

Circuit Court for Baltimore City
Case No. 121187004

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND
No. 1208
September Term, 2024

KEVIN DUDLEY

v.

STATE OF MARYLAND

Albright,
Kehoe, S.,
Pauler, Viki M.
(Specially Assigned),

JJ.

Opinion by Pauler, J.

Filed: March 20, 2026

* 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 MD. RULE 1-104(a)(2)(B).

Kevin Dudley was indicted in the Circuit Court for Baltimore City on charges connected to the murder of Kozee Spriggs. A jury found Mr. Dudley guilty of first-degree murder and possession of a firearm by a disqualified person on July 3, 2024, following a five-day trial. On July 24, 2024, he was sentenced to a total term of life imprisonment, with all but 55 years suspended, and was ordered to serve five years of probation. Mr. Dudley subsequently filed this appeal.

QUESTIONS PRESENTED

1. Did the trial court soundly exercise its discretion by denying Mr. Dudley’s request for a mistrial and a new trial?
2. Did the trial court correctly deny Mr. Dudley’s motion to suppress his statement to police on voluntariness grounds?
3. Was the evidence legally sufficient to sustain Mr. Dudley’s convictions?

FACTUAL AND PROCEDURAL BACKGROUND

On June 15, 2021, police found the body of 18-year-old Kozee Spriggs in an alleyway between Ensor and Preston Streets in Baltimore, Maryland. After a police investigation, Mr. Dudley was brought in for a police interview. Mr. Dudley was advised of his rights and agreed to talk with detectives. The interview lasted over three hours, during which Mr. Dudley made a partial confession. At the end of the interview, police arrested and charged Mr. Dudley with the murder of Kozee Spriggs and related gun charges.

Mr. Dudley stood trial starting on June 27, 2024. Kenya Cooper, Kozee Spriggs’ mother, appeared on the first day of trial wearing a white dress bearing her daughter’s first

name and a large heart in red font with droplets of red ink resembling dripping blood across the lower back of her dress. Due to the location of Kozee's name being on the backside of her mother's dress, it was not possible to observe it when seeing Ms. Cooper from the front. Ms. Cooper was called as the State's first witness and walked within a few feet of the jury to the witness stand. It was at this time that the jury may have been able to observe Kozee's name on the lower back of her mother's dress. Once on the witness stand, the writing on the dress was no longer visible. Mr. Dudley objected and asked to approach the bench. Mr. Dudley argued at the bench that this display of the victim's name in dripping red font violated his right to a fair trial and was done to elicit sympathy to cause the jurors to hold Mr. Dudley accountable for Kozee Spriggs' death. Mr. Dudley then moved for a mistrial. The State opposed a mistrial, stating that Ms. Cooper's actions did not rise to the requisite level of manifest injustice.

After brief discussions at the bench, the court excused the jury from the courtroom, and after further discussions with counsel, the court denied Mr. Dudley's motion for mistrial. The court asked Ms. Cooper to conceal her daughter's name on her lower back by covering the message with a sweater. Ms. Cooper complied by tying a sweater around her waist which concealed the name completely and partially concealed the heart beside the name. Upon reentry of the jurors into the courtroom, the court repeated the jury instruction that the jurors should not be swayed by sympathy, prejudice, or public opinion. The trial court's instruction was as follows:

THE COURT: . . . Members of the jury, thank you for your cooperation.
From time to time, there are things that the attorneys and I need to do outside

your presence; that's what we experienced today. And it was brought to my attention that there is a preliminary instruction that I neglected to give you[,] and I want to make sure that you know now: That you must consider and decide this case fairly and impartially. You are to perform this duty without bias or prejudice as to any party. You should not be swayed by sympathy, by prejudice, or by public opinion. And I apologize that I did not give you that instruction earlier.

Although the court justified the instruction as one she had “neglected to give” the jurors pretrial, she had in fact given the same instruction pretrial. In addition, when it was time for Ms. Cooper to leave the witness stand, the court excused the jurors from the courtroom and then had Ms. Cooper step away from the witness stand.

Mr. Dudley moved for a new trial after the guilty verdict, citing that Ms. Cooper’s dress at trial was worn deliberately to increase sympathy within the jurors and that Ms. Cooper’s daughter’s name on her lower back written in red dripping font was inherently and actually prejudicial. Mr. Dudley argued that the witness stand is 38 inches from the jury box, and the jury had an opportunity to observe the writing on Ms. Cooper’s dress during the time that she stood to take the oath. The court denied Mr. Dudley’s motion for a new trial.

