

Circuit Court for Baltimore County
Case No. C-03-CR-22-005513

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 6

September Term, 2024

KARON DELRIO

v.

STATE OF MARYLAND

Leahy,
Kehoe, S.
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: October 22, 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).

Karon Delrio, appellant, was convicted by a jury sitting in the Circuit Court for Baltimore County of first- and second-degree assault.¹ On appeal, he presents one question for our review that we have slightly rephrased for clarity:² Did the circuit court err in allowing the State’s designated expert to testify because the State failed to provide a “summary of the grounds” for the expert’s opinion prior to trial in violation of Md. Rule 4-263? For the reasons that follow, we shall affirm the judgments.

FACTS

The State’s theory of prosecution was that appellant assaulted and choked Brittany Dinterman, his romantic partner, after an argument in her home. The theory of defense was appellant only acted in self-defense in response to Ms. Dinterman attacking him, and appellant never choked her. Testifying for the State was Keith Stewart, a responding officer with the Baltimore County Police Department; Stacey Soltis, the attending forensic nurse and expert witness; and Ms. Dinterman. Appellant testified in his defense.

Around 8:20 a.m. on November 2, 2022, Officer Stewart arrived at Ms. Dinterman’s home in Reisterstown to check on an alleged domestic dispute. Ms. Dinterman, her five-year-old daughter, and two other officers were present. Officer Stewart noted that Ms. Dinterman was upset, and it appeared she had been crying. She had an abrasion and blood

¹ The jury acquitted appellant of committing a crime of violence against a pregnant person. After merging appellant’s second-degree assault conviction into his first-degree assault conviction, the court sentenced appellant to ten years of imprisonment.

² The question as presented was: “Did the trial court err in allowing forensic nurse Stac[e]y Soltis to testify that, in her professional opinion, the alleged victim’s injuries were consistent with strangulation?”

on her swollen, lower lip, and abrasions on her face. Ms. Dinterman stated that she and appellant had had an argument that turned physical, during which he choked her and punched her in the face and stomach. She stated that she was pregnant. The officers encouraged her to go to a hospital where a SAFE nurse could perform an alternate light source (“ALS”) test to determine if she had injuries not visible to the naked eye. Video from the body camera of one of the officers present was played for the jury and admitted into evidence.

Ms. Soltis, a forensic nurse at the Carroll County Hospital, was admitted as an expert in forensic nursing. Ms. Soltis testified that she examined Ms. Dinterman around 6:00 p.m. the day of the assault. During the examination, Ms. Dinterman told Ms. Soltis that appellant had strangled her for about seven minutes, during which he banged her head on the windowsill and slapped her and punched her in the stomach. Ms. Soltis performed a physical exam that revealed two red linear scratches of three and two inches long to the left side of her neck; an area of petechia, pinpoint bleeding under the skin due to pressure, on her chest; a 1.5 centimeter abrasion on the right side of her face and another to her chin; and bruising on the inside of her bottom lip and right arm. Ms. Soltis also took photographs of Ms. Dinterman’s injuries. The photographs and a medical report were admitted into evidence. The report contained a seven-page non-fatal strangulation form that Ms. Soltis had filled out during the examination; a medical forensic narrative by Ms. Soltis; and photographs of Ms. Dinterman’s injuries. Ms. Soltis opined that “[b]ased on my exam, [Ms. Dinterman’s] injuries are consistent with a strangulation and the situation that the patient reported taking place.”

Ms. Soltis testified on cross-examination that she had recommended an angiogram with contrast dye, which she said was the “gold standard test” for strangulation because it shows blood vessel damage due to strangulation, but the attending physician did not authorize the test. The test also may pose risks for pregnant women. Ms. Soltis testified that she did not perform the ALS test because “there were physical marks present to indicate the strangulation had occurred.” She further testified that petechia in the eyes, which Ms. Dinterman did not have, can sometimes appear a couple days after strangulation.

