

Circuit Court for Baltimore City
Case No. 123325001

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1569

September Term, 2024

ALPHONSO WARD

v.

STATE OF MARYLAND

Nazarian,
Shaw,
Eyler, Deborah S.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.
Shaw, J., concurs in the judgment only

Filed: June 8, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

In 2023, the State charged Alphonso Ward with multiple crimes in connection with the death of his cousin. During voir dire for jury selection, the trial judge in the Circuit Court for Baltimore City struck prospective Juror 2411 (“Juror 2411”) for cause over Mr. Ward’s objection after expressing dissatisfaction with his answers to questions about whether he could be fair and impartial and render a verdict based solely on the evidence. After a four-day trial, the jury convicted Mr. Ward for second-degree murder and possession of a deadly weapon. On appeal, Mr. Ward argues that the circuit court abused its discretion when it struck Juror 2411. But Mr. Ward seems to assume that the remedy if we agree is to reverse his conviction and remand for a new trial. He doesn’t offer any argument as to how the exclusion of this juror might have rendered the jury unfair or partial and the State doesn’t address the issue either way. We agree with Mr. Ward that the circuit court abused its discretion in excluding Juror 2411 for cause, but because there is no basis on this record for us to conclude that the jury the court impaneled was unfair and impartial, we affirm his conviction.

I. BACKGROUND

On October 13, 2023, the Baltimore City Fire Department found Kevin Miller outside his apartment with multiple stab wounds. Earlier that day, closed-circuit television footage captured Mr. Ward and Mr. Miller arriving at the apartment together, Mr. Miller coming out of the building and lying down on the sidewalk about fifty minutes later, and Mr. Ward emerging and moving around the block for about ten minutes before returning to the corner near Mr. Miller’s body and remaining there until the fire department arrived.

After taking Mr. Ward to the police department for questioning, officers dropped him off at Mr. Miller’s apartment. They returned about four hours later and arrested Mr. Ward. Mr. Miller died from his stab wounds. The State charged Mr. Ward with first- and second-degree murder, manslaughter, first- and second-degree assault, and carrying a dangerous weapon with the intent to injure.

Jury selection took place on July 23, 2024, the first day of the four-day trial. During voir dire, the trial judge asked a series of questions to the venire and noted, between questions, the juror identification number of those who answered “yes” to each question. The trial judge then called each juror to the bench to ask individual questions relating to their “yes” answers to questions posed to the group. The court asked each juror three follow-up questions: (1) Why did the juror answer “yes” to the general question; (2) would the juror’s answer to the first question interfere with their ability to keep an open mind in the matter and make a decision based solely on the evidence; and (3) was the juror sure they could be fair?

During general questioning, Juror 2411 answered “yes” to three questions: (1) Had he or any member of his immediate family or someone living in his home ever been convicted of a crime, been a victim of a crime, had a pending case, or testified as a witness in a trial; (2) did he or any member of his immediate family or someone living in his home have any training or experience in the legal field; and (3) did he or any member of his immediate family or someone living in his home have training or experience in the medical field? During follow-up questioning, the trial court asked Juror 2411 about the details of

his and his family's experiences and if there was anything about those experiences that would compromise his ability to be impartial in this case:

THE COURT: . . . Is there anything about your training in the medical field or anything about your brother's involvement with the criminal justice system or even your sister's legal career that would cause you to not be fair in this case?

JUROR [2411]: No. I mean honestly at the end of the day like (inaudible) answered, but at the same time perspective is perspective. If I see it (inaudible).

THE COURT: All right. Can you listen to the evidence and make a decision based solely on the evidence?

JUROR [2411]: I mean yeah, based off the evidence like video—video feed, fingerprints and shit like that, then yeah. Excuse my language. But yeah, those things lead to like making sense.

THE COURT: Okay.

JUROR [2411]: That's perception.

THE COURT: Excuse me?

JUROR [2411]: That's—for me that's perception.

THE COURT: Okay.

JUROR [2411]: Like what—what it seem to be true, what is felt to be true and what is.

THE COURT: Okay. Well, hold on, stop. Can you look at the—can you look at, listen to, read the evidence and make a decision based solely on the evidence? Yes or no?

JUROR [2411]: I feel like it's perception. I really don't know how to say it better because I mean to me it's like if you give you a video and you ask me to watch it and my opinion, then that's what I think.

The State moved to strike Juror 2411 for cause because counsel was “not really sure what [the juror’s] response was.” The court agreed and granted the motion over defense counsel’s objection:

[COUNSEL FOR THE STATE]: Your Honor, I’m going to make a motion because I’m not really sure what his response was.

THE COURT: Yeah, he’s one of those people who thinks they’re smarter than everyone else.

