

Circuit Court for Anne Arundel County
Case No. C-02-CR-17-000386

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 828

September Term, 2023

ROY ROBINSON

v.

STATE OF MARYLAND

Wells, C.J.,
Beachley,
Woodward,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: June 14, 2024

*This is an unreported opinion. It may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This case stems from events on November 12, 2016, when appellant Roy Robinson stabbed his mother, Elizabeth Robinson, and himself in their home in Glen Burnie. His mother passed away from her injuries, but Robinson survived and was charged with first degree murder and related charges.

Before trial, the Circuit Court for Anne Arundel County assessed Robinson’s competency at four hearings. At the fourth hearing, on July 7, 2020, the court found Robinson competent to stand trial. Robinson proceeded on a guilty but not criminally responsible (“NCR”) plea and entered a guilty plea to second degree murder. A jury trial was held from July 13 to 16, 2022, to determine whether Robinson was NCR. The jury ultimately rejected Robinson’s NCR argument and found him criminally responsible. On July 16, 2022, Robinson was sentenced to twenty-five years’ incarceration for second-degree murder.

Robinson timely filed this appeal and asked us to resolve two questions, which we have rephrased:¹

1. Did the circuit court err in denying Robinson’s *voir dire* request?

¹ Robinson’s verbatim questions presented to us read:

1. Did the trial court err in refusing to propound the *voir dire* question requested by the defense on whether any member of the venire or their family members had training or employment not in law enforcement but in mental health, medical science or other forensic science?
2. Did Mr. Robinson prove by a preponderance of the evidence that he was not criminally responsible for the murder of his mother and therefor the verdict of the jury was against the weight of the evidence and should be reversed?

2. Did the circuit court err when determining there was sufficient evidence to find Robinson criminally responsible for the murder?

We conclude the circuit court did not err in either instance and affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

On November 12, 2016, Anne Arundel County police received a call from Robinson’s brother, Brian Robinson, informing them that Robinson had called him and said that he had killed their mother. Upon arriving at the scene, police found Robinson’s mother with multiple stab wounds to her upper torso and Robinson with three self-inflicted stab wounds to his abdomen. En route to the hospital, Robinson told the police that he stabbed himself and his mother, saying, “I stabbed myself and my mother . . . I had to do it.” The police attempted to interview him at Shock Trauma but found that Robinson could not understand his *Miranda* rights sufficiently to waive them.

On this basis, Robinson was charged with first degree murder. Three competency hearings were held on October 24, 2017, October 19, 2018, and October 1, 2019. At each of these hearings, the circuit court found Robinson incompetent. After a fourth hearing on July 7, 2020, the court found him competent to stand trial. On August 8, 2020, the State and Robinson agreed that he was competent to stand trial, and he entered a guilty plea to second degree murder in pursuing a NCR claim. On July 13 through 16, 2022, Robinson was tried before a jury in the Circuit Court for Anne Arundel County.

During *voir dire*, Robinson objected to the court’s failure to pose the following question that Robinson requested:

Is there any juror who has special training or employment in mental health, medical science or other forensic science or has a family member working in those fields?

The court justified its refusal based on the argument that the question was not intended to uncover juror bias. The court stated:

I understand but I think if they did, that wouldn't be a bias. That may be—help you to intelligently use your—for entering it, counsel, but just not for the purpose of *voir dire* so it doesn't elicit bias of the current issue.

While the court declined to ask Robinson's question, it did inquire whether “any member of the jury panel ha[d] strong feelings about a plea of [NCR].”

Ultimately, the jury unanimously decided that there was not a preponderance of evidence to support a finding of NCR. On July 16, 2022, the circuit court sentenced Robinson to twenty-five years' incarceration for second degree murder; the remaining charges were entered *nolle prosequi*.

Analysis of Relevant History of Mental Illness

Robinson did not dispute the fact that he stabbed his mother. Both the State and Robinson called psychiatrists as expert witnesses to testify regarding Robinson's mental capacity at the time of the homicide. The defense called psychiatrist Dr. Joanna Brandt, a former psychiatrist at Clifton T. Perkins Hospital, and the court accepted her as an expert in forensic psychiatry. The prosecution offered the testimony of Dr. Annette Hanson, a forensic psychiatrist then employed by Clifton T. Perkins Hospital as well, as an expert in forensic psychiatry.

