

Circuit Court for Howard County
Case No. C-13-CR-23-000010

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1261

September Term, 2023

AARON RAINES

v.

STATE OF MARYLAND

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

JJ.

Opinion by Shaw, J.

Filed: October 8, 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).

Appellant Aaron Raines was indicted and later convicted in the Circuit Court for Howard County for first-degree assault, second-degree assault, and committing a crime of violence against a pregnant person, pursuant to MD. CODE ANN., CRIM. L. § 14-104.¹ He was sentenced in the aggregate, to twenty-five years' imprisonment with all but twenty years suspended and five years of supervised probation upon his release. Appellant timely appealed and presents two questions for our review:

1. Did the trial court err in admitting inadmissible and otherwise irrelevant and prejudicial other crimes or bad acts evidence, and in denying the motion for mistrial?
2. Did the trial court err in allowing impermissible closing argument?

We hold that the circuit court did not err, and accordingly, we affirm the judgment.

BACKGROUND

On December 2, 2022, Appellant was arrested and charged with various offenses related to an altercation with his former girlfriend, Jazmine Hillard. Appellant was indicted on charges of first-degree assault, second-degree assault, and committing a crime of violence against a pregnant person. He elected a trial by jury and filed pretrial motions,

¹ MD. CODE ANN., CRIM L. § 14-104(a-c) provides:

- (a) A person may not commit a crime of violence . . . against another person when the person knows or believes that the other person is pregnant.
- (b) A person who violates this section is guilty of a felony and, in addition to any other penalty imposed for the underlying crime of violence, on conviction is subject to imprisonment not exceeding 10 years.
- (c) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

including a motion in limine, which sought to preclude the admission of any evidence concerning prior bad acts or incidents between Appellant and Ms. Hillard.

The court held a motions hearing where the State proffered that it did not intend to offer any prior bad acts in its case in chief. The State, however, reserved the right to offer such evidence if it became relevant for impeachment purposes or as rebuttal evidence. The motion in limine was granted by the court.

Appellant’s trial began on the following day, and the State presented Ms. Hillard as its first witness. She described her interactions with Appellant on the date of his arrest. She stated that they engaged in several disputes that day, concerning their finances, and their mutual inability to afford Ms. Hillard’s next-day appointment to terminate her pregnancy. When the pair returned to Ms. Hillard’s apartment, after dropping off her children, another argument began. During that argument, Appellant became physically violent. He choked Ms. Hillard, first with two hands, and then, after the couple collapsed to the ground, with his legs. Appellant then grabbed Ms. Hillard’s hair, pulling out one of her braids. When Appellant stopped, Ms. Hillard ran to her neighbor’s apartment, and the neighbor called the police.

During her testimony, the State asked, “what, if anything, did [the officer] do with you when she arrived on scene?” Ms. Hillard responded, “She said that it was a previous call before a couple days[.]” Appellant’s counsel objected:

[Defense Counsel]: At this point she is testifying about a previous altercation with the officer - -

[Prosecutor]: I agree. I agree.

The Court: So you would like me to instruct the jury to disregard the last - -

[Prosecutor]: Yes, and I can rephrase. I'll rephrase the question.

[Defense Counsel]: Just for the record Your Honor, given that the jury has heard that, I would like to move for a mistrial. I understand Your Honor won't grant it, but I would like [sic] just given what they have heard.

[Prosecutor]: The only thing she said is that there had been a previous call.

The Court: No, I understand that. I understand that. But I think we can cure it with an instruction to the jury.

The court provided the following instruction to the jury:

The Court: Members of the jury, I'm going to ask you to disregard just the last few words that this witness said. You may ask another question, Counsel.

Ms. Hillard also testified regarding her medical records. She identified photographs of her injuries, as well as a telephone recording of her conversation with Appellant while he was incarcerated.

Officer Julia Roguski testified as the State's next witness. During the course of her testimony, the State admitted footage taken by the officer's body camera and portions were played for the jury. The following statements were heard by the jury:

Officer Roguski: Do you mind writing a statement as to what happened? Was there anything—was there an altercation that happened beforehand when you guys were arguing over –

Jasmine Hillard: Not since when you came the last time –

Appellant's counsel objected and the court held a bench conference:

[Defense Counsel]: And just given like that we have . . . I have to move for a mistrial at this point just given the fact that the jury has heard her say the last time you guys came. Because it was very clear. It was just very clear the witness was talking about, you know, has anything happened between the

two of you she said not since the last time you guys came. That's really prejudicial. I don't think we can solve that with the jury.