[COUNSEL FOR MR. WARD]: I’m going to object though because I think that you’re both saying the same thing. He’s just saying it a different way.

THE COURT: No. He’s saying . . . it’s his perception of it as opposed to what it is. And that to me means based on my experiences I would make a decision in how I perceive it.

[COUNSEL FOR MR. WARD]: But isn’t that what everybody does?

THE COURT: Not him. Well, if that’s what everybody does why isn’t everybody standing?

[COUNSEL FOR MR. WARD]: Because—I don’t know.

THE COURT: Yeah.

[COUNSEL FOR MR. WARD]: Just because that’s the way he talks, but I think that—I mean well, what we do is we watch the evidence, we perceive it and then we make a decision based on how we perceive it. And that’s all he’s saying.

[COUNSEL FOR THE STATE]: I don’t think he was—

THE COURT: And what do you think that’s going to do with 12 other people, with 11 other people and how that’s going to affect their—

[COUNSEL FOR MR. WARD]: They’re all going to make a decision based on—

THE COURT: But I mean that type of rhetoric how that goes to affect their ability to come to a decision.

[COUNSEL FOR MR. WARD]: I mean that's not—my concern is that he be fair and he can analyze the evidence and that, you know,—

THE COURT: He didn't say he could be fair.

[COUNSEL FOR THE STATE]: He didn't say he could be fair.

THE COURT: The first thing he said was—

[COUNSEL FOR THE STATE]: And his body language was like.

THE COURT: Yeah.

[COUNSEL FOR MR. WARD]: I'm going to ask the court to note my objection.

THE COURT: I'm going to grant the—

[COUNSEL FOR THE STATE]: Thank you, Your Honor.

After trial, the jury convicted Mr. Ward of second-degree murder and carrying a deadly weapon with the intent to cause injury. The court sentenced him to forty years of imprisonment, all but twenty years suspended, and five years of supervised probation upon release for second-degree murder and three consecutive years of imprisonment for possession of a deadly weapon. On October 10, 2024, Mr. Ward noted a timely appeal from his conviction and sentence.

II. DISCUSSION

Mr. Ward presents one issue on appeal: Was the circuit court’s strike for cause of Juror 2411 an abuse of discretion?¹ We hold that it was, but affirm his conviction because he hasn’t argued or established why the resulting jury was objectionable or, more precisely, wasn’t fair or impartial.

Ordinarily, appellate courts leave the decision whether to excuse a juror for cause to the “sound discretion” of the trial court, which “is in the best position to assess a juror’s state of mind, by taking into consideration the juror’s demeanor and credibility.” *Ware v. State*, 360 Md. 650, 666 (2000). We review the circuit court’s decision to exclude a juror for cause for an abuse of its discretion. *Trotman v. State*, 466 Md. 237, 251 (2019).

Mr. Ward argues that the circuit court abused its discretion by excluding Juror 2411 based on his “abstract belief” that his verdict would rest on “his perception of the evidence.” He contends alternatively that the trial court excluded Juror 2411 improperly based on his demeanor when answering voir dire questions about his ability to render a fair and impartial verdict rather than on the content of his responses. The State counters that the court excluded Juror 2411 properly based on its determination that his answers were inadequate to show that he could listen to the evidence at trial and render a verdict based

¹ Mr. Ward phrased the Question Presented in his brief as follows: “Did the circuit court abuse its discretion in striking for cause Prospective Juror 2411?”

The State phrased the Question Presented slightly differently: “Did the trial judge act in [their] discretion in striking a member of the venire for cause, when that candidate juror could not or would not state that he could be fair, in response to the judge’s questions?”

solely on that evidence. We agree that Juror 2411’s responses to voir dire questions didn’t indicate that he harbored any form of bias, preconception, or prejudice that would prevent him from being fair and impartial and that he stated only, if in unconventional wording, that he would have decided the case based on how he perceived the evidence and testimony.

Maryland Rule 4-312 governs jury selection in criminal trials and authorizes the court to strike prospective jurors for cause. Md. Rule 4-312(e)(2) (“A party may challenge an individual qualified juror for cause before the jury is sworn”). A strike for cause is a motion to disqualify a prospective juror on the basis that the juror does not meet minimum statutory qualifications for jury service or, more pertinently, that the juror cannot be fair or impartial. *Dingle v. State*, 361 Md. 1, 9–10, 12 (2000) (citing *Davis v. State*, 333 Md. 27, 35–37 (1993), overruled by *Pearson v. State*, 437 Md. 350 (2014)). “In determining motions to disqualify for cause, the proper focus is on the prospective juror’s state of mind, and whether there is some bias, prejudice, or preconception.” *Boyer v. State*, 102 Md. App. 648, 659 (1995). The voir dire process and questions, which focus on a potential juror’s bias as it relates to the crime, the witnesses, or the defendant, are meant to uncover cause for a strike if it’s there. *Dingle*, 361 Md. at 10 (citing *Alexander v. R.D. Grier & Sons Co. Inc.*, 181 Md. 415, 419 (1943)). “A juror may be struck for cause only where he or she displays a predisposition against innocence or guilt because of some bias extrinsic to the evidence to be presented.” *McCree v. State*, 33 Md. App. 82, 98 (1976).