Ms. Dinterman testified that she and appellant were in an intimate relationship for about a year before the assault. A couple of months before the assault she became pregnant with appellant’s child, and she and appellant had discussed her pregnancy because they were hoping to have a child together. On the morning of the assault, Ms. Dinterman and appellant were lying in bed when he started yelling at her because her young daughter had come into her bedroom. The situation quickly escalated, and Ms. Dinterman told appellant to leave, and if he did not, she would call the police. In response, appellant threw a pillow at her daughter, and then put his hands around Ms. Dinterman’s neck and started strangling her. She stopped talking, as she couldn’t breathe, and her head felt like it “was about to explode.” Appellant finally stopped when her daughter tried to pull appellant off. Appellant then ran out of the house, and Ms. Dinterman called the police. She testified that the strangulation lasted about two or three minutes, during which appellant punched her in the mouth and stomach.

Appellant testified in his defense. He testified that on the morning of the assault, he had gone to Ms. Dinterman’s home after working the night shift. The couple began arguing

when his cell phone kept ringing, and Ms. Dinterman became suspicious that he was having an affair. The argument escalated, and she punched him in the head, knocking him into a table, the force of which threw him back onto the bed. He then got under the bed covers, and she attacked him “every way possible.” In response, he was “scratching and swinging” to get her off. The fight ended when Ms. Dinterman’s daughter came into the room. He testified he never choked Ms. Dinterman, and all his actions were in self-defense. Appellant testified that after the assault both of his eyes were “literally black” due to Ms. Dinterman’s assault. However, he never took pictures of his injuries, and when the police arrested him several hours later, he never told them his version of events. He admitted to having a 2019 felony theft conviction.

We shall provide additional facts below to address the question raised.

DISCUSSION

Appellant argues on appeal that the circuit court erred in allowing Ms. Soltis to testify as an expert that the victim’s injuries were consistent with strangulation because the State violated its discovery obligations. Specifically, the State violated Md. Rule 4-263(d)(8)(A) because it failed to provide in discovery “a summary of the grounds” for Ms. Soltis’s opinion that the victim’s injuries were consistent with strangulation. The State responds that appellant has not preserved his argument for our review because he did not raise it below, and even if he did, his argument has no merit because the State had complied with its discovery obligations.

Preservation

The State initially argues that appellant has not preserved his argument for our review because he did not raise it below. We agree.

On May 2, 2023, about seven months before appellant’s trial, the State provided appellant with a supplemental discovery notice. In the notice, the State related that at trial it intended to call Stacey Soltis as an expert witness. The disclosure further stated:

1. Stacey Soltis, is an expert in Forensic Nursing. Stacey Soltis’s observations and conclusions are contained in the Strangulation Examination that was previously provided in discovery or is attached to this supplement.
2. Stacey Soltis’s testimony includes an explanation of strangulation, signs and symptoms of strangulation and potential consequences of strangulation. The testimony will include the opinion that the injuries noted to the victim are consistent with someone who was strangled.

Appellant subsequently filed a motion to limit/exclude Ms. Soltis’s testimony as an expert.

At a motions hearing on September 11, 2023, defense counsel argued that Ms. Soltis could not testify as an expert, only a fact witness, because the State failed to provide Ms. Soltis’s opinion or a summary of the grounds for her opinion in its discovery notice. Defense counsel explained that there was insufficient factual information provided to support the expert’s opinion that a strangulation had occurred, that she did not “render” her opinion sufficiently, and he proffered that when he called Ms. Soltis, she refused to say what her opinion would be or what she relied on in forming her opinion. The hearing court denied the motion, finding that there was not a “sufficient legal or factual basis” to preclude Soltis’s expert testimony. The court added that appellant’s argument was for the trial judge “to ultimately determine” in the context of the evidence presented at trial.

Appellant’s trial occurred about two months later. After Ms. Soltis’s voir dire, defense counsel objected to her admission as an expert in forensic nursing. The following colloquy occurred at the bench:

[DEFENSE COUNSEL]: Thank you, your Honor. I don’t have the date, but counsel and I litigated this issue before [the hearing judge]. . . . And it was my contention that as far as disclosing an opinion and the notice that was filed into MDEC, that that is insufficient as far as the rules are concerned, that other than that proffered summary in the pleading, **there is no tangible evidence of an opinion being rendered by Miss Soltis.**

(Emphasis added.) After the court inquired about the prior motion and argument, the colloquy continued:

[DEFENSE COUNSEL]: Essentially, what I’m making to the [c]ourt right now as far as rendering an opinion, as far as what is required under the rules. . . . I don’t dispute that the notice has been filed. I don’t dispute that it says what it says. Stacey Soltis is an expert in forensic nursing. Observations and conclusions are included in the strangulation examination as previously provided in discovery. Testimony includes an examination of strangulation signs and symptoms of strangulation, potential consequences of strangulation. The testimony will include the opinion that the injuries noted to the victim are consistent with someone who was strangled.

