

Circuit Court for Baltimore City
Case No. 122311004

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 971

September Term, 2024

MARIKA NILA CRAWFORD

v.

STATE OF MARYLAND

Leahy,
Albright,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 10, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Convicted by a jury in the Circuit Court for Baltimore City of first degree assault, use of a handgun in the commission of a crime of violence, reckless endangerment, and related offenses, Marika Nila Crawford, appellant, presents for our review three issues: whether the court erred “in ordering that Ms. Crawford be shackled during the rendering of the verdict,” whether the sentence for first degree assault is illegal, and whether the sentence for reckless endangerment is illegal. For the reasons that follow, we shall remand the case with instructions to vacate the sentence for reckless endangerment and merge the conviction for that offense. We shall otherwise affirm the judgments of the circuit court.

Ms. Crawford was initially charged by indictment with attempted first degree murder, armed robbery, and related offenses. At trial, the State called William Dixon, who testified that on July 20, 2022, he hired Ms. Crawford to mow his lawn. When Ms. Crawford finished, Mr. Dixon removed from his pocket “over a thousand” dollars in currency and gave her fifty dollars. Ms. Crawford then departed. Approximately ten minutes later, Ms. Crawford returned to Mr. Dixon’s residence and asked to use his bathroom. Mr. Dixon agreed, and Ms. Crawford went to the second floor of the residence. When Ms. Crawford came downstairs, she said, “you know what it is,” and produced a gun. While Mr. Dixon was “cussing [Ms. Crawford] out,” she shot Mr. Dixon. When Mr. Dixon “came to,” he called his daughter and told her that he had been shot. Following the close of the State’s case, Ms. Crawford testified that Mr. Dixon pushed her onto a couch, attempted to remove her clothes, and choked her. Ms. Crawford then fired a single shot into Mr. Dixon’s shoulder. Ms. Crawford subsequently drove to Memphis for the funeral of her father.

Following the close of the evidence, the jury acquitted Ms. Crawford of attempted first degree murder, attempted second degree murder, attempted voluntary manslaughter, armed robbery, robbery, and theft. The jury convicted Ms. Crawford of first degree assault, use of a handgun in the commission of a crime of violence, reckless endangerment, discharging a firearm within city limits, and related offenses.

At sentencing, the prosecutor noted that “the sentencing guidelines” for “both the handgun crime of violence and the first degree assault” were ten to eighteen years, and for the reckless endangerment, “one to five years.” The court subsequently imposed a term of imprisonment of eighteen years for the first degree assault, a consecutive term of imprisonment of eighteen years for the use of a handgun in the commission of a crime of violence, and a consecutive term of five years for the reckless endangerment. The court imposed a concurrent term of imprisonment for discharging a firearm within city limits, and merged the remaining offenses.

Ms. Crawford first contends that the court “abused its discretion[] when it required [her] to be shackled during the rendering of the verdict.” Following closing arguments, the jury retired to deliberate. When the parties returned for the verdict, the court stated to Ms. Crawford: “Remember, Ms. Crawford, I mentioned, anytime there’s a verdict for anybody coming from lockup, at the time of verdict, the shackles have to remain on the legs. And it’s nothing personal, it’s just the policy.” The jury subsequently announced the verdict.

Ms. Crawford contends that the court, “in deferring to a blanket ‘policy’ of shackling defendants when verdicts are rendered, failed to exercise its discretion,” and “prejudice . . . is presumed because the jury had not yet been polled.” Acknowledging that

in *Wagner v. State*, 213 Md. App. 419 (2013), we stated that “requiring a defendant to wear shackles during the rendering of the jury verdict . . . is not inherently prejudicial,” *id.* at 479, Ms. Crawford contends that our “holding was wrongly decided,” because the “presumption of innocence is not overcome until the verdict is polled at the defendant’s request,” and “[w]hen polled, jurors may, and often do, repudiate the verdict.” The State counters that Ms. Crawford’s contention “is unpreserved and . . . without merit.” Ms. Crawford replies that the “issue is preserved because the court decided on it.”