Mr. Ward asserts that the circuit court abused its discretion because it excluded Juror 2411 based on his abstract belief that his decision on guilt or innocence would constitute

his perception of the evidence. He relies on *King v. State*, 287 Md. 530 (1980), a case in which the defendants faced charges related to the possession of marijuana. *Id.* at 531–32. During voir dire, the court asked the venire if any of them believed that the laws prohibiting the use and possession of marijuana should be changed and two prospective jurors responded in the affirmative. *Id.* at 531–34. The court excluded those jurors for cause without further inquiry. *Id.* at 532–34. On appeal, this Court affirmed the defendants’ convictions. *Id.* at 534. But the Supreme Court of Maryland reversed, emphasizing that when a trial court is deciding whether to excuse a juror for cause, “the general question is whether [the juror] holds a particular belief or prejudice that would *affect his ability or disposition to consider the evidence fairly and impartially and reach a just conclusion.*” *Id.* at 535 (emphasis added). Put differently, a juror’s mere belief that the law should be changed, in the abstract and without further inquiry into whether that belief would affect the juror’s ability to render a fair and impartial verdict based on the evidence and the law as written presently, is not sufficient cause to strike that juror. *Id.* at 535–37; *see also Hunt v. State*, 321 Md. 387, 419 (1990) (“A trial judge should not excuse prospective jurors for cause simply because of the juror’s abstract beliefs.”). The trial court’s decision to strike those two prospective jurors without determining if their belief that marijuana laws should be changed would interfere with their ability to decide the case fairly based on the evidence was an abuse of discretion. *King*, 287 Md. at 539; *see also Hunt*, 321 Md. at 419 (“[E]xcusing jurors for cause because of their abstract beliefs is an abuse of discretion . . .”). According to the Court, this error required reversal of the convictions

because the trial court had excluded a “significant part of the community” from the jury improperly—those who believed marijuana laws should be changed. *King*, 287 Md. at 539.

King’s “abstract belief” holding doesn’t fit the facts of this case, though. Unlike the jurors in *King*, Juror 2411 didn’t express any abstract belief that the laws under which the State charged Mr. Ward should be changed, or any abstract beliefs at all. Mr. Ward concedes that Juror 2411 “had not expressed any belief relative to the crimes charged.” The factual premise on which *King* rested—jurors’ expression of abstract beliefs pertaining to the crime charged, *see* 287 Md. at 539—is absent here.

The absence of any statement by Juror 2411 expressing any preconceived belief about the offenses with which the State charged Mr. Ward is the reason the circuit court’s decision to strike him for cause was an abuse of its discretion. This brings us to Mr. Ward’s alternative argument: that the circuit court excused Juror 2411 improperly based on its disapproval of his demeanor when answering its questions rather than on the content of his answers. The State counters that the court’s decision to exclude Juror 2411 *was* based on the content of his responses and that the court excluded him properly because he “could not simply state that he would listen to the evidence and make a decision based on the evidence.” But even if the circuit court struck Juror 2411 based on the content of his answers to its voir dire questions, that decision was an abuse of discretion.

After Juror 2411 responded to the trial court’s questions about his ability to be fair and to decide the case solely on the evidence, the court expressed disapproval of the manner of his responses, stating that he was “one of those people who thinks they’re smarter than

everyone else.” The court expressed also concerns about how he would interact with the other eleven jurors and “how that type of rhetoric” about how he would decide the case based on his perception of the evidence would “affect [the other jurors’] ability to come to a decision.” When defense counsel responded that the “concern [was] that he be fair and he can analyze the evidence,” the court responded, “He didn’t say he could be fair.” The court then echoed the State’s disapproval of Juror 2411’s body language.