Dr. Brandt opined that Robinson suffered from schizoaffective disorder with major depressive episodes, as well as delusions, hallucinations, and disturbed speech, which rendered him incapable of “conforming his actions to the requirements of the law” on the day he murdered his mother. Dr. Hanson, on the other hand, acknowledged that Robinson suffered from schizoaffective disorder but believed that it was not “active” at the time of the offense. Dr. Hanson’s diagnosis was major depression which, “at the time of the offense, [] did *not* include psychotic features.”

Both psychiatrists agreed that at the time of the incident, Robinson could appreciate the criminality of his actions but disagreed over whether Robinson was experiencing psychotic symptoms at the time of the murder that rendered him NCR.

At trial, each psychiatrist described how they came to their opinions. Dr. Brandt explained her process, which involved reviewing Robinson’s hospital and treatment records, considering prior psychological testing, assessing current evidence of mental illness, examining details of Robinson’s thoughts before and after the events, including his telephone calls to his brother on the day of and before the stabbing. She also conducted interviews with Robinson, reviewed police reports of their attempt to interview him at the hospital and considered the interview of the psychiatrist who treated Robinson for his self-inflicted stab wounds during hospitalization.

Dr. Brandt learned that Robinson was sixteen when he first saw a psychiatrist and was first hospitalized for depression and suicidal ideation. Moreover, Robinson remained unemployed because of his schizoaffective disorder, which rendered him unable to work.

For a decade before the homicide, Robinson was hospitalized several times and treated monthly (at least) in an outpatient capacity by a psychiatrist, Dr. Harris, who diagnosed him with and treated him for schizoaffective disorder. Dr. Harris also treated Robinson's mother for schizophrenia.

Dr. Brandt noted that Dr. Harris's reports indicated that Robinson's mental health worsened as his mother got older and, in the weeks and months leading to the stabbing, despite the stronger medication he was prescribed in response. The last time Dr. Harris saw Robinson was five days before the murder, and Dr. Harris reported that Robinson's paranoia had led him to be mad at his mother, in part, because he believed his mother was threatening to evict him. When Dr. Harris was notified of the stabbings, he concluded Robinson was trying to commit suicide and take his mother with him. Dr. Brandt opined that Robinson "got to the point where there was nothing else to do but kill himself" and that he thought of killing his mother because he could not leave her alone after he was dead.

At the request of the court, Dr. Hanson evaluated Robinson for trial. Dr. Hanson reviewed the same medical records Dr. Brandt reviewed and agreed with Dr. Brandt's factual timeline. Dr. Hanson also interviewed Robinson and opined that the motivating factor preceding these events was the changes in and uncertainty with Robinson's duties and responsibilities with respect to his mother after she fell and was hospitalized in June of 2016. Dr. Hanson believed that, at the time of the stabbing, Robinson was more likely suffering from major depression, which, "at the time of the offense, did not include

psychotic features,” including delusional thinking. Instead, Dr. Hanson found evidence that Robinson was able to control his behavior leading up to the murder, along with his demonstrated “ability to manage his own symptoms when he’s mentally ill.”

DISCUSSION

I. The Circuit Court Did Not Err in Denying Robinson’s *Voir Dire* Request.

A. Parties’ Contentions

Robinson argues that the trial court erred in refusing to ask his written proposed *voir dire* question regarding whether any members of the venire or their family members had training or employment in mental health, medical science, or other forensic science. Robinson asserts the court failed to recognize the potential to discover bias regarding criminal responsibility and psychiatric issues due to prejudice recognized in those fields. Moreover, Robinson contends this question would lead to the “ultimate follow-up question” of whether a juror with such training or employment could put that knowledge aside and decide the case impartially based on the evidence presented at trial. Robinson points out that two individuals on the venire panel, a therapist and a domestic violence counselor, suggest that there were panel members who could have responded to the proposed *voir dire*. Finally, Robinson argues his question was not sufficiently covered by any of the asked *voir dire* questions, citing that the two aforementioned veniremen did not respond to questions about bias regarding an NCR plea and “any other reason not already

covered.” Robinson requests this Court take the approach of federal courts to use *voir dire* to facilitate “the intelligent exercise of peremptory challenges.”²

The State responds that an NCR defense is not a mandatory subject of the limited inquiry of *voir dire* currently exercised in Maryland. Moreover, Robinson’s proposed question did not elicit bias directly and, besides which, other questions that were more suited to uncover bias were posed. Additionally, both veniremen who Robinson noted had responded said they did not harbor bias towards an NCR defense. Finally, the State contends that this Court should not and cannot abandon the current, restricted approach to *voir dire* in accordance with the ruling of the Supreme Court of Maryland.

