

Circuit Court for Prince George's County
Case No. CT190530A

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1292

September Term, 2023

SHELTON LEE HOLT

v.

STATE OF MARYLAND

Friedman,
Shaw,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wright, J.

Filed: March 14, 2025

*This is an unreported opinion. This opinion 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).

A jury, in the Circuit Court for Prince George’s County, convicted Shelton Holt, appellant, of second-degree murder and use of a firearm in the commission of a crime of violence. The court sentenced Holt to a total term of sixty years’ imprisonment, with all but forty years suspended. Holt noted an appeal, presenting two questions for our review. For clarity, we have rephrased those questions as:

1. Did the trial court abuse its discretion in reopening the case to admit into evidence a stipulation regarding Holt’s prior conviction?
2. Was the evidence adduced at trial sufficient to sustain Holt’s conviction of second-degree murder?

For reasons to follow, we hold that the trial court did not abuse its discretion in reopening the case. We also hold that the evidence was sufficient to sustain Holt’s conviction. Accordingly, we affirm.

BACKGROUND

On March 12, 2019, Holt was involved in an altercation with a woman, Salina Rivera, in the hallway of Rivera’s apartment building. During the altercation, Rivera was shot and killed. Holt was subsequently arrested and charged with, among other things, second-degree murder.

At trial, Rivera’s live-in girlfriend, Anais Guevara, testified that, on the day of the shooting, she and Rivera were at their apartment waiting for another individual, Alexander Maszkiewicz, to come to the apartment to purchase marijuana from Rivera. When Maszkiewicz arrived at the apartment a short time later, he was accompanied by an unknown individual, whom Guevara later identified as Holt. At some point after

Maszkiewicz and Holt entered the apartment, Holt went to the bathroom, while Maszkiewicz went into a back office with Rivera to complete the marijuana deal. Shortly thereafter, Guevara heard Rivera say, “what the fuck,” which prompted Guevara to walk to the office. Upon entering the office, Guevara observed Holt pointing a gun at Rivera. Guevara also observed Maszkiewicz taking the marijuana he had agreed to buy and putting it into a black backpack. Maszkiewicz and Holt then attempted to leave the apartment, at which point Rivera tried to wrestle the black bag away from Maszkiewicz. Maszkiewicz and Holt eventually made it out of the apartment, and Guevara and Rivera followed. A scuffle ensued in the hallway outside of the apartment. Eventually, Rivera ended up falling to the ground, and Guevara observed Holt “standing over” Rivera. Guevara then heard Maszkiewicz say, “just shoot her.” Around that same time, Guevara saw Holt shoot Rivera in “the forehead above her right eye.” Maszkiewicz and Holt then ran off.

Holt testified for the defense, admitting to being present at the time of the shooting but providing a conflicting account of what transpired. According to Holt, Rivera and Guevara initiated the conflict by striking Maszkiewicz while he was in the office attempting to purchase marijuana from Rivera. During the ensuing scuffle, “a gun dropped to the floor[,]” and Holt “assumed” that the gun had belonged to Maszkiewicz. Holt picked up the gun and tried to give it to Maszkiewicz, but Rivera took control of it, so Holt fled the apartment. Maszkiewicz, Rivera, and Guevara followed, and the three continued fighting in the hallway. As Holt tried to stop Guevara and Rivera from attacking Maszkiewicz, he saw “a gun on the ground” and Rivera reaching for it. Holt then grabbed

Rivera’s leg and started hitting her. Around that same time, Holt “heard a shot go off.” Holt then grabbed the gun and ran away. Holt later told the police that he believed that Maszkiewicz had shot Rivera.

At the conclusion of the evidence, the court instructed the jury on, among other things, the charge of second-degree murder:

Second degree murder is the killing of another person with either the intent to kill or the intent to inflict such serious bodily harm that death would likely result. Second degree murder does not require premeditation or deliberation. In order to convict the defendant of second degree murder, the State must prove that the defendant caused the death of Salina Rivera, and that the defendant engaged in the deadly conduct either with the intent to kill or with the intent to inflict such serious bodily harm that death would likely result.

The jury ultimately convicted Holt of second-degree murder and use of a firearm in the commission of a crime of violence. This timely appeal followed. Additional facts will be supplied as needed below.

DISCUSSION

I.

Holt’s first claim of error concerns a stipulation, which the trial court admitted into evidence after both parties had rested. At trial, prior to the close of the State’s case, the parties agreed to stipulate that Holt “has been previously convicted of a crime that goes to [his] veracity.” That stipulation was signed by the prosecutor and defense counsel, and the parties agreed that the stipulation would be introduced during Holt’s testimony. In fact, prior to Holt testifying, defense counsel advised Holt about the stipulation and stated that,

if Holt were to testify, the jury “will know there was a prior conviction and that it could go towards your credibility.” Holt affirmatively stated that he understood.

