

Circuit Court for Baltimore County
Case No. C-03-CR-21-000400

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 437

September Term, 2023

ZAYEED QUINTON ABDUL-MUHAIMIN

v.

STATE OF MARYLAND

Wells, C.J.,
Graeff,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 31, 2024

*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 County, Zayed Quinton Abdul-Muhaimin, appellant, was convicted of second-degree murder. He raises three issues on appeal: (1) whether the trial court abused its discretion in refusing to ask potential jurors if they had strong feelings about the use of firearms; (2) whether the trial court erred in precluding appellant's expert witness from testifying about certain out-of-court statements made by himself or others; and (3) whether the court erred in excluding his expert witness's opinion testimony that he was not malingering. The State agrees with appellant with respect to the first issue. Because the trial court abused its discretion in failing to ask the strong feelings voir dire question requested by appellant, we shall reverse the judgment of the circuit court. In light of our decision, we need not address appellant's remaining questions, nor is it necessary to set forth all the evidence at trial that supported appellant's convictions.

Appellant admitted at trial that he had shot the victim but testified that he acted in self-defense. Prior to trial, appellant filed a written request for voir dire questions that included the following question: "Does any member of the panel have strong feelings about allegations involving the use of a firearm?" The court did not ask this question of the prospective jurors, despite an objection by defense counsel. In overruling the objection, the court indicated that it had reviewed the question but that the question had been "covered" because it already asked prospective jurors "if they have strong feelings about the crime of murder."

Appellant contends that the court abused its discretion in failing to ask the prospective jurors if they had strong feelings about the use of handguns. The State agrees,

as do we. 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) (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).

In *Baker v. State*, 157 Md. App. 600 (2004), the defendant admitted to shooting the victim but claimed that he did so to “defend his girlfriend . . . from a sexual assault by [the victim] and in self-defense.” *Id.* at 604. The trial court declined the defendant’s request to ask the prospective jurors during voir dire if they had any “bias or prejudice concerning handguns which would prevent you from fairly weighing the evidence in this case?” *Id.* at 612. We held that the trial court had abused its discretion in failing to so inquire, noting that where the appellant shot someone with a handgun, allegedly in self-defense or the defense of others, “[o]ne of the facts the jury might have to decide was whether appellant used reasonable force.” *Id.* at 613. We concluded that under those circumstances the court

“should have asked whether any perspective juror had strong feelings about handguns that would have affected his or her ability to weigh the issues fairly.” *Id.*

Similarly, in *Singfield v. State*, 172 Md. App. 168 (2006), the defendant was charged with murdering his victim with a handgun, and his defense at trial was self-defense. *Id.* at 169. The trial court declined his request to ask the prospective jurors whether the nature of the case, murder with a handgun, would make it difficult for them to render an impartial verdict. In reversing Singfield’s conviction, we held that the court erred in not asking the question as: “[T]he jurors might also have had to determine whether [Singfield] used the handgun in a reasonable or justifiable way, [and this] might have evoked strong feelings or biases concerning handguns.” *Id.* at 180. We concluded that Singfield’s proposed question “was aimed . . . directly at biases related to [Singfield]’s alleged criminal act and was reasonably likely to identify jurors with such strong feelings toward the use of handguns to commit murder that it would hinder their ability to render a fair and impartial verdict.” *Id.* at 180–81. Moreover, we rejected the State’s assertion that the requested question had been fairly covered by other questions asked by the trial court, including asking the jury if they had “any belief” that would prevent them from rendering a fair judgment in a “case of this nature[.]” *Id.* at 179. Specifically, we noted that:

When the trial court described the nature of the case, it failed to inform the jurors that the murder was committed with a handgun or any kind of weapon. As a result, when the court asked the various questions concerning any biases the jurors might have, the prospective jurors were unaware that a handgun was involved in the offense. They were thus never asked, even in light of the court’s repeated questions designed to uncover potential biases, to consider

whether their beliefs concerning the use of a handgun in commission of a murder would prevent them from rendering a fair and impartial verdict.

Id. at 180.

We are persuaded that this case is indistinguishable from *Baker* and *Singfield*. Appellant similarly admitted to using a handgun to kill the victim but claimed to have been acting in self-defense. And the jury was subsequently instructed to consider whether he acted in self-defense. Thus, potential jurors’ feelings about handguns were an essential area of inquiry because, if the jury determined that appellant reasonably believed he was in imminent danger of death or serious bodily harm, it would be required to consider whether, by discharging a gun, appellant used no more force than was reasonably necessary. “Under those circumstances, a juror who believed that use of a handgun is never appropriate would not be able to give fair and impartial consideration to [appellant’s] self-defense argument.” *Curtin v. State*, 165 Md. App. 60, 69 (2005) (distinguishing *Baker*). Moreover, as in *Singfield*, the court’s question regarding the jurors’ strong feelings about first-degree murder was insufficient to uncover the jurors’ possible biases regarding guns because, when it described the nature of the crime, it did not indicate that the murder had been committed with a handgun or any other weapon.

In short, we hold that the trial court was required to ask appellant’s requested voir dire question regarding handguns as it was directly aimed at uncovering biases related to the crime charged, murder with a handgun, where he was claiming self-defense. Because the trial court did not ask the question, and we are unable to conclude that the trial court’s

other questions would have revealed the potential bias that the question was designed to uncover, we must reverse appellant's conviction.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY REVERSED.
CASE REMANDED FOR FURTHER
PROCEEDINGS. COSTS TO BE PAID BY
BALTIMORE COUNTY.**

The correction notice(s) for this opinion(s) can be found here:

<https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/0437s23cn.pdf>