B. Standard of Review

This Court reviews rulings on conducting *voir dire* for abuse of discretion, examining the record as a whole. *Washington v. State*, 425 Md. 306, 313-14 (2012) (quoting *Stewart*, 399 Md. at 159-60). *See also Pearson v. State*, 437 Md. 350 (2014); *State v. Logan*, 394 Md. 378, 396-97 (2006). The standard is “whether the questions posed and the procedures employed have created a reasonable assurance that prejudice would be discovered if present.” *White v. State*, 374 Md. 232, 242 (2003).

C. Analysis

The sole issue tried below was Robinson’s criminal responsibility for the murder of his mother. In selecting a jury for this purpose, the court conducted *voir dire* and denied a question posed by Robinson. We have held that, “[i]n Maryland, the sole purpose of voir

² *Collins v. State*, 463 Md. 372, 404 (2019).

dire is to ensure a fair and impartial jury by determining the existence of cause for disqualification, and not as in many other states, to include the intelligent exercise of peremptory challenges.” *Stewart v. State*, 399 Md. 146, 158 (2007), *abrogated on other grounds by Kazadi v. State*, 467 Md. 1, 44 n.12 (2020).³ Thus, upon request, a trial court must ask a *voir dire* question “if and only if it is reasonably likely to reveal specific cause for disqualification.” *Collins v. State*, 463 Md. 372, 376 (2019) (citation and quotation marks omitted). The Supreme Court of Maryland has further stated that the NCR defense “do[es] not fall within the category of mandatory inquiry on *voir dire*.” *State v. Logan*, 394 Md. 378, 397 (2006).

Robinson’s question did not address a specific disqualifying factor beyond what was already covered in the *voir dire* questions. The denied question would have elicited, if anything, potential prejudice by venirepersons regarding mental health in the context of NCR pleas, a subject also addressed by the question regarding the NCR defense specifically.⁴ And while it is true that these two questions were not coextensive, we cannot say that the circuit court abused its discretion in finding that the same potential prejudices

³ Robinson calls upon us to overrule the limited *voir dire* standard set forth by the Supreme Court of Maryland. We decline. As we are bound by controlling—and well-established—precedent as to this issue, we are without discretion to contradict the guidance of our Supreme Court here.

⁴ We are not convinced that the catch-all question asking for bias based in “any other reason not already covered” would have been sufficient, in the absence of the question regarding bias regarding NCR defenses specifically, to adequately elicit bias resulting from potential jurors’ connection to the medical and psychiatric professions. However, because we agree that the question regarding strong feelings about NCR defenses was sufficient in the context of this case, we need not consider that issue further.

would have been as likely to be revealed by the question seeking prejudice regarding NCR defenses.

An abuse of discretion occurs when a ruling of the court below is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *North v. North*, 102 Md. App. 1, 14 (1994). The Supreme Court of Maryland has noted that our standard of judicial review regarding *voir dire* “grants broad latitude to the trial judge” and “has roots in matters of judicial economy, acknowledging that the judge is charged with efficiently conducting *voir dire* while pressed with an active docket of pending cases.” *Collins v. State*, 452 Md. 614, 626 n.6 (2017) (footnote and accompanying text). This discretionary standard takes into consideration the fact that trial judges are called upon to balance competing objectives in conducting *voir dire* and must elicit cause for disqualification from potential jurors within a reasonable amount of time. What is more, we assess the trial court’s exercise of its discretion regarding *voir dire* as a whole, not necessarily with respect to each individual question. *See White*, 374 Md. at 242. In this light, we will not find an abuse of discretion from the mere fact that a disallowed question might have elicited prejudice with a nuanced difference from allowed questions; the trial judge must exercise some degree of discretion to keep the cumulative length of the *voir dire* from ballooning beyond reason.

Thus, the circuit court did not abuse its discretion here. The court was not necessarily obligated to seek out any prejudice relating to medical science, mental health, and forensic science; it only needed to determine whether members of the venire were

biased or prejudiced in such a way that they could not fairly and impartially consider the specific issues that would come before the jury. The other questions presented in the *voir dire* were, at the very least, an acceptable way of eliciting such prejudice. Therefore, the circuit court’s denial does not constitute an abuse of discretion, and we affirm the court’s ruling.