The Court: The real question in my mind is I mean since the last time you guys were here does that automatically clue them in?

I mean police come out for other reasons. But the context in which the question is asked were you fighting, you mean since the last time you were here? I mean sometimes police get called – I mean. We have seen it. Police get called. In civil cases, police get called because somebody is just ticked off because they don't get their visitation.

[Defense Counsel]: Right. But this is, you know, a domestic violence case that involves assault. And I – we can't allow the jury to speculate as to those things. We can't –

And furthermore, the motion that I filed included any prior incidents or any evidence of prior incidents between the two of them. And that includes any other time the police were called. Because the jury can speculate about that.

The court took a brief recess, and when it returned, the court denied the motion for a mistrial:

The Court: [P]olice officers are called and might knock on the door and ask, you know, whose car is that or you know do you know – did you hear anything. Do you want anything. Sometimes neighbors might call for a loud argument or for a dog barking.

And I think in this context the jury would not automatically jump to a prior bad act. . .

And this version will not go back to the jury. It is out there. They heard it. But I don't want to assume that they're going to automatically . . . think this indicates that there was a prior physical altercation. Because it doesn't necessarily mean that.

It means they had a prior argument.

It doesn't mean there was abuse. Doesn't mean either one of them did or did not engage in a physical altercation. Were you arguing? Not since last time. And in that context, it suggests there was a prior argument. But I don't think that rises to the level of a prior bad act that is going to be prejudicial. So that is – I understand your position. But that is my ruling.

The parties agreed to redact portions of the body camera footage during a lunch break. Upon the jury's return, the court informed them that a redacted version of the "two-hour body cam video" would be provided and admitted as the State's exhibit.

Following the conclusion of the evidence, the court instructed the jury, and the parties gave their closing arguments.² During the prosecutor's closing argument on rebuttal, she stated:

[Prosecutor]: The defense indicates that Ms. Hillard is just being petty. I suggest to you she is not being petty. She is a victim of domestic violence. And when push came to shove and she had to get up in front of a room of 14 jurors, his family, her family, other State's Attorneys, bailiffs, the judge –

Appellant's counsel objected, and the court overruled the objection. The State continued:

She chose herself. When asked to do that, she chose herself. And she told you the truth about what happened on December the second of 2022.

The jury found Appellant guilty of first-degree assault, second-degree assault, and committing a crime of violence against a pregnant person pursuant to CRIM. L. § 14-104. He was sentenced to twenty-five years' imprisonment with all, but twenty years suspended

² The court also reiterated to the jury in its instructions that, "some of the evidence [they] receive will have portions redacted. The parties . . . agreed that the portions removed, which may include audio or video or both, are not relevant or germane to the issues before the jury. You should not speculate as to any content removed."

for the merged charges of first and second-degree assault. Appellant was sentenced to ten years’ imprisonment for committing a crime of violence against pregnant person, to be served concurrently, as well as five years’ supervised probation upon his release. Appellant noted this timely appeal.

STANDARD OF REVIEW

An appellate court will “not disturb a trial court’s evidentiary ruling unless the evidence is plainly inadmissible under a specific rule or principle of law, or there is a clear showing of an abuse of discretion.” *Joiner v. State*, 265 Md. App. 546, 570 (2025) (quoting *Bey v. State*, 228 Md. App. 521, 535 (2016)) (citation omitted). “An abuse of discretion occurs when the trial court’s decision is ‘well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.’” *Id.* at 570-71 (quoting *Moreland v. State*, 207 Md. App. 563, 569 (2012)). Generally, a trial court retains “wide discretion” in “weighing the relevancy of evidence.” *State v. Simms*, 420 Md. 705, 724 (2011). However, the “trial court does not have discretion to admit irrelevant evidence.” *Id.* at 724-25. We examine, under the abuse of discretion standard, whether the “relevancy question” is dependent on the trial court’s ruling “in relation to other factors.” *Parker v. State*, 408 Md. 428, 437 (2009) (quoting *J.L. Matthews, Inc. v. Md.-Nat’l Capital Park & Planning Comm’n*, 368 Md. 71, 92 (2002)). If the ruling under review is based on a “pure conclusion of law,” we review *de novo*. *Parker*, 408 Md. at 437.