The decision whether to strike a prospective juror for cause must rest on the juror’s state of mind. *Boyer*, 102 Md. App. at 659. And the trial court “is in the best position to assess a juror’s state of mind, by taking into consideration the juror’s demeanor and credibility.” *Ware*, 360 Md. at 666. The record in this case reveals that the trial court’s assessment of Juror 2411, based on his demeanor and body language when answering its voir dire questions, was that he was self-important and might attempt to persuade the other jurors to adopt his manner of thinking. We don’t second-guess the court’s assessment, but that wasn’t a proper basis for a for-cause strike. A trial court may exclude a prospective juror for cause only if questioning during voir dire reveals that the juror harbors some bias, preconception, or prejudice related to the crime, defendant, or witnesses that would predispose them to a finding against guilt or innocence for reasons unrelated to the evidence. *Dingle*, 361 Md. at 10 (noting that voir dire questions “should focus on issues particular to the defendant’s case so that biases directly related to the crime, the witnesses, or the defendant may be uncovered”); *Boyer*, 102 Md. App. at 659; *King*, 287 Md. at 535; *McCree*, 33 Md. App. at 98; *see also Miles v. State*, 365 Md. 488, 568–69 (2001) (holding

that for-cause strike of prospective jurors in death penalty case was not an abuse of discretion because each excluded juror “indicated varying levels of inability or unwillingness to consider the death penalty as an appropriate sentence” regardless of the court’s instructions on the law or the evidence presented at trial).

Here, when asked by the court if there was anything about his medical training, his brother’s involvement with the criminal justice system, or his sister’s legal career that would prevent him from being fair in this case, Juror 2411 responded, “No.” And when the court asked him for the *first* time if he could listen to the evidence and make a decision based solely on the evidence, he replied, “I mean, yeah” So contrary to the State’s assertion, Juror 2411 did indicate that he could be fair and impartial and did—while perhaps not as “simply” as other members of the venire—“state that he would listen to the evidence and make a decision based on the evidence.” Although he then elaborated that evidence like “video feed [and] fingerprints . . . lead[s] to making sense” and that to him, the act of making a decision based on the evidence was about “perception”—“what [seems] to be true, what is felt to be true and what is,” and although he made further statements about perception instead of providing the requested “[y]es or no” answer when the court asked him a *second* time to clarify whether he could “look at, listen to, read the evidence and make a decision based solely on the evidence,” his elaboration didn’t detract from his affirmations that he could be fair and could listen to the evidence at trial and make a decision based solely on the evidence. In the case of every other juror who made such affirmations when asked follow-up questions after giving a “yes” answer during the initial

round of voir dire questioning, those affirmations were sufficient to satisfy the court that the juror could be fair and impartial. Because nothing in Juror 2411's answers indicated that he harbored any bias, prejudice, or preconception about the crimes charged, the witnesses, or Mr. Ward that would predispose him against a finding of guilt or innocence, the trial court's decision to strike Juror 2411 for cause on this record abused its discretion.

So where does that leave Mr. Ward? His argument leaps directly from arguing that the court abused its discretion to saying that we should, therefore, reverse his convictions and remand for a new trial. The State counters all the discretion arguments but says nothing about the remedy were we to find an abuse of discretion, as we have. The cases on which both sides rely, however, reveal that wrongfully striking a juror isn't a structural error and doesn't, by itself, compel reversal. The question is whether the resulting jury is "objectionable," which is to say unfair or partial. *Johnson v. State*, 18 Md. App. 571, 573 (1973) ("It is not reversible error for the [c]ourt . . . to exclude a juror, even for insufficient cause, if an unobjectionable jury is afterwards obtained.") (quoting *Bluthenthal & Bickart v. May Advert. Co.*, 127 Md. 277, 285 (1915)); *King*, 287 Md. at 538 (same); *Hunt*, 321 Md. at 420 (quoting *King*, 287 Md. at 538). In other words, when a trial court excludes a single juror for insufficient cause for reasons particular to that juror, the error isn't reversible unless the defendant proves that the jury empaneled ultimately by the court wasn't fair and impartial. *King*, 287 at 537–38 (citing *Bluthenthal & Bickart*, 127 Md. at 285); *Hunt*, 321 Md. at 420 (citing *King*, 287 Md. at 538). Mr. Ward makes no such argument here—he objects only to the decision to strike Juror 2411 and says nothing about

the jury that remained, about how or why that jury might not have been fair or impartial, or how we could assess the impact of the strike on the trial or its decisions. In other contexts, such as violations of *Batson v. Kentucky*, 476 U.S. 79 (1986), the nature of the violation determines the prejudice. In the *Batson* context, for example, a violation results in a jury whose makeup has been influenced, indeed tainted, by race or sex discrimination. *See Spencer v. State*, 450 Md. 530, 563 (2016) (trial court couldn't point to material evidence in the record to support the decision to reject defense counsel's race-neutral explanations for striking white jurors). But here, we have no basis on which to conclude that the members of the jury who served were unfair or partial or that the fairness and impartiality of the jury as a whole was compromised by the court's decision. As a result, then, we find ourselves in the strange posture of agreeing with Mr. Ward that the circuit court abused its discretion in striking Juror 2411, but with no basis on which to afford him any sort of remedy. We must, therefore, affirm his convictions.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE DIVIDED EQUALLY.**

Judge Shaw concurs in the judgment only.