Circuit Court for Howard County
Case No. C-13-CR-18-000560

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1624

September Term, 2023

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GREGORY LOGAN

v.

STATE OF MARYLAND

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Graeff,
Berger,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Kehoe, Christopher B., J.

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Filed: July 3, 2025

A jury in the Circuit Court for Howard County found Gregory Logan guilty of two counts of assault in the second degree and one count of theft of property having a value less than $100. The court sentenced him to consecutive terms of ten years' imprisonment, with all but two years suspended, for each assault conviction, and a concurrent term of ninety days for theft, to be followed by three years' supervised probation. In this appeal, Mr. Logan presents four issues, which we have reordered and reworded:

1. Was the evidence sufficient to sustain the convictions?

2. Did the trial court err by denying Mr. Logan's request for a continuance?

3. Did the trial court abuse its discretion by denying Mr. Logan's motion in limine to limit the testimony regarding the injuries sustained by the complainants?

4. Did the trial court err by declining to instruct the jury on self-defense?

We hold that the evidence is sufficient to sustain the convictions, that the trial court did not err when it denied Mr. Logan's request for a continuance, and that the trial court did not abuse its discretion in denying his motion in limine. However, we conclude that the trial court erred in refusing to instruct the jury on self-defense as to one of the counts of second-degree assault.

## BACKGROUND

At the times relevant to the issues raised in this appeal, Sheila and Michael Bowling resided in Elkridge, Maryland. Viewed in the light most favorable to the State, the evidence can be summarized as follows:

In the fall of 2018, Ms. Bowling was recovering from surgery, and she placed an advertisement on Craigslist for someone to clean her house. Taylor Simone Williams answered the advertisement. On October 1, 2018, she went to the Bowlings' home to perform that task.

Ms. Bowling accompanied Ms. Williams around her residence. She overheard Ms. Williams "fussing . . . on her phone [and saying] no, not yet, no, not yet" to her interlocutor. Ms. Bowling began to suspect that Ms. Williams "didn't come to clean[,]" and decided that she "need[ed] to just kind of end this." Ms. Bowling told Ms. Williams that she would be paid for two hours' work and asked her to leave the house. Ms. Williams refused to step outside until she was paid, and she stood in the doorway to the Bowlings' house, berating Ms. Bowling with racial slurs and vulgarities while demanding to be paid.

At this point, both women sought assistance. Ms. Williams called Mr. Logan on her cell phone. Ms. Bowling called out to her spouse. In response, Mr. Bowling left his basement office and came upstairs. Mr. Bowling's keys and a knife were either attached to his belt or protruding from a pocket.

Mr. Logan arrived shortly afterward. Mr. Bowling testified that Mr. Logan "jump[ed] up onto the porch, open[ed] the screen door," and punched him in the face. Ms. Bowling's testimony was consistent with Mr. Bowling's narrative.

Up to this point, Ms. Williams had been standing in the entrance to the Bowling's house and refusing to move. Ms. Williams then grabbed Mr. Bowling's keys and knife

and ran outside, with both of the Bowlings trailing behind her. Ms. Williams grabbed Mr. Bowling's arms and held onto them while Mr. Logan repeatedly punched him in the face and head. Ms. Bowling attempted to step between Mr. Logan and her husband, whereupon Mr. Logan struck her on the side of her face. The force of the blow knocked her to the ground. Mr. Bowling attempted to assist Ms. Bowling. While this was going on, Mr. Logan and Ms. Williams fled in their vehicle with Mr. Bowling's keys and knife.

At some point in this course of events, Ms. Bowling called 911. A Howard County police officer arrived at their home shortly after Mr. Logan and Ms. Williams had departed from the scene. The police developed Ms. Williams and Mr. Logan as suspects and, one week later, the pair were arrested.

The police filed a statement of charges in District Court, which was soon superseded by an indictment filed in the Circuit Court for Howard County that charged Mr. Logan with second-degree assault of Michael Bowling, second-degree assault of Sheila Bowling, and theft of property having a value of at least $100 but less than $1,500.[1]

Mr. Logan's trial took place on July 12th through 14th, 2023. There were six witnesses for the State: four members of the Howard County Police Department, Mr. Bowling, and Ms. Bowling. Mr. Logan testified on his own behalf.

The police witnesses testified about their initial response to the 911 call, the subsequent investigation that identified Mr. Logan and Ms. Williams as suspects, and

[1] Shortly before jury instructions, the prosecutor, without defense objection, amended the theft charge to theft of property having a value less than $100.

their eventual arrests. The only law enforcement officer's testimony that is relevant to the parties' appellate contentions was that of Officer Shaun McGarvey, who responded to the 911 call and took photographs of the Bowlings. We will discuss Officer McGarvey's testimony in part 1 of our analysis.