On appeal, “we will not reverse a conviction due to a ruling on a prosecutor’s improper remarks unless there has been an abuse of discretion by the trial judge.” *Francis*

v. State, 208 Md. App. 1, 15 (2012). If, in reviewing the record, we can determine “beyond a reasonable doubt, that the error in no way influenced the verdict[,]” the error is harmless, and reversal is not required. *Donaldson v. State*, 416 Md. 467, 496 (2010). A verdict is influenced “if it ‘appears that the remarks . . . actually misled the jury or were likely to have misled or influenced the jury to the defendant’s prejudice.’” *Id.* at 496–97 (citation omitted).

The granting of a motion for a mistrial is within the province of the trial judge. *Hopkins v. Silber*, 141 Md. App. 319, 339 (2001). Appellate review is “limited to whether there [was] an abuse of discretion in denying the motion.” *Id.* (citation omitted). “The failure to declare a mistrial after . . . improper [statements]” have been made “to the jury does not [necessarily] constitute an abuse of discretion.” *Id.* at 339. An abuse of discretion occurs only where the remarks that form the basis of the motion are a “direct and contributing factor” of “*substantial* prejudice” caused to the defendant. *See Leak v. State*, 84 Md. App. 353, 358 (1990) (emphasis in original).

DISCUSSION

I. The circuit court did not abuse its discretion in denying Appellant’s motion for mistrial.

Appellant argues that the court erred in denying his motion for mistrial after two instances of improper bad act evidence were presented to the jury. Specifically, Appellant contends that Ms. Hillard’s testimony concerning previous interactions with him and Officer Roguski’s body camera footage were irrelevant and inadmissible. Appellant asserts that even if the evidence was relevant, it was grossly prejudicial, as it left “the jury

. . . to speculate whether [Appellate] was a serial domestic abuser.” Appellant argues that the court erred, the error was not harmless, and reversal is required.

The State contends that the court properly exercised its discretion in denying Appellant’s motion for mistrial, because while both evidentiary items were inadmissible, the court invoked appropriate remedial measures. The State argues that Ms. Hillard’s testimony and the body camera footage were “vague and made no reference to a crime much less a specific one,” and such references “paled in comparison to the overwhelming evidence of [Appellant’s] guilt.” The State emphasizes that the court’s curative instructions were “timely, to-the-point, and correct” and reduced the risk of any prejudice.

Generally, evidence “having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence,” is relevant. Maryland Rule 5-401. Unless “otherwise provided by constitutions, statutes, or these rules, or by decisional law not inconsistent with these rules, all relevant evidence is admissible. Evidence that is not relevant is not admissible.” Md. Rule 5-402. Relevant evidence may, nevertheless, be excluded “if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.” Md. Rule 5-403. The “probative value is substantially outweighed by unfair prejudice when the evidence ‘tends to have some adverse effect . . . beyond tending to prove the fact or issue that justified its admission.’” *Vangorder v. State*, 266 Md. App. 1, 18 (2025) (quoting *State v. Heath*, 464 Md. 445, 464 (2019) (citation omitted)). “Evidence of other crimes, wrongs, or acts . . . is not admissible to prove the character of a person in order to show action in the conformity therewith. Such evidence, however, may

be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, common scheme or plan, knowledge, identity, absence of mistake or accident.” Md. Rule 5-404(b).

In the present case, there is no dispute that the court properly granted, prior to trial, a motion in limine that precluded evidence of prior bad acts or incidents between Appellant and Ms. Hillard. Appellant disputes the admissibility of the references. However, during trial, the State agreed to rephrase its questioning and also to redact the body camera footage. The court did not address the issue of admissibility further. As such, we decline to address the issue and our focus, instead, is whether the court erred in denying the motion for a mistrial.

A mistrial is an “extreme sanction” that should only occur if “overwhelming prejudice has occurred that no other remedy will suffice to cure the prejudice.” *Winston v. State*, 235 Md. App. 540, 569 (2018) (citing *Burks v. State*, 96 Md. App. 173, 187 (1993)). “[The] decision to grant a mistrial lies within the sound discretion of the trial judge and . . . [such] determination will not be disturbed on appeal unless there is [an] abuse of discretion.” *Carter v. State*, 366 Md. 574, 589 (2001)(citations omitted). “[W]hen the [trial] court finds that inadmissible evidence has been presented to the jury, it is within the discretion of the trial court to decide whether a cautionary or limiting instruction should be given.” *Id.* at 587-88. The curative instruction “must be timely, accurate, and effective.” *Id.* at 589. When “the prejudice to the defendant was so substantial that he [or she] was deprived of a

fair trial,” a “mistrial is necessary.” *Winston*, 235 Md. App. at 569-70 (citing *Kosh v. State*, 382 Md. 218, 226 (2004)).