So I’m not saying that I haven’t been placed on notice. I have been placed on notice that she will be offering this opinion. But I argued to Judge Robinson and now renewing that argument to the [c]ourt that as far as 4-263[] is concerned, that this is an insufficient way to provide an expert -- a notice of an expert opinion. **There is nothing in her report that says to a reasonable degree of medical certainty in the field of forensic nursing that I opine that Miss Dinterman was strangled and I would submit to the [c]ourt that that, if it was expressed, would certainly be -- would satisfy the requirements under the rules.** And I believe that I also argued to Judge Robinson, was able to have a conversation with Miss Soltis prior to the hearing **and she expressed to me as she did today that she doesn’t write any opinions** in the reports that she does. So what I argued to him and what I’m arguing now is that while the notice has been given, **there is no formal expert opinion that has been –**

THE COURT: She didn’t put it in writing, is that basically your argument?

[DEFENSE COUNSEL]: Well, the cases say that technically it doesn't have to be in writing.

THE COURT: Correct.

[DEFENSE COUNSEL]: However, I'm not sure the courts had many opportunities to address cases where there are expert opinions offered as far as things done to a human body. **And that usually in these courts those experts who render opinions are able to provide that magic language in rendering their opinion.**

(Emphasis added.) After hearing the parties' arguments, the court ruled:

I recognize that Judge Robinson has already considered and denied this motion. That doesn't mean that I can't re[]visit the issue. But having heard the arguments of counsel, heard the testimony of the witness thus far in terms of her knowledge and training and what she did to examine this particular witness, M[s.] Dinterman, and seeing the notice that the State provided, looks like it was filed on May 2nd, 2023, explaining what testimony would be elicited from her, including an explanation regarding strangulation, I don't see a basis to grant the motion. So the motion is denied.

“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). “It is well-settled that when specific grounds are given at trial for an objection, the party objecting will be held to those grounds and ordinarily waives any grounds not specified that are later raised on appeal.” *Klaenberg v. State*, 355 Md. 528, 541 (1999) (citations omitted). *See also Gutierrez v. State*, 423 Md. 476, 488 (2011) (“[W]hen an objector sets forth the specific grounds for his objection . . . the objector will be bound by those grounds and will ordinarily be deemed to have waived other grounds not specified.”) (quotation marks and citations omitted).

Appellant argues on appeal that the State's discovery was inadequate because it did not include “a summary of the grounds” for Ms. Soltis's opinion, but before the circuit

court appellant’s argument was much narrower – the State failed to include the required “magic language” in its discovery disclosure, *i.e.*, that Ms. Soltis’s expert opinion was rendered “to a reasonable degree of medical certainty in the field of forensic nursing.” Under our long-standing law in Maryland, arguments not raised below are generally not preserved on appeal. Here, appellant has failed to preserve his appellate argument for our review by not raising it below. Even if appellant had preserved his argument for our review, we would find it without merit.

Merits

Appellant argues on appeal that the State violated Md. Rule 4-263(d)(8)(A) because it failed to “provide a summary of the grounds” for Ms. Soltis’s opinion that the victim’s injuries were consistent with strangulation. He argues that the failure caused him “surprise” at trial where he learned for “the first time why Ms. Soltis believed the injuries were consistent with strangulation[.]”³ The State argues that it properly complied with discovery. We agree.

Md. Rule 4-263(d), governing the State’s discovery obligations in circuit court as to its experts, provides, in pertinent part:

(d) Disclosure by the State’s Attorney. Without the necessity of a request, the State’s Attorney shall provide to the defense:

³ Appellant suggests that the motion’s court erred when it failed to resolve the discovery issue and that the trial court was improperly influenced by the motion court’s denial of his motion. We disagree with the factual basis of appellant’s suggestion. First, the motion’s court resolved the motion by denying it. Second, appellant does not explain how, nor is there any indication that, the circuit court was improperly influenced by the motion court’s denial.