The Bowlings testified in detail not only about the events of October 1, 2018 (which we have summarized) but also about the long-term effects of their injuries, which we will discuss in part 3 of our analysis.

Mr. Logan elected to testify on his own behalf. On appeal, he asserts that his testimony showed that he was acting in self-defense and defense of Ms. Williams. We will discuss Mr. Logan's testimony in part 4 of our analysis.

After deliberating for several hours, the jury found Mr. Logan guilty of both charges of assault and the charge of theft of property having a value less than $100. The court imposed the sentences that we have previously described.

Additional facts are set forth where pertinent to the discussion of the issues.

## ANALYSIS

### 1. The Sufficiency of the Evidence

Mr. Logan maintains that the evidence is insufficient to sustain his convictions as to second-degree assault because it "[does] not demonstrate beyond a reasonable doubt that he did not act in self-defense when he defended himself and Ms. Williams" against what he characterizes as assaults by both of the Bowlings. According to Mr. Logan, the

Bowlings "were the initial aggressors," and he was acting in self-defense and in defense of Ms. Williams.

The State counters that the jurors could have discounted Mr. Logan's testimony and believed the Bowlings' version of events. The State contends that the evidence was sufficient as a matter of law to support the convictions.

In determining whether the evidence is sufficient to sustain a conviction, we must determine "whether, after reviewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis in original). *Jackson* is "the universally followed pole star . . . for review of the sufficiency of the evidence" in criminal cases. *Ross v. State*, 232 Md. App. 72, 81 (2017).

In conducting this review, we begin by acknowledging that the fact-finder in the present case was the jury, and it is the role of the jury, and not the appellate court, to "decide[] which evidence to accept and which to reject." *Grimm v. State*, 447 Md. 482, 505 (2016) (cleaned up). "'In its assessment of the credibility of witnesses,' a fact-finder is 'entitled to accept—or reject—*all*, *part*, or *none* of the testimony of any witness, whether that testimony was or was not contradicted or corroborated by any other evidence.'" *Id.* at 506 (quoting *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (emphasis in original)).

Mr. Logan's challenge to the sufficiency of the evidence relates to his claim of self-defense. We conclude that there was sufficient evidence presented at trial for the jury

to conclude that Mr. Logan was guilty of second-degree assault. But before we explain why, we must address three preliminary matters.

First, Mr. Logan's contentions regarding sufficiency of the evidence do not distinguish between the assault convictions and the theft conviction. But the concept of self-defense applies is relevant only to "assaultive crimes." *See, e. g*, *Lee v. State*, 193 Md. App. 45, 60 (2010) ("[A] third person, who is clearly related to or associated with the person subjected to the excessive and unreasonable force of the counterattack, has a right to go to the defense of that person and to use the same degree and character of force that the person presently being attacked could have used to defend himself." (quoting *Tipton v. State*, 1 Md. App. 556, 562 (1967))); *Bynes v. State*, 237 Md. App. 439, 442 (2018) ("[T]he simple and frequently neglected larger truth is that the defense of self-defense applies to assaultive crimes generally." (cleaned up)); *Bryant v. State*, 83 Md. App. 237, 245 (1990) (same); *see also* Maryland Criminal Pattern Jury Instructions ("MPJI-Cr") 5:01 (Defense of Others) (stating that trial courts should "[u]se this instruction if the defendant is charged with an assaultive crime other than murder and there is an issue of justification generated by evidence of defense of others").

Second, Mr. Logan's counsel asserted that Mr. Logan's claim of self-defense extended to the theft charge in his motion for judgment of acquittal after the close of the evidence. But Mr. Logan does not present this contention in his briefs to this Court, and it is therefore waived. Md. Rule 8-504(a)(6).

Third, Mr. Logan's phrasing of the issue—whether the evidence "demonstrate[s] beyond a reasonable doubt that he did not act in self-defense when he defended himself and Ms. Williams against the assault from" the Bowlings—is not the question before us. The relevant inquiry is whether a rational jury *could* have found, based upon the evidence adduced at trial, that Mr. Logan did not act in self-defense. *Jackson*, 443 U.S. at 319. We will now explain why the State has met this standard in this case.

Ms. Bowling testified that Mr. Logan "just reach[ed] out and punch[ed]" Mr. Bowling "in the face repeatedly[.]" She further testified that, after Ms. Williams seized Mr. Bowling's keys and "ran outside[,]" Mr. Bowling followed her, and Mr. Logan then "intercepted" Mr. Bowling and "start[ed] punching him" again. Ms. Bowling further testified that, at that time, she attempted to get between Mr. Logan and her husband, whereupon Mr. Logan hit her on the side of her face with enough force to knock her down. Mr. Bowling testified that Mr. Logan punched him in the face and head several times.