On appeal, when determining whether evidence is substantially prejudicial to a defendant, we examine the following non-exclusive factors, including:

whether the reference to [the inadmissible evidence] was repeated or whether it was a single, isolated statement; whether the reference was solicited by counsel, or was an inadvertent and unresponsive statement; whether the witness making the reference is the principal witness upon whom the entire prosecution depends; whether credibility is a crucial issue; [and] whether a great deal of other evidence exists . . .

Guesfeird v. State, 300 Md. 653, 659 (1984).

Rainville v. State provides guidance and an example of an inadequate corrective instruction. *Rainville v. State*, 328 Md. 398 (1992). There, the petitioner was tried for sexually abusing a seven-year-old girl. *Id.* at 399. During trial, the mother of the victim, when describing the child’s demeanor, testified that the petitioner was in jail for allegedly assaulting the victim’s sibling. *Id.* at 401. The defense objected and requested a mistrial, which was denied by the court. *Id.* at 401-02. The court, instead, provided a curative instruction, at the request of the defense, stating the following:

Gentlemen of the jury, the witness just alluded to some other incident that has nothing to do with this case, and you should not in any way consider what she has said, and you should put it out of your mind and forget about it . . .

Id. at 402. The petitioner was ultimately convicted of two of four charges. *Id.* On appeal, this court affirmed the judgment. *Id.* at 398.

The Maryland Supreme Court, however, reversed the conviction, after examining the substantial prejudice factors and determining that the petitioner was denied a fair trial. *Id.* at 409-11. The Court found that the mother’s testimony was highly prejudicial and

that “[t]he State's case rested almost entirely upon the testimony of a seven-year-old girl.” *Id.* at 409. The Court also found that there was evidence of antagonism between the petitioner and the mother. *Id.* at 410. The Court held that, “[u]nder these circumstances, informing the jury that the defendant was ‘in jail for what he had done to Michael’ almost certainly had a substantial and irreversible impact upon the jurors, and may well have meant the difference between acquittal and conviction.” *Id.* The Court stated that it was “highly probable that the inadmissible evidence had such a devastating and pervasive effect that no curative instruction, no matter how quickly and ably given, could salvage a fair trial for the defendant.” *Id.* at 411.

Vaise v. State is also instructive. *Vaise v. State*, 246 Md. App. 188 (2020). There, the petitioner was tried on charges of second-degree murder and the use of a firearm in the commission of a crime of violence, in connection with the death of his father. *Id.* at 196-97. During the trial, the State presented petitioner’s recorded statement describing how he “made a mistake when [he] was 17 years old, ... playing around with a flare gun.” *Id.* at 241, 244. The defense counsel objected and requested a mistrial, or in the alternative, a curative instruction, on the grounds that the statement invited the jury to speculate. *Id.* at 241-42. The court denied the motion and gave the following instruction:

Madam Forelady, members of the jury, on the statement you just heard Mr. Vaise say words to the effect of I made a mistake when I was 17 years old, I was playing around with a flare gun. I am striking that from the record. You are to completely disregard it. Do not speculate as to what it means or what he was referring to. It is omitted from the record. Thank you.

Id. at 242. Petitioner was ultimately convicted of all charges. *Id.* at 204-05.

This court affirmed the lower court’s judgment finding that the petitioner’s statement “was not the type of evidence that the jury was presumptively unable to disregard at the court’s instruction.” *Id.* at 244. We explained:

[T]his was a single unsolicited and inadvertent reference to an unrelated, remote, and equivocal prior “mistake” (not conviction) that involved “playing” (not shooting) a flare gun (not a rifle), this was not like the evidence of lie detector results, child sexual assault, prior conviction, or motive for murder that “rang the bell” in a manner juries in other cases were unable to disregard.

Id.

Here, in examining the substantial prejudice factors, we observe that the statements were isolated, they were unsolicited, inadvertent, unresponsive and there was a “great deal of other evidence” that implicated Appellant. When Ms. Hillard was asked to describe what the officer did when she arrived on the scene, Ms. Hillard testified, “She said that it was a previous call before a couple days.” Appellant immediately objected and requested a mistrial, which the court denied. The court, however, did give a curative instruction. Later, when Officer Roguski testified, the prosecution introduced body-camera footage that depicted Ms. Hillard making a statement, when asked “was there an altercation that happened beforehand,” where she stated, “[n]ot since when you came the last time [. . .]” Appellant’s counsel again objected and requested a mistrial, which, after further inquiry, the court declined to grant, stating:

[P]olice officers are called and might knock on the door and ask, you know, whose car is that or you know do you know – did you hear anything. Do you want anything. Sometimes neighbors might call for a loud argument or for a dog barking. And I think in this context the jury would not automatically jump to a prior bad act.