II. The Circuit Court Did Not Err in Determining There Was Sufficient Evidence to Find Robinson Criminally Responsible.

A. Parties’ Contentions

Robinson argues that the State’s expert witness, Dr. Hanson, reached a “centrally flawed” opinion that Robinson was criminally responsible in light of the evidence in the record, and that her opinion should not have been credited by the jury. Robinson contends Dr. Hanson ignored and dismissed his symptoms of schizoaffective disorder, putting “inordinate emphasis” on his ability to pay bills, buy groceries, and meet other basic needs, as well as his lack of history of breaking the law before. Moreover, Robinson holds Dr. Hanson gave “undue weight” to the fact Robinson’s mother did not call Dr. Harris the day before the incident, and that this failure could be attributed to her own schizophrenia. Finally, Robinson holds that he established by a preponderance of the evidence that, at the time of the offense, he was suffering from schizoaffective disorder with major depression which prevented him from comporting his behavior to the requirements of the law, and the jury clearly erred in rejecting the NCR claim.

The State argues that because Robinson chose to have a jury decide his criminal responsibility, it is solely their role to determine if he met his burden. It would not be proper

for us to replace their judgment. Additionally, the State maintains the opinion of Dr. Hanson, which was based, in part, on her interviews with Robinson, in which she did not find any suggestion of delusional thinking at the time of the murder, but instead, the ability to control and manage his behavior, as well as his responsible and non-psychotic behaviors in the time frame leading up to the murder. Moreover, the State highlights that criminal responsibility does not hinge on diagnosis but on whether their mental illness prevents them from behaving in accordance with the law. Finally, the State contends that Robinson did not meet his burden of persuading the jury of this.

B. Standard of Review

Maryland Code, Criminal Procedure Article (“CP”) §3-109 (a) provides that “[a] defendant is not criminally responsible for criminal conduct if, at the time of that conduct, the defendant, because of a mental disorder or mental retardation, lacks substantial capacity to: (1) appreciate the criminality of that conduct; or (2) conform that conduct to the requirements of law.” Additionally, “The defendant has the burden to establish, by a preponderance of the evidence, the defense of not criminally responsible.” CP § 3-110(c). Thus, we review a finding that a defendant was or was not NCR by a preponderance of the evidence standard, meaning “that something is more likely so than not so.” *Winters v. State*, 434 Md. 527, 538 (2018) (cleaned up).

C. Analysis

Robinson had the burden of establishing an NCR defense by a preponderance of the evidence, which is determined by the fact finder. In assessing whether this burden has been

met, “the resolution of conflicting evidence and weighing the credibility of witnesses [] are always matters for the fact finder.” *Turner v. State*, 192 Md. App. 45, 81 (2010) (citation omitted).

Here, after assessing the evidence presented, the jury determined that Robinson did not meet his burden to establish an NCR defense, and Robinson asks us to supplant their decision. While we typically review criminal convictions to determine whether the State adduced sufficient evidence to establish each element of the offense beyond a reasonable doubt, that is not so regarding an NCR plea. As discussed above, CP §3-109 provides that *Robinson* bore the burden of proof that he was not criminally responsible by a preponderance of the evidence. Thus, Robinson’s argument to us is essentially that the jury erred in failing to be persuaded by his arguments. We disagree. We have noted that “it is nearly impossible for a verdict to be . . . legally in error when it is based not on a fact finder’s being persuaded of something but only on the fact finder’s being unpersuaded.” *Byers v. State*, 184 Md. App. 499, 531 (2009).

Robinson does not argue that the State relied upon inadmissible evidence; rather, the crux of his argument is that the jury erroneously gave Dr. Hanson’s testimony greater credit than was due. He argues that her opinion was a “complete outlier” when compared with the other professionals who assessed him. But the weight of evidence and the credibility of witnesses are issues regarding which we substantially defer to the factfinder. *See, e.g., Neal v. State*, 191 Md. App. 297, 314 (2010) (“We defer to the fact finder’s ‘opportunity to assess the credibility of witnesses, weigh the evidence, and resolve conflicts

in the evidence”” (cleaned up)). Without more, we will not disturb the jury’s conclusions here. The jury was entitled to weigh the competing testimony before it regarding Robinson’s criminal responsibility and, ultimately, to find his arguments unpersuasive. Accordingly, we affirm its judgment as to this issue.

**THE JUDGMENT OF THE CIRCUIT
COURT FOR ANNE ARUNDEL
COUNTY IS AFFIRMED.
APPELLANT TO PAY THE COSTS.**