

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 323

September Term, 2016

ANTONIO DWAYNE HENDERSON-GILL

v.

STATE OF MARYLAND

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

JJ.

PER CURIAM

Filed: January 9, 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.

Following a jury trial, in the Circuit Court for Allegany County, Antonio Dwayne Henderson-Gill, appellant, was convicted of possession of cocaine and heroin, possession with intent to sell cocaine and heroin, and possession of paraphernalia. In his appeal, Gill claims that the trial court erred in denying his motion *in limine* in which he asked that the State be precluded from mentioning that officers were executing a search warrant when they arrested him in the house that was the subject of the warrant. Gill maintains that mention of the search warrant was irrelevant and prejudicial.

Gill’s claim is unpreserved. Maryland Rule 4-323(a) provides that “[a]n objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for the objection become apparent.” *Id.* “This requirement means that ‘when a motion in limine to exclude evidence is denied, the issue of the admissibility of the evidence that was the subject of the motion is not preserved for appellate review unless a contemporaneous objection is made at the time the evidence is later introduced at trial.’” *Morton v. State*, 200 Md. App. 529, 540-41 (2011) (internal citations omitted). Here, no contemporaneous objection was made at the time of the evidence’s admission. Thus, the issue is not preserved for our review.

Even so, the trial court did not err in admitting the evidence. The fact that the officers were executing a “search warrant,” at another person’s home, when they arrested Gill was relevant in establishing a factual background as to why the officers entered the home at the time of Gill’s arrest. *See Morales v. State*, 219 Md. App. 1, 11 (2014) (“In the context of an officer explaining why he or she arrived at a particular location, the officer ‘should not be put in a false position of seeming to have just happened upon the scene; he

should be allowed some explanation of his presence and conduct.’”) (internal citations omitted). In fact, had the officers simply stated that they “entered” the home, as Gill suggests, this would have almost certainly confused the jury and led to the inevitable question of why police officers would have entered a residential home without a warrant.

As to the possibility of unfair prejudice, the chance was slight. The officers merely stated, in passing, that they were executing a search warrant on the night in question. No mention was made regarding the nature of the search warrant, its contents, or the information used to procure the warrant. Moreover, no evidence was presented linking Gill to the search warrant, other than that he was found inside of the home upon the warrant’s execution, a fact that was undisputed.

**JUDGMENT OF THE CIRCUIT
COURT FOR ALLEGANY COUNTY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**