We agree with the State that Ms. Crawford’s contention is not preserved for our review. Rule 4-323(c) states that “[f]or purposes of review . . . on appeal of any . . . ruling or order” other than on an objection to the admission of evidence, “it is sufficient that a party, at the time the ruling or order is made or sought, makes known to the court the action that the party desires the court to take or the objection to the action of the court.” Here, defense counsel did not make known to the court a desire that Ms. Crawford’s leg shackles be removed, or lodge any objection to the court’s adherence to a “policy” requiring the shackling. Hence, the contention is not preserved.

Ms. Crawford next contends that because the sentence for first degree assault “exceeds the maximum fifteen-year sentence for robbery, the next greater offense [of which] Ms. Crawford was acquitted,” the sentence is illegal. *See Simms v. State*, 288 Md. 712, 724 (1980) (“when a defendant is charged with a greater offense and a lesser included offense based on the same conduct, with jeopardy attaching to both charges at trial, and when the defendant is convicted only of the lesser included charge, he may not receive a sentence for that conviction which exceeds the maximum sentence which could have been

imposed had he been convicted of the greater charge”). But, as the State notes, the next greater offense of which Ms. Crawford was acquitted was not robbery, but armed robbery, for which the maximum term of imprisonment is twenty years. *See* Md. Code (2002, 2021 Repl. Vol.), § 3-403(b) of the Criminal Law Article. Also, we stated in *Williams v. State*, 187 Md. App. 470 (2009), that because “[n]either the element of an intentional cause or attempt to cause serious physical injury nor the use of a firearm is included in the offense of simple robbery,” a conviction of first degree assault “do[es] not merge into the offense of simple robbery.” *Id.* at 478. Hence, the sentence for first degree assault is not illegal.

Finally, Ms. Crawford contends that the “sentence for reckless endangerment is illegal because it must have merged into the sentence for” first degree assault. The State concurs, stating: “As demonstrated by the charging document and the court’s instructions, the offenses of first [] degree assault and reckless endangerment arose out of one act.” We agree with the parties that under these circumstances, merger is appropriate. *See Marlin v. State*, 192 Md. App. 134, 171 (2010) (when “conduct as to . . . reckless endangerment involve[s] the same conduct that form[s] the basis for . . . first degree assault by firearm,” the “principles of fundamental fairness or the rule of lenity . . . warrant[] only one sentence”). With respect to relief, the State requests that we vacate all of the sentences and remand for resentencing, to give the court “the opportunity to impose sentences on the other three convictions, including the option to give consecutive instead of concurrent time for the discharging conviction, in accordance with its intent to craft a ‘sentencing package’ commensurate with [Ms.] Crawford’s criminal conduct.” *See Twigg v. State*, 447 Md. 1, 28 (2016) (“after an appellate court unwraps the package and removes one or more charges

from its confines, the sentencing judge, herself, is in the best position to assess the effect of the withdrawal and to redefine the package’s size and shape (if, indeed, redefinition seems appropriate)” (internal citations, quotations, and brackets omitted)). Because the sentencing court imposed for both first degree assault and use of a handgun in a crime of violence the maximum term of imprisonment under the sentencing guidelines, and ordered that those terms run consecutively, we decline to order re-sentencing. Instead, we remand the case with instructions to vacate the sentence for reckless endangerment and merge the conviction for that offense.

CASE REMANDED TO THE CIRCUIT COURT FOR BALTIMORE CITY WITH INSTRUCTIONS TO VACATE THE SENTENCE FOR RECKLESS ENDANGERMENT AND MERGE THE CONVICTION FOR THAT OFFENSE. JUDGMENTS OTHERWISE AFFIRMED. COSTS TO BE PAID TWO-THIRDS BY APPELLANT AND ONE-THIRD BY MAYOR AND CITY COUNCIL OF BALTIMORE.