

COURT OF APPEALS OF MARYLAND

State v. Baker, 453 Md. 32

160 A.3d 559 (2017) · Decided May 22, 2017

SUMMARY

The Maryland Court of Appeals considered whether a trial court's declaration of a mistrial over the defendant's objection was supported by manifest necessity. The mistrial followed disclosure that the prosecutor's brother represented a key witness in a related criminal case and that the prosecutor intended to offer the witness immunity. The court held that the trial court failed to establish manifest necessity and that double jeopardy barred retrial.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Getty, J.
JURISDICTION	Maryland
DECIDED	May 22, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for a writ of certiorari after the Court of Special Appeals reversed the circuit court's denial of Baker's motion to dismiss indictments on double-jeopardy grounds and ordered dismissal of the indictments. The Court of Appeals reviewed whether the trial court's mistrial declaration over Baker's objection was supported by manifest necessity.
STANDARD OF REVIEW	A trial court's grant of a mistrial is reviewed for abuse of discretion. The reviewing court considers whether the decision was manifestly unreasonable, based on untenable grounds, or based on untenable reasons.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Maryland v. Andrew Daniel Baker

TOPICS

- double jeopardy
- criminal procedure
- fifth amendment
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court of Special Appeals properly considered the record of the subsequent hearing on Baker's motion to dismiss when reviewing the mistrial declaration.
2. Whether the trial court's sua sponte declaration of a mistrial over Baker's objection was supported by manifest necessity.
3. Whether double-jeopardy principles barred retrial after the mistrial.

HOLDINGS

1. A reviewing court may consider the record of a subsequent proceeding on a motion to dismiss based on double jeopardy, together with the trial record, when determining whether a mistrial was supported by manifest necessity.
2. The mistrial was not supported by manifest necessity because the record did not demonstrate a high degree of necessity, adequate exploration of reasonable alternatives, and the absence of any reasonable alternative to mistrial.
3. Double-jeopardy principles barred retrial on both the assault charges and the firearm-possession charges.

KEY QUOTATIONS

"In summary, there exists "manifest necessity" for a mistrial only if 1) there was a "high degree" of necessity for the mistrial; 2) the trial court engaged "in the process of exploring reasonable alternatives" to a mistrial and determined that none was available; and 3) no reasonable alternative to a mistrial was, in fact, available." (453 Md. at 48-49; 160 A.3d at 568-69)

"Therefore, the circuit court abused its discretion in declaring a mistrial over Mr. Baker's objection, and double jeopardy principles bar retrial of Mr. Baker on both the assault charges and the illegal firearm possession charges." (453 Md. at 62; 160 A.3d at 576)

FACTUAL BACKGROUND

Baker faced consolidated charges for firearm possession and assault arising from a January 13, 2015 shooting incident. During trial, after the jury had been impaneled and sworn, the prosecutor sought to compel testimony from Ellis, a key witness who intended to invoke the Fifth Amendment and who had pending charges filed by Baker in a separate incident. The court learned that Ellis was represented in that matter by the prosecutor's brother, concluded that the relationship created a conflict concerning the proposed immunity and advice to Ellis, and declared a mistrial over Baker's objection.

PROCEDURAL HISTORY

Baker was tried in the Circuit Court for Cecil County on firearm-possession and assault charges. After the jury was impaneled and sworn, the trial court learned that a key prosecution witness, who had pending charges in a related matter, was represented by the brother of the assistant state's attorney prosecuting Baker. The court

declared a mistrial over Baker's objection. The circuit court denied Baker's motion to dismiss on double-jeopardy grounds; the Court of Special Appeals reversed, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Simmons v. State, 436 Md. 202, 81 A.3d 383 (2013)
- Arizona v. Washington, 434 U.S. 497, 98 S. Ct. 824, 54 L. Ed. 2d 717 (1978)
- Hubbard v. State, 395 Md. 73, 909 A.2d 270 (2006)
- Benton v. Maryland, 395 U.S. 784, 89 S. Ct. 2056, 23 L. Ed. 2d 707 (1969)
- Downum v. United States, 372 U.S. 734, 83 S. Ct. 1033, 10 L. Ed. 2d 100 (1963)
- In re Mark R., 294 Md. 244, 449 A.2d 393 (1982)
- Jourdan v. State, 275 Md. 495, 341 A.2d 388 (1975)
- Mansfield v. State, 422 Md. 269, 29 A.3d 569 (2011)
- Carter v. State, 366 Md. 574, 785 A.2d 348 (2001)
- Stabb v. State, 423 Md. 454, 31 A.3d 922 (2011)
- State v. Hart, 449 Md. 246, 144 A.3d 609 (2016)
- State v. Crutchfield, 318 Md. 200, 567 A.2d 449 (1989)
- Illinois v. Somerville, 410 U.S. 458, 93 S. Ct. 1066, 35 L. Ed. 2d 425 (1973)
- Thompson v. United States, 155 U.S. 271, 15 S. Ct. 73, 39 L. Ed. 146 (1894)
- Simmons v. United States, 142 U.S. 148, 12 S. Ct. 171, 35 L. Ed. 968 (1891)
- Cornish v. State, 272 Md. 312, 322 A.2d 880 (1974)
- State v. Woodson, 338 Md. 322, 658 A.2d 272 (1995)
- Gianiny v. State, 320 Md. 337, 577 A.2d 795 (1990)
- State v. Rice, 447 Md. 594, 136 A.3d 720 (2016)
- Kastigar v. United States, 406 U.S. 441, 92 S. Ct. 1653, 32 L. Ed. 2d 212 (1972)