

Circuit Court for Harford County
Case # 92C0088

ON MOTION FOR RECONSIDERATION

IN THE COURT OF APPEALS OF
MARYLAND

No. 14

September Term, 2004

Wesley Eugene Baker

v.

State of Maryland

Bell, C. J.
Raker
Wilner
Cathell
Harrell
Battaglia
Greene,

JJ.

Per Curiam

Filed: November 10, 2004

Upon Motion for Reconsideration, Wesley Eugene Baker, by his attorneys, argues that the decision in the above entitled case should be reconsidered in order for the Court to address an argument made in Baker's brief at this court. That argument is identified in Baker's Motion for Reconsideration as:

“Maryland Statutory Provisions Permitting Proof in Aggravation to be Presented Regardless of Its Admissibility Under the Rules Governing Admission of Evidence at Criminal Trials and In Derogation of the Sixth Amendment Right of Confrontation Render Appellant's Sentence and Maryland's Statutory Scheme Unconstitutional.”

We grant the Motion to Reconsider and hold that the issue was not preserved for appellate review. In the trial court the State argued that the issue above had not been raised in the trial court nor preserved by objection at trial. In responding to the State's answer, and in a subsequent motion for the trial court to reconsider its denial of the relevant motion filed below, Baker did not challenge the State's position on the issue of preservation. Accordingly, that issue is not preserved.¹

¹Furthermore, the argument appears to be unrelated to the questions presented on appeal.