Circuit Court for Anne Arundel County
Case No. C-02-CR-22-000018

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1118

September Term, 2022

AMIYR KIES WILLIAMS

v.

STATE OF MARYLAND

Nazarian,
Tang,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 25, 2023

*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

Convicted by a jury in the Circuit Court for Anne Arundel County of second degree assault, Amiyr Kies Williams, appellant, presents for our review a single issue: whether the court erred in allowing the State to elicit testimony from a witness who had been granted a protective order against Mr. Williams. For the reasons that follow, we shall affirm the judgment of the circuit court.

Mr. Williams was charged with assaulting Paris Mack. On June 23, 2022, the parties appeared for trial and began to select a jury. During a break, the State moved *in limine* to introduce evidence that approximately two hours before the assault, Ms. Mack obtained against Mr. Williams an "interim" protective order. Defense counsel opposed the motion on numerous grounds. Following jury selection and additional argument, the court stated: "Subject to modification or possible rebuttal my ruling will be that you can ask about it, she can testify about it, [but] I don't want to see it."

The following day, the State called Ms. Mack, who testified that on December 13, 2021, she obtained against Mr. Williams a temporary restraining order. Defense counsel did not lodge an objection to the testimony. Ms. Mack subsequently testified that later that day, Mr. Williams approached her outside her apartment building, "bumped [her] out of the way," ordered her "to get back into [her] truck," threatened to hurt her, and attempted to take her "airpod" out of her ear. Mr. Williams then "peel[ed]" Ms. Mack's phone out of her hand and entered his car. When Ms. Mack pulled her truck in front of Mr. Williams's car "so that he [could not] leave with [her] phone," Mr. Williams pointed a gun at her and stated: "[G]et the fuck out the way before I shoot you." Ms. Mack "backed [her] truck up," and Mr. Williams departed.

Mr. Williams contends that the court erred in allowing Ms. Mack to testify regarding the temporary restraining order, because it "constituted inadmissible prior bad acts evidence." The State counters that Mr. Williams's contention is not preserved, because defense counsel "failed to object when the complained-of testimony was elicited." Anticipating the State's argument, Mr. Williams cites *Watson v. State*, 311 Md. 370 (1988), in which the Supreme Court of Maryland (formerly known as the Court of Appeals of Maryland)[1] stated, in a footnote, that "requiring [a defendant] to make yet another objection only a short time after the court's ruling to admit . . . evidence would be to exalt form over substance." *Id.* at 373 n.1. Mr. Williams also cites *Dyce v. State*, 85 Md. App. 193 (1990), in which we "exercise[d] our discretion under . . . Rule 8-131 and consider[ed]" a ruling on a motion *in limine* where "the temporal proximity between the ruling . . . and the prosecutor's initial inquiry" was "relatively brief." *Id.* at 198. Finally, Mr. Williams cites *Johnson v. State*, 325 Md. 511 (1992), in which the Supreme Court of Maryland found preserved an issue on which "[i]t was apparent that [the court's] ruling on further objection would be unfavorable to the defense," and "[p]ersistent objections would only [have] spotlight[ed the issue] for the jury[.]" *Id.* at 515.

[1]At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022. *See also* Rule 1-101.1(a) ("[f]rom and after December 14, 2022, any reference in these Rules or, in any proceedings before any court of the Maryland Judiciary, any reference in any statute, ordinance, or regulation applicable in Maryland to the Court of Appeals of Maryland shall be deemed to refer to the Supreme Court of Maryland").

We agree with the State. Rule 4-323(a) states: "An objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived." Here, defense counsel did not make any such objection. Unlike in *Watson*, the court did not reiterate its ruling "immediately prior to the" eliciting of the challenged testimony. 311 Md. at 373 n.1. Unlike in *Dyce*, the court's ruling on the motion *in limine* and the challenged testimony occurred on different days, a temporal proximity that we do not consider relatively brief. Finally, unlike in *Johnson*, it was not apparent that the court's ruling on further objection to the testimony would have been unfavorable to the defense, because the court, in granting the State's motion, explicitly stated that the ruling was "[s]ubject to modification." For these reasons, we shall not consider Mr. Williams's contention.

JUDGMENT OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.