

Circuit Court for Baltimore City
Case No. 119221001

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 494

September Term, 2021

BRYANT WOODLEY

v.

STATE OF MARYLAND

Arthur,
Shaw,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 4, 2022

*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 Baltimore City of first degree murder and related offenses, Bryant Woodley, appellant, presents for our review three issues: whether the court abused its discretion in admitting a witness as an expert, whether the court erred or abused its discretion in admitting into evidence video footage recorded by surveillance cameras, and whether the evidence is insufficient to sustain the convictions. For the reasons that follow, we shall affirm the judgments of the circuit court.

On the evening of July 10, 2019, Wayne Phillips was shot to death in the 1200 block of North Milton Avenue in Baltimore City. At trial, the State called Baltimore City Police Detective Hassan Rasheed, who testified that he was the “primary detective assigned to [the] investigation” of Mr. Phillips’s death. After “observ[ing] the immediate crime scene . . . as well as the victim himself,” Detective Rasheed went to two nearby businesses known as M and M Liquors and OK Liquors, and watched video footage recorded by the businesses’ surveillance cameras. The footage depicts a man wearing black-rimmed glasses, a black shirt with a white and gray patterned hood, and white pants obtaining a cigarette from another individual. The footage then depicts the man crossing the street, putting his hood on, and approaching Mr. Phillips, who subsequently falls to the ground. Detective Rasheed asked his partner, Baltimore City Police Detective Eric Perez, to obtain copies of the footage.

The following day, Detective Rasheed interviewed Ashley Beaufort, who is the mother of Mr. Woodley’s daughter. Ms. Beaufort viewed the footage obtained from M and M Liquors and identified Mr. Woodley. Detective Rasheed also interviewed Mr. Woodley, who initially stated, “I don’t want to get involved,” and, “I can’t give you

nothing.” Mr. Woodley subsequently admitted that he “got a cigarette” from “somebody” at the corner of “Biddle and Milton,” and heard “firecrackers . . . popping around there.”

The State also called Ms. Beaufort, who testified that in addition to her child fathered by Mr. Woodley, she has a child fathered by Mr. Phillips. Ms. Beaufort stated that two years before trial, she stopped dating Mr. Woodley, and their relationship since that time had been “[b]ad.” Ms. Beaufort confirmed that she recognized Mr. Woodley in the footage shown to her by Detective Rasheed. The State played the footage for the jury, and Ms. Beaufort identified a person wearing a “[b]lack hoodie [and] glasses” as Mr. Woodley. During cross-examination, Ms. Beaufort testified that prior to Mr. Phillips’s death, Ms. Beaufort talked to him “about not going to a location” in “East Baltimore,” because “he said that [Mr. Woodley] was planning on following him,” and Mr. Woodley “said that he wanted to meet up with” Mr. Phillips. Ms. Beaufort further stated that this conversation occurred at a hospital where she had been admitted because Mr. Woodley “hit [her] in [her] stomach,” placing her “baby . . . in danger,” and requiring her to be “sent . . . to Labor and Delivery.”

Mr. Woodley first contends that the court abused its discretion in accepting a witness as an expert. At trial, the State called Elaine Amoresano, M.D., who conducted the autopsy of Mr. Phillips. The prosecutor voir dired Dr. Amoresano as to her qualifications, including her undergraduate and medical education, duties as a “fellow” at the Office of the Chief Medical Examiner, number of autopsies conducted, and board certification. During additional voir dire by defense counsel, Dr. Amoresano admitted that she had not previously been determined to be an expert in the field of forensic pathology

or testified in court as an expert. Following voir dire, the court, over defense counsel's objection, accepted Dr. Amoresano as an expert in the field of forensic pathology. Dr. Amoresano subsequently testified that the cause of Mr. Phillips's death "was a gunshot wound to the head," and the "manner of [his] death was homicide."

Mr. Woodley contends that the court abused its discretion in accepting Dr. Amoresano as an expert witness, because "she had not been qualified as an expert witness previously," and her "training and experience, as she described them, appeared inadequate to support her expert opinions regarding the cause of [Mr.] Phillips's death and the manner of death." But, Mr. Woodley does not cite any authority that disqualifies a witness from being accepted as an expert solely because the witness had not been so previously qualified. Mr. Woodley also does not cite any authority that renders Dr. Amoresano's remaining qualifications "inadequate" to support her acceptance as an expert in forensic pathology. Hence, the court did not abuse its discretion in so accepting Dr. Amoresano.