DISCUSSION

I.

THE DENIALS OF DEFENSE’S MOTION FOR MISTRIAL AND MOTION FOR NEW TRIAL WERE NOT IN ERROR.

The Court must examine whether and if so, to what extent, actual or inherent prejudice occurred. The presence of either actual or inherent prejudice demonstrates a

violation of the Sixth Amendment. *Smith v. State*, 481 Md. 368, 393, 281 A.3d 931, 946 (2022).

At oral argument, Mr. Dudley conceded that actual prejudice cannot be determined. The Maryland Supreme Court provided three factors that must be satisfied for inherent prejudice to exist:

1. The Defendant must have objected to the challenged practice in the trial court;
2. The Defendant must demonstrate and the trial record must show that the challenged practice was observable by the jury; and
3. The Defendant must show that the challenged practice created an unacceptable risk that impermissible factors would come into play in the jury's determination of the case.

Id. at 400. Certainly, Mr. Dudley objected and therefore satisfied the first factor. The red font bearing the name Kozee on Ms. Cooper's dress was observable, that is, able to be observed, so the second factor is satisfied.

As for the third factor, Mr. Dudley urges this Court to accept that Ms. Cooper's dress bearing her daughter's name in red dripping font caused the existence of an unacceptable risk that impermissible factors affected the juror's performance in their duty. Mr. Dudley analogizes Ms. Cooper's daughter's name on her dress to other cases in which courts have determined wardrobe choices in courtrooms to impermissibly prejudice defendants at trial. Specifically, the Maryland Supreme Court ruled that court personnel wearing face masks containing the "thin blue line" commonly associated with police throughout a criminal trial

is inherently prejudicial to the defendant’s right to a fair trial. *Id.* at 414. In *Norris v. Risley*, 918 F.2d 828, 831 (9th Cir. 1990), the presence of women in a courtroom wearing buttons that stated “Women against Rape” during a rape trial was likewise found to be impermissible inherent prejudice, as was embroidery stating “Bikers against Child Abuse” on the jackets of courtroom observers at a jury trial for child abuse in *Long v. State*, 151 So.3d 498, 505 (Fla. Dist. Ct. App. 2014).

This case is unlike cases in which people have displayed visual images or slogans intended to convey messages that risk invoking impermissible considerations in jurors. There is no dispute that Kozee Spriggs was Ms. Cooper’s daughter and that she was murdered by a gunshot to the head. Ms. Cooper came to court and testified for the State about losing her daughter. She chose to wear the name of her deceased daughter across her lower back, which emphasized her daughter’s violent death, but at no point did the message state that Mr. Dudley was the murderer. The message of Kozee’s name in red dripping font on Ms. Cooper’s lower back, if viewed by the jury, was also contained in Ms. Cooper’s testimony and other evidence during the trial. It was superfluous and bolstering, which also made it inappropriate, but it did not rise to the level of manifest injustice warranting a mistrial, and the circuit court cured it promptly and sufficiently.

The jury was instructed at the beginning of trial, and again just after Ms. Cooper testified, and a third time at the end of trial, to not consider impermissible factors. Trial court judges are given a wide latitude of discretion in deciding whether to offer opening

jury instructions and any mid-trial or curative instructions. Md. Rule 4-325(a). Under Maryland Rule 4-325(a),

The court shall give instructions to the jury at the conclusion of all the evidence and before closing arguments and may supplement them at a later time when appropriate. In its discretion the court may also give opening and interim instructions.

“As a general rule, judges are accorded broad discretion in determining whether a particular instruction should be given on a particular occasion, although statutes, court rules, and case law may place limits on the judge's discretion.” *Carter v. State*, 366 Md. 574, 584, 785 A.2d 348, 355 (2001) (citing *Alholm v. Wilt*, 394 N.W.2d 488, 490 (Minn.1986) (holding that trial judges have bountiful discretion to determine whether a specific instruction is appropriate)).

