I don’t know him from anywhere. I never saw him. I don’t have nothing to do with him. I just want the fairness to be fair. Because on record I see where he just – that’s, like, tempting my attorney to go towards that evidence, and then the evidence was never submitted. So the whole time I’m worried, scared for my life. And I got family, I got kids just like those relatives of the man who lost his life. And it wasn’t fair to me that he had to go that deep into the situation where as though he had some evidence that was never admitted into the court.

THE COURT: All right. So you're asking for the case to be dismissed?

[MR. CRENSHAW]: Yes.

After Mr. Crenshaw's remarks, the prosecutor admitted that he "shouldn't have done that," but noted that defense counsel subsequently "opened it and showed the jury." The prosecutor further stated that he was "okay with any sort of curative instruction in terms of this evidence because this evidence is what it is."

The court subsequently denied the motion on the ground that there was "no legal basis upon which to dismiss this case." Defense counsel confirmed that Mr. Crenshaw did not "want a mistrial," and "ask[ed] for some type of curative instruction to the jury that they can only consider the evidence that they have before them." The court agreed, ordered that the jury be returned to the courtroom, and instructed them: "You are not to consider any evidence which has not been admitted into evidence."

Mr. Crenshaw contends that the court erred in denying the motion, because "dismissal . . . was the remedy required to serve the ends of the justice." (Citation and quotations omitted.) We disagree for three reasons. First, Mr. Crenshaw does not cite any authority that requires a court to dismiss charges against a defendant following an improper remark or action by the prosecutor during closing arguments. Second, photographs of the ring and watch were entered into evidence, and a video recording of Mr. Crenshaw removing the ring from his finger was played for the jury. Hence, the jury knew that the items existed, and that Mr. Crenshaw had worn them at the time that the photographs were taken. Finally, the court, at defense counsel's explicit request, instructed the jury "not to

consider any evidence which has not been admitted into evidence,” and “Maryland courts long have subscribed to the presumption that juries are able to follow the instructions given to them by the trial judge, particularly where the record reveals no overt act on the jury’s part to the contrary.” *Spain v. State*, 386 Md. 145, 160 (2005) (citations omitted). Hence, the court did not err in denying the motion to dismiss.

Finally, Mr. Crenshaw contends that the court erred in denying his motion for new trial. Following trial, defense counsel filed a motion for new trial, in which he asked the court “to order a new trial in the interest of justice” on the grounds that Mr. Crenshaw’s “right to a fair trial was negatively impacted by the [prosecutor’s] inappropriate conduct during closing argument,” and “the lack of sufficiency of direct evidence linking him to the alleged crime warrant[s] a new trial.” The court denied the motion.

Mr. Crenshaw contends that, for numerous reasons, the court erred in denying the motion. Conceding that “[o]rdinarily, an abuse of discretion standard of review is applicable,” Mr. Crenshaw “urges [us] to use the alternative method found in” *Merritt v. State*, 367 Md. 17 (2001), “which entails review for error and a determination of whether the error was harmless.”

We disagree with Mr. Crenshaw as to whether *Merritt* is applicable. In *Merritt*, the Supreme Court of Maryland stated that “when an alleged error is committed during the trial, when the losing party or that party’s counsel, without fault, does not discover the alleged error during the trial, and when the issue is then raised by a motion for a new trial, we have reviewed the denial of the new trial motion under a standard of whether the denial was erroneous.” *Id.* at 31 (citations omitted). Here, there is no evidence, and Mr. Crenshaw

does not contend, that either he or defense counsel failed to discover during trial the “errors” subsequently challenged in the motion for new trial. Hence, *Merritt* is inapplicable.

We also disagree with Mr. Crenshaw as to whether the court abused its discretion in denying the motion. For the aforementioned reasons, we conclude that the “evidence linking him to the” offenses is sufficient to sustain the convictions, and Mr. Crenshaw was not prejudiced by the prosecutor’s “conduct during closing argument” to the extent that a new trial is warranted. Hence, the court did not err in denying the motion for new trial.

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