

Circuit Court for Howard County  
Case No: C-13-CR-19-000697

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1036

September Term, 2020

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VONDA SPRATLEY

v.

STATE OF MARYLAND

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Graeff,  
Zic,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: November 22, 2021

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Vonda Spratley, appellant, was convicted by a jury in the Circuit Court for Howard County of second-degree assault<sup>1</sup> and third-degree burglary.<sup>2</sup> At trial, the complainant, Nikki Brown, testified that Ms. Spratley entered her home without permission in June of 2019, awakened Ms. Brown from her sleep by striking her in the head with an object, and “attacked” Ms. Brown with a series of kicks and punches, causing injury. Ms. Brown further testified that she was taken to the hospital on the night of the altercation and, while there, she provided a statement to Officer Jonathan Mathews regarding the incident. Over Ms. Spratley’s objection, the trial court permitted the State to elicit testimony from Officer Mathews regarding Ms. Brown’s initial statement at the hospital. His testimony, which was admitted as a prior consistent statement, was as follows:

[Ms. Brown] said that she had been in her home and somebody had come to the door and pushed their way into her home. She had been asleep. And she was awoken by some glass object being broken over her head. And then she was assaulted. Struck several times by somebody she knew as Vonda Spratley. And as this person was leaving, she told me that this person had said, next time I come back, I’m going to kill you.

On appeal, Ms. Spratley contends that the trial court erred in admitting this testimony on the grounds that it constituted inadmissible hearsay. Assuming, without deciding, that the trial court erred in admitting Detective Mathews’ testimony regarding Ms. Brown’s out-of-court statement, the Court finds, beyond a reasonable doubt, that any such error was harmless.

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<sup>1</sup> Md. Code Ann., Crim. Law § 3-203.

<sup>2</sup> Md. Code Ann., Crim. Law § 6-204.

With regard to the second degree assault conviction, much of the factual evidence supporting the conviction was unrebutted at trial. In pertinent part, Ms. Brown testified that Ms. Spratley, without invitation, entered her home and bedroom where a physical fight ensued between the two women. Specifically, Ms. Brown testified that she was awakened by a blow to the head followed by a series of punches and kicks from Ms. Spratley, who had positioned herself on top of Ms. Brown's body in the bed. Ms. Brown testified that a fight then ensued between the two women. Ms. Spratley did not testify at trial to rebut Ms. Brown's allegations.

Ms. Spratley's presence in Ms. Brown's home was corroborated by video footage from the security system at the home. Her presence in the home and the ensuing fight was also confirmed by witness for the defense, Al Ballinger. At the time of the incident, Mr. Ballinger was the fiancé of Ms. Brown, though he acknowledged that he was romantically involved with both Ms. Brown and Ms. Spratley at the time. At the time of trial, Mr. Ballinger had ended his relationship with Ms. Brown and was living with Ms. Spratley.

Mr. Ballinger testified that, on the night in question, he was asleep next to Ms. Brown when Ms. Spratley entered the bedroom. Neither he, nor Ms. Brown invited Ms. Spratley into the bedroom. The testimony elicited from Mr. Ballinger regarding what transpired in the bedroom is generally vague. While he testified that Ms. Brown at some point threw an object at Ms. Spratley and lunged at her, he never specified what actions, if any, Ms. Spratley took in the bedroom that night. He, therefore, did not rebut Ms. Brown's claim that she was struck, punched, and kicked by Ms. Spratley. Further, Mr. Ballinger's testimony regarding his own actions that night are indicative that a physical altercation

transpired between the two women. For instance, he acknowledges that he “jumped in between” the women and that he had to escort Ms. Spratley out of the house by “holding [his] arms around her.” Though he does not describe how Ms. Brown was injured, he acknowledges that he took her to the hospital for treatment immediately following the altercation.

Further, Ms. Brown’s testimony that she sustained injuries as a result of the altercation with Ms. Spratley was unrebutted at trial. Her injuries, evidencing the physical altercation between the women, were corroborated by photos taken at the hospital and Officer Mathews’ observations of Ms. Brown’s injuries at the hospital. Indeed, the defense conceded in its closing that these unrebutted facts, taken together, would constitute second degree assault. In light of the foregoing, we believe, beyond a reasonable doubt, that the admission of Ms. Brown’s out-of-court statement to Officer Mathews did not influence the verdict.

With regard to the third degree burglary conviction, Ms. Brown’s out-of-court statement did not meaningfully contribute to the issue of whether Ms. Spratley’s entry into the home constituted a “breaking.” Ms. Brown’s testimony and statement reflected that she was asleep when Ms. Spratley entered her home and bedroom. The statement, therefore, had no bearing on how or why Ms. Spratley came to be in the home.

Therefore, upon our own independent review of the record, we believe beyond a reasonable doubt that any error in no way influenced the verdict. *State v. Blackwell*, 408 Md. 677, 698 (2009).

**JUDGMENT OF THE CIRCUIT  
COURT FOR HOWARD COUNTY  
AFFIRMED. COSTS TO BE PAID  
BY APPELLANT.**