

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 0239

September Term, 2015

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LAWRENCEY JOHN BOONE

v.

STATE OF MARYLAND

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Krauser, C.J.,  
Nazarian,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: January 5, 2017

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Convicted, by a jury, in the Circuit Court for Prince George’s County, of second degree assault, Lawrence John Boone, presents one question for review: “Did the trial court err in instructing the jury on accomplice liability?”<sup>1</sup> Specifically, Boone contends on appeal that there was no evidence at trial that he acted as an accomplice. We affirm.

Maryland Rule 4-325(c) provides: “The court may, and at the request of any party shall, instruct the jury as to the applicable law and the extent to which the instructions are binding.” “We review a trial court’s decision to give a particular jury instruction under an abuse of discretion standard.” *Appraicio v. State*, 431 Md. 42, 51 (2013) (citation omitted).

“A requested jury instruction is applicable if the evidence is sufficient to permit a jury to find its factual predicate.” *Bazzle v. State*, 426 Md. 541, 550 (2012). The

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<sup>1</sup> The court instructed the jury as follows:

The Defendant may be guilty of first degree assault, second degree assault, false imprisonment as an accomplice, even though the Defendant did not personally commit the acts that constitute that crime.

In order to convict the Defendant as an accomplice, the State must prove that the crime occurred, and that the Defendant, with the intent to make the crime happen, knowingly aided, counseled, commanded or encouraged the commission of the crime or communicated to the primary actor in the crime that he was ready, willing and able to lend support if needed.

The mere presence of the Defendant at the time and place of the commission of the crime is not enough to prove that the Defendant is an accomplice. If presence at the scene of the crime is proven, that fact may be considered along with all of the surrounding circumstances in determining whether the Defendant intended to and was willing to aid the primary actor. For example, by standing by as a lookout to warn the primary actor of danger. And whether the Defendant communicated that willingness to the primary actor.

evidentiary threshold required to generate a jury instruction is low, as the requesting party “needs only to produce ‘some evidence’ that supports the requested instruction[.]” *Id.* at 551. In evaluating whether there was “some evidence,” we view the evidence in the light most favorable to the requesting party, which, in this case, is the State. *Page v. State*, 222 Md. App. 648, 668-69, *cert. denied*, 445 Md. 6 (2015).

The victim testified that she was assaulted in the early morning hours of August 15, 2013, in Boone’s apartment, by *both* Boone and Jamesia Dickerson. When Boone and Dickerson “turned their head for a second,” the victim “tried to run out the door, and got in the hallway,” but she was “snatched back by [her] braids and pulled back into the apartment[.]” where she was assaulted again. Dickerson, who was called as a defense witness, testified that she, alone, assaulted the victim, and that Boone was not involved. But, a recording of a telephone call that Boone made from prison was introduced into evidence, in which Boone is heard saying that, as the victim tried to run out of his apartment, he pushed her, causing her to hit her head against a wall, and that he then “dragged her back to the house.” If the jury was not inclined to believe that Boone personally assaulted the victim, there was some evidence that he, at least, acted as an

accomplice.<sup>2</sup> Accordingly, the court did not abuse its discretion in giving the accomplice liability jury instruction.

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE’S COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**

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<sup>2</sup> Notably, in summation, the State did not argue that Boone acted as an accomplice, but urged the jury to convict him of assault based on the victim’s testimony that she was assaulted by both Boone and Dickerson, coupled with Boone’s recorded statement that he pushed the victim as she tried to escape.