The trial court did not err in denying Mr. Dudley’s motion for mistrial during the trial and his motion for a new trial after the guilty verdict. “The standard of review of the denial of a motion for new trial is abuse of discretion.” *Univ. of Md. Medical Sys. Corp. v. Gholston*, 203 Md. App. 321, 329, 37 A.3d 1074, 1078 (2012) (citing *Miller v. State*, 380 Md. 1, 92, 843 A.2d 803 (2004)). See also *Butkiewicz v. State*, 127 Md. App. 412, 421, 732 A.2d 994, 999 (1999); *Aron v. Brock*, 118 Md. App. 475, 511, 703 A.2d 208, 225 (1997), cert. denied, *Brock v. Aron*, 346 Md. 629, 697, 697 A.2d 913 (1997); *Buck v. Cam's Broadloom Rugs, Inc.*, 328 Md. 51, 57, 612 A.2d 1294, 1297 (1992); *Mack v. State*, 300 Md. 583, 600, 479 A.2d 1344, 1352 (1984); *Mason v. Lynch*, 151 Md. App. 17, 28, 822 A.2d 1281, 1288 (2003). Whenever a decision about whether justice was met depends on a trial court’s review of the “character of the testimony and of the trial,” the “emphasis has

consistently been upon granting the broadest range of discretion to trial judges[.]” *Buck*, 328 Md. App. at 57, 612 A.2d 1294. The *Buck* Court elucidated that:

[T]he breadth of a trial judge’s discretion to grant or deny a new trial . . . will expand or contract depending upon the nature of the factors being considered, and the extent to which the exercise of that discretion depends upon the opportunity the trial judge had to feel the pulse of the trial and to rely on his own impressions in determining questions of fairness and justice.

Id. at 58–59. Thus, unless there is a cognizable abuse of discretion, the Maryland Appellate Court will not overturn a grant or denial of a motion for new trial.

Similarly, an appellate court will not disturb a trial court’s ruling on a motion for mistrial unless there was an abuse of discretion. *Carter*, 366 Md. at 589, 785 A.2d 348. *See also Klauenberg v. State*, 355 Md. 528, 555, 735 A.2d 1061, 1075 (1999); *State v. Hawkins*, 326 Md. 270, 277, 604 A.2d 489, 493 (1992); *Hunt v. State*, 321 Md. 387, 422, 583 A.2d 218, 235 (1990). A grant of a mistrial is an “extraordinary remedy” required only in the exceptional circumstance in which it is “necessary to serve the ends of justice.” *Klauenberg*, 355 Md. at 555, 735 A.2d 1061; *Carter*, 366 Md. at 589, 785 A.2d 348.

The *Carter* Court discussed the mistrial standard as it relates to prejudice or bias against the defendant:

The question, as we have often said, is one of prejudice to the defendant. The trial judge must assess the prejudicial impact of the inadmissible evidence and assess whether the prejudice can be cured. If not, a mistrial must be granted. If a curative instruction is given, the instruction must be timely, accurate, and effective.

366 Md. at 589, 785 A.2d 348 (internal citations omitted). When a trial court decides that there is not a manifest necessity to declare a mistrial and that there is instead a lesser

alternative remedy to cure an injustice, it is then the job of the appellate courts to decide whether “the damage in the form of prejudice to the defendant transcended the curative effect of the instruction.” *Rainville v. State*, 328 Md. 398, 408, 614 A.2d 949, 953-54 (quoting *Kosmas v. State*, 316 Md. 587, 594, 560 A.2d 1137 (1989)).

In the *Dudley* analysis, the relevant question is not whether it was proper to give a curative instruction but rather, whether the instruction and the mitigating acts of the court and counsel adequately cured any sympathy-drawing effect of Ms. Cooper’s dress. In general, “cautionary instructions are deemed to cure most errors, and jurors are presumed to follow the court’s instructions[.]” *Carter*, 366 Md. at 592, 785 A.2d 348. That presumption is rebutted, however, in the rare circumstance where a curative instruction so highlights the prejudicial issue that a reviewing court cannot assume that the jury could or did follow the instruction. *See id.*

In *Carter*, although Maryland’s Supreme Court held that the trial court was permitted to offer a curative instruction over defense’s objection, the instruction the trial court gave was insufficient to cure the prejudicial effect of prior bad acts evidence. *See id.* at 591. The *Carter* trial court highlighted the inadmissible testimony by repeating Carter’s prior arrest four times in the curative instruction. *Id.* The curative instruction served to compound the cumulative evidence of the defendant’s prior arrest, resulting in error that was not harmless beyond a reasonable doubt. *Id.* (citing *Dorsey v. State*, 276 Md. 638, 350 A.2d 665 (1976)).