* * *

(8) *Reports or Statements of Experts*. As to each expert consulted by the State’s Attorney in connection with the action:

(A) the expert’s name and address, the subject matter of the consultation, the substance of the expert’s findings and opinions, and a summary of the grounds for each opinion;

(B) the opportunity to inspect and copy all written reports or statements made in connection with the action by the expert, including the results of any physical or mental examination, scientific test, experiment, or comparison; and

(C) the substance of any oral report and conclusion by the expert[.]

(Emphasis added.) It is subsection (A) that is at issue here.

The Maryland Rules “shall be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay.” Md. Rule 1-201(a). When construing the rules, “we must bear in mind that they are precise rubrics, established to promote the orderly and efficient administration of justice, and thus are to be strictly followed.” *Lisy Corp. v. McCormick & Co., Inc.*, 445 Md. 213, 224 (2015) (quotation marks and citations omitted). “The main objective of the discovery rule is to assist the defendant in preparing his defense, and to protect him from surprise.” *Alarcon-Ozoria v. State*, 477 Md. 75, 101 (2021) (citations omitted). To “effectuate the purpose and objectives of the rule, we look to its plain text.” *Johnson v. State*, 360 Md. 250, 264 (2000) (citations omitted). “To prevent illogical or nonsensical interpretations of a rule, we analyze the rule in its entirety, rather than independently construing its sub-parts.” *Id.* at 265 (citation omitted). “If the words of the rule are plain and unambiguous, our inquiry ordinarily ceases and we need not venture outside the text of the rule.” *Id.* (citations omitted).

We review de novo whether a discovery violation occurred. *Alarcon-Ozoria*, 477 Md. at 91 (citation omitted). If we determine that a circuit court erred in ruling that the State did not violate the discovery rules, we determine whether the error was harmless. *Johnson*, 360 Md. at 269 (citation omitted).

In its discovery notice, the State advised appellant that it intended to call Ms. Soltis as an expert in forensic nursing and that she will opine that “the injuries noted to the victim are consistent with someone who was strangled.” The State further advised that Ms. Soltis’s opinion was derived from her “observations and conclusions” as contained in the report that the State provided to the defense.

Under the circumstances presented, we agree with the State that its discovery notice adequately advised appellant of Ms. Soltis’s opinion (that Ms. Dinterman had been strangled) and the basis for that opinion. Notably, the State provided in discovery an 11-page report containing a seven-page “NON-FATAL STRANGULATION DOCUMENTATION FORM” that included a page of 17-typed questions and written answers elicited from Ms. Dinterman about the strangulation; a several page chart of “signs/symptoms of strangulation” referencing various body parts and symptoms at different periods of time; and diagrams of a human face noting where the injuries occurred. Additionally, the report provided a narrative by Ms. Soltis of Ms. Dinterman’s recounting of the strangulation and of the injuries observed by Ms. Soltis.

The discovery here is in marked contrast to that provided in *Logan v. LSP Mktg. Corp.*, 196 Md. App. 684 (2010), *cert. denied*, 418 Md. 588 (2011). *Logan* was a complicated pediatric lead poisoning case. There, we held that the expert notice the plaintiff

provided to the defense was insufficient where it named a specific expert and said the expert would testify about the plaintiff’s potential earning capacity due to lead paint poisoning based on a “review of the medical records, school records, other expert reports and depositions[.]” *Id.* at 700 (quotation marks omitted). Moreover, although the notice stated that the 12 experts listed would testify about the “extent and permanency of the minor Plaintiff’s injuries due to exposure to lead paint[.]” the notice failed to explain “what” each expert would opine was the probable source of the exposure or “why” they reached those conclusions. *Id.* at 701 (emphasis omitted). We ultimately agreed with the circuit court that the discovery was “inadequate,” and the circuit court acted properly in imposing sanctions, including striking the experts from testifying. *Id.* at 701-02.

In contrast, we are persuaded under the circumstances that the State’s expert notice and accompanying report was sufficient. The strangulation and assault here were one continuous event, which was relatively uncomplicated and did not occur over a long period of time. The attached report included a form about non-lethal strangulation, and the report included photographs and Ms. Soltis’s narrative of what she observed. As the State aptly notes, the question of whether the grounds provided were sufficient to support an opinion is different from whether the State provided the grounds the expert relied upon. For the above reasons, the State’s discovery notice was sufficient in providing appellant with notice of the grounds for Ms. Soltis’s opinion. Accordingly, we shall affirm the judgments.

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