Mr. Woodley next contends that the court erred or abused its discretion in admitting into evidence the footage obtained from M and M Liquors and OK Liquors. At trial, Detective Perez testified that he is "certified and trained to obtain video," he "assist[s] in [his] own cases and at times other detectives with obtaining and downloading or retrieving CCTV or video footage from locations," and he has done so on "[h]undreds" of occasions. Detective Perez stated when he and Detective Rasheed went "to review the video" at M and M Liquors, they "knew the time frame [they] were looking for to review, so [they] went back in [that] time frame" and found "what [they] needed." Detective Perez "inserted a USB thumb drive and . . . downloaded the video onto [the] thumb drive, then went back

to the office and dumped it on a CD frame.” From the presence of himself and Detective Rasheed “in the actual camera footage,” and by comparing the “date and time of the system” to “the actual present date and time,” Detective Perez determined that the “system was operating properly.” When the prosecutor indicated that he intended to offer the footage into evidence, defense counsel objected on the ground that there was no “information,” “foundation,” or “documentation” that Detective Perez was “the author” or “maintainer of [the] video [or] the time stamps placed on the video screen.” The court overruled the objection.

Detective Perez subsequently testified that he procured the footage from OK Liquors in “the same procedure as” the footage from M and M Liquors. The detectives “reviewed that one in depth due to . . . the information that [they] obtained in investigation,” “downloaded it in the same manner with the USB thumb drive, and . . . brought it back to the office . . . and downloaded it onto a disk.” By checking “if the date and time was accurate . . . in regards to the system time and the actual time,” Detective Perez determined that the “system was working properly.” The detective also confirmed that he could “see [him]self at OK Liquors.” When the prosecutor offered the footage into evidence, defense counsel objected “for the same reasons.” The court overruled the objection.

Mr. Woodley contends that because “[n]o witness who installed, maintained, owned[,] or used the equipment located at [M and M Liquors] testified about it,” and Detective Perez “played no role in creating the images or maintaining the recording system” used by OK Liquors, the court erred or abused its discretion in admitting the footage obtained from the businesses. We disagree. The Court of Appeals has stated that

“so long as sufficient foundational evidence is presented to show the circumstances under which it was taken and the reliability of the reproduction process, photographs [and videotapes] may be admissible as probative evidence.” *Jackson v. State*, 460 Md. 107, 116-17 (2018) (internal citation and quotations omitted). Here, Detective Perez testified that he is certified and trained to obtain video, and has assisted, on hundreds of occasions, in the downloading or otherwise obtaining of “CCTV or video footage from locations.” The detective also testified in detail as to how he and Detective Rasheed obtained and copied the footage from the business, and ensured its accuracy by observing the presence of himself and Detective Rasheed in the footage and comparing the dates and times displayed on the footage to the actual date and time. We conclude that this evidence was sufficient to show the circumstances under which the footage was taken and the reliability of the reproduction process, and hence, the court did not err or abuse its discretion in admitting the footage.

Finally, Mr. Woodley contends that for numerous reasons, the evidence is insufficient “to establish that he was the gunman who shot and killed” Mr. Phillips. We disagree. At trial, Ms. Beaufort, who has a child by Mr. Woodley and another by Mr. Phillips, identified Mr. Woodley as the man whom the footage shows to have approached Mr. Phillips just before he fell to the ground. Following the shooting, Ms. Beaufort identified Mr. Woodley in the footage during an interview with police, and Mr. Woodley admitted to police that he had been in the area at the time of the shooting. Ms. Beaufort also testified that prior to Mr. Phillips’s death, her relationship with Mr. Woodley had been “bad,” and Mr. Phillips had told her that Mr. Woodley “was planning on following him”

and “wanted to meet up with” him. Ms. Beaufort further testified that this conversation occurred after Mr. Woodley had punched her in her stomach while she was pregnant. We conclude that this evidence could convince a rational trier of fact beyond a reasonable doubt that Mr. Woodley was the person who shot and killed Mr. Phillips, and hence, the evidence is sufficient to sustain the convictions.

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