Dudley is distinct from *Carter*. Here, the curative instruction and the judge’s mitigating actions did not call attention to the prejudicial issue. The court removed the jury from the courtroom while the parties discussed the dress; covered the dress so that it would not be seen further; did not allow Ms. Cooper to stand within the view of the jury for the rest of the time Ms. Cooper wore the dress; reiterated a generalized jury instruction while avoiding any reference to the dress as the reason for the objection or the instruction; released the jury to the jury room prior to allowing Ms. Cooper to leave the witness stand; and declined the State’s request to lift Ms. Cooper’s sequestration, concluding that she “cannot control” what happens or what the jurors think “when [Ms. Cooper] walks out into the hallway.” The court took these many precautionary actions, even though there was uncertainty whether the jury had ever seen the dress at all. The trial court mitigated the harm through a lesser alternative remedy than declaring a mistrial. Indeed, with the trial court’s mitigating action, Ms. Cooper’s dress bore little prejudicial nor probative weight at all.

Thus, the trial court did not abuse its discretion in denying Mr. Dudley’s motion for mistrial. Because the standard for motion for new trial is substantially similar, the trial court also did not abuse its discretion in denying the motion for new trial.

II.
THE MOTION TO SUPPRESS MR. DUDLEY’S STATEMENT TO POLICE WAS
CORRECTLY DENIED AS VOLUNTARY.

The circuit court held a motions hearing on April 8-9, 2024, regarding Mr. Dudley’s motion to suppress his statement to police. The circuit court denied Mr. Dudley’s motion

to suppress on the basis that the statement was voluntary and found that Mr. Dudley was not coerced by the police into making it. Mr. Dudley now asks this Court to review the circuit court's denial and contends that it was reversible error when his motion to suppress was denied. For the reasons set forth below, we find that the circuit court correctly denied Mr. Dudley's motion to suppress his statement to police.

Mr. Dudley contends that his statements to the police were not voluntary because the police indicated that they could place him at the scene. This statement was made despite the police not having GPS information or having an extraction of Mr. Dudley's cell phone at the time of the interview. Nevertheless Detective Moynihan advised Mr. Dudley that they had video footage from security cameras at a number of locations. Then the following exchange took place:

DETECTIVE MOYNIHAN: Now, I know you're driving the car because of the cameras....

DETECTIVE MOYNIHAN: Yeah, there's a camera back there. The entire incident is caught on camera from start to finish. Now, just listen to me, please.

APPELLANT: Yes, sir.

DETECTIVE MOYNIHAN: Okay. Because I don't want you to make any stupid statements. Listen to me. There is a reason why I'm talking to you.

APPELLANT: Yes, sir.

DETECTIVE MOYNIHAN: The driver of this car—

APPELLANT: Is me.

DETECTIVE MOYNIHAN: Is you.

APPELLANT: Right.

Mr. Dudley contends that the police later attempted to make him promises if he made inculpatory statements:

DETECTIVE MOYNIHAN: Here's what's going to happen. T-Bones and Lil Shawn are going to be sitting in the same chair you are.

...

DETECTIVE MOYNIHAN: Right? And guess what they're going to say? Man, we didn't do shit. I don't get out the car, right? He the one who got back in the woods and killed her. You know how this game is played.

APPELLANT: They shouldn't say no shit like that.

DETECTIVE MOYNIHAN: So help me help you.

APPELLANT: They didn't say—

DETECTIVE MOYNIHAN: Evidence is in your phone or anything that's going to support what you're telling me. Think. Put yourself in my shoes.

Mr. Dudley contends that these exchanges were impermissible and that his inculpatory statements should have been suppressed.

