

COURT OF APPEALS OF MARYLAND

Decker v. State, 408 Md. 631

971 A.2d 268 (2009) · No. No. 44, September Term, 2008 · Decided May 13, 2009

SUMMARY

The Maryland Court of Appeals held that evidence that the defendant left the courthouse on a previously scheduled trial date was admissible as circumstantial evidence of consciousness of guilt. Applying the four-inference framework for evaluating consciousness-of-guilt evidence, the court concluded that the circumstances supported an inference that the departure constituted flight from prosecution and that the evidence was not unfairly prejudicial under Maryland Rule 5-403. The court affirmed the judgment of the Court of Special Appeals and did not reach the State's conditional cross-petition concerning preservation of a challenge to the flight instruction.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Barbera, J.; Bell, C.J.; Harrell, J.; Battaglia, J.; Greene, J.; Adkins, J.; John C. Eldridge, J. (Retired, specially assigned)
JURISDICTION	Maryland
DECIDED	May 13, 2009
DOCKET	No. 44, September Term, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner sought review by writ of certiorari of the Court of Special Appeals' affirmance of his criminal convictions. The State filed a conditional cross-petition concerning preservation of an objection to the flight instruction.
STANDARD OF REVIEW	Relevance is reviewed under the Maryland Rules of Evidence; the balancing of probative value against unfair prejudice under Maryland Rule 5-403 is reviewed for abuse of discretion. The appellate court will not reverse absent plain inadmissibility under a specific rule or principle of law or a clear abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Charles Henry Decker v. State of Maryland

TOPICS

evidence

relevance

appellate procedure

standard of review

preservation of error

PRACTICE AREAS

Evidence

Criminal procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by admitting evidence that Decker left the courthouse on a previously scheduled trial date before trial commenced as evidence of consciousness of guilt.
2. Whether the Court of Special Appeals erred by failing to address the State's argument that Decker's challenge was not preserved because he did not object to the flight instruction.

HOLDINGS

1. The court did not need to address the State's cross-petition because Decker challenged only the admissibility of the courthouse-departure testimony and raised no issue concerning the flight instruction.
2. Evidence that Decker left the courtroom and courthouse immediately before the scheduled commencement of his trial was relevant circumstantial evidence of consciousness of guilt and was not inadmissible under Maryland Rule 5-403.

KEY QUOTATIONS

"depends upon the degree of confidence with which four inferences can be drawn: (1) from the defendant's behavior to flight; (2) from flight to consciousness of guilt; (3) from consciousness of guilt to consciousness of guilt concerning the crime charged; and (4) from consciousness of guilt concerning the crime charged to actual guilt of the crime charged." (at 644-45)

"We conclude that the State supplied the evidentiary foundation to support the first of the four inferences described in the Thomas test, that Petitioner's departure from the courthouse was flight." (at 655)

"The flight evidence was an appropriate counter to that defense." (at 656)

FACTUAL BACKGROUND

After a single-vehicle accident, police found a loaded nine-millimeter Beretta handgun on the passenger seat of the Ford Expedition Decker had been driving. Decker claimed he did not own or know about the gun, while evidence showed that the vehicle was also driven by others. On a previously scheduled trial date, Decker appeared in the courtroom, then left the courthouse; officers could not locate him, a bench warrant issued, his bond was forfeited, and he was not apprehended for approximately six months. The State introduced that departure, along with other evidence of flight, as consciousness-of-guilt evidence.

PROCEDURAL HISTORY

Decker was convicted in the Circuit Court for Harford County of possession of a regulated firearm after conviction of a disqualifying crime, driving under the influence of alcohol, and other driving and weapon offenses. The Court of Special Appeals affirmed in an unreported opinion, holding that evidence of Decker's

departure from the courthouse on a prior trial date was relevant consciousness-of-guilt evidence and that its admission was not an abuse of discretion. The Court of Appeals granted certiorari, declined to address the State's cross-petition because Decker did not challenge the flight instruction, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Snyder v. State, 361 Md. 580, 762 A.2d 125 (2000)
- Thomas v. State, 372 Md. 342, 812 A.2d 1050 (2002)
- Whittlesey v. State, 340 Md. 30, 665 A.2d 223 (1995)
- Bedford v. State, Bedford v. State, 317 Md. 659, 566 A.2d 111 (1989)
- Sorrell v. State, 315 Md. 224, 554 A.2d 352 (1989)
- Hunt v. State, 312 Md. 494, 540 A.2d 1125 (1988)
- Davis v. State, 237 Md. 97, 205 A.2d 254 (1964)
- Westcoat v. State, 231 Md. 364, 190 A.2d 544 (1963)
- Thompson v. State, 393 Md. 291, 901 A.2d 208 (2006)
- Thomas v. State, 397 Md. 557, 919 A.2d 49 (2007)
- United States v. Myers, 550 F.2d 1036 (5th Cir. 1977)
- United States v. Sanchez, 790 F.2d 245 (2d Cir. 1986)
- State v. Horne, 376 N.J. Super. 201, 869 A.2d 955 (2005)
- Commonwealth v. Muckle, 59 Mass. App. Ct. 631, 797 N.E.2d 456 (2003)
- Commonwealth v. Holloman, 424 Pa. Super. 73, 621 A.2d 1046 (1993)
- Commonwealth v. Babbs, 346 Pa. Super. 498, 499 A.2d 1111 (1985)
- State v. Burk, 234 Mont. 119, 761 P.2d 825 (1988)
- Commonwealth v. Kane, 19 Mass. App. Ct. 129, 472 N.E.2d 1343 (1984)
- United States v. Lacey, 86 F.3d 956 (10th Cir. 1996)
- Harold v. State, 579 So. 2d 908 (Fla. Dist. Ct. App. 1991)
- Scott v. State, 216 Ga. App. 692, 455 S.E.2d 609 (1995)
- Smith v. United States, 777 A.2d 801 (D.C. 2001)
- Merzbacher v. State, 346 Md. 391, 697 A.2d 432 (1997)
- Decker v. State, 405 Md. 290, 950 A.2d 828 (2008)