We note that while Ms. Hillard was a key witness, the State’s case did not rest entirely on her testimony. The State called other witnesses, including Ms. Hillard’s neighbor, Detective Moore, and Officer Roguski. Each witness testified similarly as to the behavior of Ms. Hillard after the incident occurred, and the appearance of her injuries. The State’s case was supported by the introduction of Ms. Hillard’s telephone conversation with Appellant, where the two agreed to construct a story that they were not in a physical fight. The State presented photographic evidence of Ms. Hillard’s injuries taken the night of the incident and a few days thereafter, confirming Detective Moore’s testimony concerning Ms. Hillard’s injuries.³ In sum, there was an abundance of other evidence that was properly admitted, upon which the jury could conclude Appellant was guilty.

We hold that appellant was not “substantially prejudiced,” by the inadvertent statements and any prejudice from the evidence, was not the “kind of incurable prejudice that would warrant a mistrial. Appellant was not “substantially prejudiced,” by the inadvertent statements and any prejudice from the evidence, was not the “kind of incurable prejudice that would warrant a mistrial.” *See Leak*, 84 Md. App. at 358; *Vaise*, 246 Md. at 243-44. We conclude that the court did not abuse its discretion in denying the motion for a mistrial.

II. The circuit court did not err in allowing certain statements made by the prosecutor during closing arguments.

³ In Officer Roguski’s camera footage, Ms. Hillard can also be seen collecting her hair from the ground within her home in the area she originally indicated the altercation occurred.

Appellant argues that the trial court erred in allowing the prosecution to make certain remarks that violated the rules against “vouching,” and the “golden rule.” He argues that, as a result, he was unfairly prejudiced. The State contends that, during closing argument, the prosecutor merely stated, “what the jury already knew because they personally observed it” and that they “properly invoked a common-sense inference.” The State argues, alternatively, that even if the statements were improper, there was no prejudice.

“[A]ttorneys are afforded great leeway in [the presentation of] closing arguments[.]” *Donati v. State*, 215 Md. App. 686, 731 (2014) (quoting *Degren v. State*, 352 Md. 400, 429 (1999)). Arguments, however, should be “confined to the issues in the cases on trial, the evidence and fair and reasonable deductions therefrom, and to arguments of opposing counsel[.]” *Degren*, 352 Md. at 430 (quoting *Wilhelm v. State*, 272 Md. 404, 413 (1974)). Prosecutors are restricted from “vouching” for a witness’ credibility in closing argument. *Spain v. State*, 386 Md. 145, 153 (2005). “It is also improper for counsel to make ‘golden rule’ arguments [that] ask the jury to put themselves in the shoes of the victim [.]” *Donaldson*, 416 Md. at 489 (citing *Lee v. State*, 405 Md. 148, 171 (2008)).

During the closing argument given by Appellant’s attorney, he stated:

Now, I’ve told you from the start that relationships are complicated. People argue. They do petty things. They get mad at each other. They exaggerate. Why would someone exaggerate in this situation? Well Ms. Hillard told you. She and Mr. Raines were arguing throughout the day. She was upset. She was in her feelings. She wanted to find a way to put him away. Those were her words.

The prosecutor, responded in her rebuttal closing argument, by stating:

The defense indicates that Ms. Hillard is just being petty. I suggest to you she is not being petty. She is a victim of domestic violence. And when push

came to shove and she had to get up in front of a room of 14 jurors, his family, her family, other State’s Attorneys, bailiffs, the judge –

She chose herself. When asked to do that, she chose herself. And she told you the truth about what happened on December the second of 2022.

Appellant argues that the prosecutor’s statements constituted improper vouching. We do not agree. The statements merely reflected on the seriousness of her conduct, i.e., that Ms. Hillard came to testify publicly, and others were present throughout her testimony. The prosecutor did not “express any personal belief or assurance” regarding to her credibility. *See Spain*, 386 Md. at 156. The prosecutor’s statements simply reflected what was apparent to anyone who observed the trial. *See Wilhelm*, 272 Md. at 439.

The prosecutor’s statements also did not constitute a “golden rule” argument. The prosecutor did not ask the jury to put themselves in Ms. Hillard’s place but instead highlighted that “she chose herself.” We hold that the court did not abuse its discretion in allowing the prosecutor’s statements during closing argument.

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