Under Maryland law, the admissibility of a defendant's inculpatory statements hinges on their voluntariness. The trial court's factual findings, including credibility determinations, are reviewed for clear error and are entitled to great deference while the ultimate legal determination of voluntariness is reviewed *de novo*. *Boyer v. State*, 102 Md. App. 648, 652-653, 651 A.2d 403, 406 (1995); *Ringe v. State*, 94 Md. App. 614, 620, 618 A.2d 266, 268 (1993). Regarding the voluntariness of a confession:

Clearly, a confession is involuntary if it is induced by force, undue influence, improper promises, or threats. *Reynolds v. State*, 327 Md. 494, 610 A.2d 782 (1992), *cert. denied*, ___ U.S. ___, 113 S.Ct. 981, 122 L.Ed.2d 134 (1993); *Hoey v. State*, 311 Md. 473, 483, 536 A.2d 622 (1988). Whether a confession is voluntary under state non-constitutional law depends on a “totality of the circumstances” analysis. *Hoey, supra*. A common thread present in these cases is that the promise must have induced the accused to confess. *Reynolds*, 327 Md. At 509, 610 A.2d 782.

Boyer, 102 Md. App. at 653, 651 A.2d 403.

The test for inducement is two-pronged: (1) whether the police made a promise or inducement of special consideration or assistance, and (2) whether the defendant made the statement in reliance on that inducement. *See Hillard v. State*, 286 Md. 145, 153, 406 A.2d 415, 420 (1979). Both prongs must be satisfied to warrant suppression. *Id.* In *Boyer v. State*, the Court held that informing a suspect that the police would speak with the State’s Attorney without stating any further promises or inducements did not amount to an inducement sufficient to suppress a confession. 102 Md. App. at 653-654, 651 A.2d 403. In *Dudley*, the police conduct is analogous; the officers merely informed Mr. Dudley that his cooperation would be communicated, without promising leniency or special treatment. Such statements are permissible and do not render a confession involuntary.

Moreover, the totality of the circumstances supports the voluntariness of Mr. Dudley’s statements. Mr. Dudley was advised of his rights and was in full possession of his faculties, and there is no evidence of coercion, threats, or improper pressure placed upon Mr. Dudley during his police interview. In other words, the police did not engage in conduct that would lead a reasonable person to believe that cooperation would guarantee favorable treatment.

Without an inducement from the police, there cannot be any reliance on an inducement. Thus, Mr. Dudley has failed to satisfy either prong of the two-prong test for inducements. Accordingly, the trial court did not err in denying the motion to suppress. Mr. Dudley’s inculpatory statements were not the product of improper inducements but were voluntary and admissible under Maryland law.

**III.
EVIDENCE WAS LEGALLY SUFFICIENT.**

In addition, Mr. Dudley challenges the sufficiency of the evidence supporting his convictions. The question for the Court is not whether the verdict appears to be in accordance with what the reviewing court perceives to be the weight of the evidence; rather, in assessing the sufficiency of the evidence to sustain a criminal conviction, the Appellate Court must determine “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.” *Howling v. State*, 478 Md. 472, 507, 274 A.3d 1124, 1144 (2022) (quoting *State v. Manion*, 442 Md. 419, 430, 112 A.3d 506, 513 (2015)) (internal quotations omitted) (emphasis in original)); *Taylor v. State*, 346 Md. 452, 457, 697 A.2d 462, 465 (1997). Accordingly, it is not the role of this Court to “re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence.” *Cagle v. State*, 235 Md. App. 593, 604, 178 A.3d 674, 680, *aff’d*, 462 Md. 67, 198 A.3d 209 (2018) (quoting *Smith v. State*, 415 Md. 174, 185, 999 A.2d 986 (2010) (citations omitted)). Cautioned by the Maryland Supreme Court, we will not inquire into the evidence produced

at trial beyond what is necessary to determine that a single reasonable person could have rendered a verdict for the State in Mr. Dudley's case.

The evidence the State produced at trial was sufficient. Mr. Dudley's trial included evidence of a surveillance video that showed a red Chrysler identified as Mr. Dudley's vehicle parked near the location where the victim's body was found. The video depicted individuals opening the trunk and congregating near the vehicle for several minutes before leaving the scene. DNA testing of the trunk liner revealed a partial DNA profile consistent with a mixture of contributors, including that of the victim, with statistical probabilities overwhelmingly supporting a DNA match. Mr. Dudley admitted to being in the vehicle on the night in question and described the events leading up to the victim's disappearance, including the route taken and the presence of others in the vehicle. Call detail records placed Mr. Dudley's phone near the crime scene at the relevant time. The victim's autopsy confirmed death by gunshot wound to the head, consistent with homicide. Taken together, the evidence supports an inference that a reasonable juror could rationally conclude beyond a reasonable doubt that Mr. Dudley participated in Kozee Spriggs' murder.

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