For reasons not entirely clear from the record, the stipulation was not introduced into evidence during Holt’s testimony. Later, after both the State and the defense had rested and the parties were discussing the jury instructions, the court noted that the proposed instructions included “impeachment by conviction,” which had been “done by stipulation.” Defense counsel objected, arguing that, although the parties had agreed to the stipulation, the State never sought to have the stipulation admitted. The State responded by asking the court to reopen the State’s case so that the stipulation could be admitted. Defense counsel again objected, arguing that admitting the stipulation at that point in the trial would place undue emphasis on the conviction, which would prejudice Holt. The State responded by suggesting that, rather than reading the stipulation into the record, the stipulation could be simply admitted and the jury could be instructed as to that admission.

Ultimately, the trial court granted the State’s request to reopen the case for the limited purposes of admitting the stipulation. The court found that there was no unfair prejudice to Holt because “this was always planned” and because it was “expected that when this jury went to deliberate, they would know of the stipulation.” The court found that the manner of admitting the stipulation suggested by the State would limit any attention that may be drawn to the stipulation.

The stipulation was thereafter admitted into evidence as State’s Exhibit 184. Later, the court instructed the jurors that the State and the defense had agreed to State’s Exhibit

184 and that the facts contained in that exhibit were “now not in dispute and should be considered proven.” The court also instructed the jurors that they had “heard evidence that the defendant has been convicted of a crime” and that the jurors “may consider this evidence in deciding whether the defendant is telling the truth, but for no other purpose.”

Parties’ contentions

Holt now claims that the trial court abused its discretion in reopening the State’s case to admit the stipulation into evidence. Holt argues that admitting the stipulation after both parties had rested “placed undue emphasis on his veracity” and “removed [his] ability to properly refute the issue.” Holt contends that the timing of the admission was particularly prejudicial given that the case boiled down to a credibility battle between him and Guevara, the only other testifying witness who was present during the shooting.

The State argues that the trial court properly exercised its discretion in reopening the case to admit the stipulation. The State notes that Holt had previously agreed to the stipulation, that the delay in admitting the stipulation was not deliberate, that there was no element of surprise in the stipulation’s admission, and that the stipulation was one of hundreds of exhibits that had been admitted into evidence for the jury’s consideration. The State contends that, given the manner in which the stipulation was presented to the jury, any prejudice to Holt was slight.

Analysis

We review the court’s decision to reopen the State’s case for abuse of discretion. *State v. Payton*, 461 Md. 540, 558 (2018). “The critical issue in determining whether a

court abused its discretion in reopening the case is whether its doing so ‘impaired the ability of the defendant to answer and otherwise receive a fair trial.’” *Cason v. State*, 140 Md. App. 379, 391 (2001) (quoting *State v. Booze*, 334 Md. 64, 76 (1994)). The Supreme Court of Maryland has identified several factors relevant to that inquiry, including “the nature of the evidence, *i.e.*, whether it is cumulative or corroborative of other evidence already adduced by the State in its case-in-chief, the reason for the timing of the offer of the evidence, and . . . the effect of its late admission into evidence.” *Booze*, 334 Md. at 74-75; *see also Payton*, 461 Md. at 557. Other relevant factors include whether the State deliberately withheld the evidence to obtain an unfair advantage, whether the jury would likely give the evidence undue emphasis, and whether the evidence is significant and/or controversial. *Wisneski v. State*, 169 Md. App. 527, 554-55 (2006).

In *Wisneski v. State*, we considered the propriety of a court’s decision to reopen a case under circumstances similar those present in the instant case. In that case, the defendant was charged with, among other things, possession of a firearm by a person previously convicted of a disqualifying crime and possession of a firearm by a person previously convicted of a crime of violence. *Id.* at 529. Prior to trial, the parties agreed to stipulate that the defendant had previously been convicted of a disqualifying crime and a crime of violence. *Id.* at 531. The State subsequently failed to introduce the stipulation during its case-in-chief. *Id.* After the State rested, the defense moved for judgment of acquittal on the two possession charges, citing the State’s failure to present evidence establishing that the defendant had been convicted of either a disqualifying crime or a crime

of violence. *Id.* at 532-33. The State then asked the court to reopen the case so that the stipulation could be admitted and read into the record. *Id.* at 533. The court agreed, and the defendant was eventually convicted of both possession charges. *Id.* at 529. After the defendant noted an appeal to this Court, we affirmed, holding that the court had not abused its discretion in reopening the case. *Id.* at 555. We explained:

There was no evidence that the State withheld the stipulation for tactical advantage. To the contrary, the State mistakenly thought the stipulation was already on the record. And, as the State observes, the stipulation was entered “for [the defendant’s] benefit, *i.e.*, so that the jury would not hear additional evidence regarding his prior convictions.” Moreover, the reopening of the State’s case certainly did not impair the ability of [the defendant] to respond or otherwise impede his right to a fair trial. Indeed, given that the matter concerned a stipulation, [the defendant] obviously agreed with the content and was not surprised by it. Finally, from the jury’s viewpoint, the stipulation was not presented out of the normal order, because the court read it to the jury at the end of the State’s case. Therefore, it was not unduly highlighted.

Id.

