

Circuit Court for Baltimore City
Case No. 123118024

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 164

September Term, 2024

KEVIN HARRISON

v.

STATE OF MARYLAND

Beachley,
Albright,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 2025

*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.

Following a jury trial in the Circuit Court for Baltimore City, Kevin Harrison, appellant, was convicted of second-degree assault and conspiracy to commit second-degree assault. Appellant raises a single issue on appeal: whether the court abused its discretion in refusing to ask potential jurors whether “anybody or any member of their immediate family were involved in law enforcement.” For the reasons that follow, we shall affirm.

Whether to pose a requested voir dire question is a decision entrusted to the sound discretion of the trial judge. *Pearson v. State*, 437 Md. 350, 356 (2014) (“An appellate court reviews for abuse of discretion a trial court’s decision as to whether to ask a *voir dire* question.”). That broad discretion notwithstanding, “parties to an action triable before a jury have a right to have questions propounded to prospective jurors on their *voir dire*, which are directed to a specific cause for disqualification, and failure to allow such questions is an abuse of discretion constituting reversible error.” *Washington v. State*, 425 Md. 306, 317 (2012) (emphasis omitted) (quoting *Langley v. State*, 281 Md. 337, 341–42 (1977)). “There are two categories of specific cause for disqualification: (1) a statute disqualifies a prospective juror; or (2) a collateral matter is reasonably liable to have undue influence over a prospective juror.” *Collins v. State*, 463 Md. 372, 376 (2019) (quotation marks and citation omitted). The second category comprises “biases [that are] directly related to the crime, the witnesses, or the defendant.” *Id.* at 377 (quotation marks and citation omitted).

Appellant contends that the court abused its discretion in refusing to ask potential jurors whether “anybody or any member of their immediate family were involved in law enforcement.” We disagree. To be sure, the Supreme Court of Maryland has held that

“where the basis for a conviction is reasonably likely to be the testimony of members of law enforcement agencies, a trial court must, upon request, inquire as to whether a prospective juror him or herself is a member of a law enforcement agency.” *Pearson*, 437 Md. at 368. But appellant fails to mention that the trial court did, in fact, ask the prospective jurors during voir dire if they had “ever been a member of a law enforcement agency.” Rather, the court only denied appellant’s additional request to ask whether any member of their immediate family had ever been a member of law enforcement. In *Pearson*, the Supreme Court of Maryland went on to note:

To be clear, the circuit court did not abuse its discretion in declining to ask during *voir dire* whether any prospective juror’s acquaintance had ever been a member of a law enforcement agency. As *Pearson* conceded at oral argument, the proposed *voir dire* questions were “overbroad[.]” *See Perry*, 344 Md. at 218, 686 A.2d at 281 (“It is even less tenable to argue that a [prospective] juror is disqualified simply because of the experience of a member of the prospective juror’s family or on the part of a close personal friend.”).

Pearson, 437 Md. at 369 n.6 (emphasis omitted). Consequently, we discern no abuse of discretion in the court’s refusal to ask appellant’s expansion of the law enforcement question to include members of the prospective jurors’ immediate family.¹

¹ Moreover, we agree with the State that any issue as to bias was fairly covered by other questions. Specifically, the extent that employment by a prospective juror’s immediate family members in law enforcement might have caused that prospective juror to give more or less credit to the testimony of such a witness, that potential was fairly covered when the venire was asked whether they would “be inclined to give either more or less weight to the testimony of a police officer than to any other witness in the case merely because that witness is a police officer.”

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