Against that backdrop, we hold that the trial court in the instant case did not abuse its discretion in reopening the State’s case to admit the stipulation as evidence. As in *Wisneski*, there was no evidence that the State withheld the stipulation to gain an unfair advantage, and the stipulation was sanitized for Holt’s benefit, *i.e.*, so that the jury would not learn about the nature of the conviction affecting his veracity. Furthermore, although the stipulation in the instant case was offered after the defense had rested his case, it is clear from the record that Holt was well-aware of the content of the stipulation at all relevant times, including prior to presenting his case. In fact, before Holt testified, defense counsel expressly informed Holt that, if he were to testify, the jury would be told about the

prior conviction, and Holt affirmatively acknowledged that he understood. Lastly, although the stipulation was admitted outside the normal order of evidence, it was not “unduly highlighted.” Rather than reading the stipulation into the record or otherwise disclosing its contents to the jury, the court merely informed the jury, during final instructions, that a stipulation had been entered into evidence. As the State notes, that piece of evidence was one of over 200 pieces of evidence that had been entered into evidence during trial. Given those circumstances, we cannot say that the court’s decision to reopen the case impaired Holt’s ability to answer or otherwise receive a fair trial.

Holt attempts to distinguish *Wisneski* by noting that, in that case, the stipulation was essential to establishing an element of the crimes, whereas the stipulation in the instant case was not a central component to the securing of a conviction. Holt also notes that, in *Wisneski*, the stipulation was entered at an entirely appropriate stage of trial, *i.e.*, at the close of the State’s case, whereas the stipulation in the instant case was entered at the close of the defense’s case.

We are not persuaded by Holt’s arguments. To begin with, the “essential” nature of the stipulation in *Wisneski* does not appear to have been a factor in our holding in that case. Nevertheless, as Holt himself admits in his brief, “the central consideration” in the instant case was “who to believe,” Guevara or Holt. Thus, any evidence that went to Holt’s credibility, including the stipulation, could be considered significant.

As to the timing of the stipulation’s admission, though we agree that introducing the evidence after the defense has rested could very well weigh against reopening the case, that

factor is not, by itself, dispositive. *See Booze*, 334 Md. at 74 (“Whether, in varying the order of proof, a trial court abused its discretion must be determined from the totality of the circumstances.”). Furthermore, in noting the timing of the admission in *Wisneski*, we concluded that the stipulation was not “unduly highlighted.” We reach a similar conclusion here, albeit for different reasons.

In sum, we hold that the totality of the circumstances make clear that Holt’s ability to answer or otherwise receive a fair trial was not impaired by the court’s decision to reopen the case to admit the stipulation. As such, the court did not abuse its discretion.

II.

Parties’ contentions

Holt next contends that the evidence adduced at trial was insufficient to sustain his conviction of second-degree murder. Holt argues that the State failed to show that he had sufficient intent to commit second-degree murder. Holt contends that “all testimony pointed to a mutual fight between the individuals involved.”

The State contends that the evidence, notably, the testimony of Guevara, sufficiently established that Holt intended to commit second-degree murder.

Analysis

“The standard for appellate review of evidentiary sufficiency is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Scriber v. State*, 236 Md. App. 332, 344 (2018) (quotation marks and citations omitted).

“When making this determination, the appellate court is not required to determine ‘whether *it* believes that the evidence at the trial established guilt beyond a reasonable doubt.’” *Roes v. State*, 236 Md. App. 569, 583 (2018) (quoting *State v. Manion*, 442 Md. 419, 431 (2015)). “This is because weighing the credibility of witnesses and resolving conflicts in the evidence are matters entrusted to the sound discretion of the trier of fact.” *Scriber*, 236 Md. App. at 344 (quotation marks and citations omitted). “We defer to any possible reasonable inferences the [fact-finder] could have drawn from the admitted evidence and need not decide whether the [fact-finder] could have drawn other inferences from the evidence, refused to draw inferences, or whether we would have drawn different inferences from the evidence.” *Fuentes v. State*, 454 Md. 296, 308 (2017). In short, “the limited question before an appellate court is not whether the evidence *should have or probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.” *Scriber*, 236 Md. App. at 344 (quotation marks and citations omitted).

To prove second-degree murder, the State needed to show that Holt killed Rivera either with the intent to kill or with the intent to inflict serious bodily harm that death would likely result. *Garcia v. State*, 480 Md. 467, 476-77 (2022). Because “intent is subjective and, without the cooperation of the accused, cannot be directly and objectively proven, its presence must be shown by established facts which permit a proper inference of its existence.” *State v. Smith*, 374 Md. 527, 535-36 (2003) (quotation marks and citation omitted). Such intent may be inferred from evidence establishing that a defendant directed

a dangerous and deadly weapon at a vital part of the victim’s anatomy. *Chisum v. State*, 227 Md. App. 118, 133-36 (2016).

We hold that the evidence in the instant case was sufficient to establish the requisite intent. Guevara testified that, immediately before the shooting, she saw Rivera laying on the ground and Holt standing over her. Guevara testified that she then heard Maszkiewicz say, “just shoot her,” and that, around that same time, she saw Holt shoot Rivera in the forehead above the right eye. From that testimony, a reasonable inference could be drawn that Holt intended to either kill Rivera or inflict serious bodily harm that death would likely result.

**JUDGMENTS OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**