In addition to this testimony, contemporaneous photographs of Ms. Bowling and Mr. Bowling, depicting their injuries, were introduced into evidence. Considering this evidence in the light most favorable to the State, we conclude that a jury could have found beyond a reasonable doubt that Mr. Logan committed second-degree assaults against both Ms. Bowling and Mr. Bowling. *See Nicolas v. State*, 426 Md. 385, 403-04 (2012) (stating that, to find a defendant guilty of battery-type second-degree assault, the State must prove that: "(1) the defendant caused offensive physical contact with, or harm

to, the victim; (2) the contact was the result of an intentional or reckless act of the defendant and was not accidental; and (3) the contact was not consented to by the victim or was not legally justified" (citing MPJI-Cr 4:01 (2007 Supp.))).

Mr. Logan also argues that the State failed to disprove that he had acted in self-defense, but his contention overlooks the settled principle that the jury was entitled to disbelieve Mr. Logan's testimony. *Grimm*, 447 Md. at 506.[2]

2. Mr. Logan's Request for a Continuance

On the first day of trial, Mr. Logan moved for a continuance, which the trial court denied. On appeal, he argues that the trial court erred because he "had anticipated going to trial with Ms. Williams present," in order to present her testimony as well as his own and that he "was unable to present the testimony of Ms. Williams because she was not present."

Mr. Logan states that the trial court's ruling effectively violated his "right to compulsory process" under the Sixth Amendment because the practical effect of the trial court's ruling was to deny him the ability to present Ms. Williams's testimony. Mr. Logan contends that "Ms. Williams's location was known[,]" "there was no evidence that

[2] Mr. Logan also asserts that there was insufficient evidence to support the theft conviction. He does not explain why this might be so. We will not address this contention. "[A] single sentence is insufficient to satisfy [Md. Rule 8-504(a)]'s requirement" that a brief contain an argument in support of the party's position on each issue. *Tallant v. State*, 254 Md. App. 665, 678 n.9 (2022) (cleaned up); *see also DiPino v. Davis*, 354 Md. 18, 56 (1999) ("[I]f a point germane to the appeal is not adequately raised in a party's brief, the [appellate] court may, and ordinarily should, decline to address it.").

her presence could not be secured within a reasonable time[,]" Ms. Williams's testimony was "crucial" to his defense, "the case could not be tried fairly without the evidence[,]" and the defense "acted with reasonable diligence" to secure Ms. Williams's presence at trial.

The State counters that the premise of Mr. Logan's argument is flawed because it is based on "the fiction that [Mr.] Logan's case had previously been joined with [Ms.] Williams's." According to the State, the trial court did not abuse its discretion when it denied Mr. Logan's request for a continuance because the motion was made "for the first time on the day of trial for which he had four months' notice, after a prospective jury panel was summonsed, and based upon the absence of a witness with whom [Mr. Logan] lived and was engaged to[.]"[3]

The procedural history of this case is tangled. What follows are the most important events:

The incident that gave rise to the charges against Mr. Logan occurred on October 1, 2018.

On November 14, 2018, the State filed separate indictments against Mr. Logan and Ms. Williams. *See* Circuit Court for Howard County, Case Nos. C-13-CR-18-000560 (Mr. Logan) and C-13-CR-18-000561 (Ms. Williams).

[3] During the trial, the prosecutor asserted that Mr. Logan and Ms. Williams were sharing the same household. The State makes the same assertion on appeal, and Mr. Logan does not argue otherwise.

On December 14, 2018, Mr. Logan failed to appear for his initial appearance, and the court issued a bench warrant for his arrest. Eventually, he was apprehended.

On November 30, 2021, Mr. Logan appeared in court for a combined initial appearance and scheduling conference. Trial was scheduled for April 25-27, 2022.

On December 2, 2021, Mr. Logan was released on an unsecured bond.

On February 18, 2022, the circuit court granted a joint motion by the State and Mr. Logan to schedule a guilty plea hearing on June 2, 2022.

On June 2, 2022, the court held a plea hearing.[4] Mr. Logan informed the court that he wanted a continuance so that he could decide whether to accept or reject the State's offer. After further discussions, it became clear that Mr. Logan was unwilling to consent to the terms of the plea agreement. The prosecutor then declared that, if Mr. Logan consented, his preference would be to set Mr. Logan's trial and Ms. Williams's trial on the same date. Defense counsel stated that he had "no objection" to the State's request, and the court set a new trial date of July 26, 2022. Although counsel and the court appeared to be operating under the assumption that the cases had been joined, the record discloses that no written motion had been filed requesting joinder of the cases and that no order had

[4] The hearing transcript indicates that Ms. Williams was present in the courtroom but she did not address the court.

ever been entered that joined the two cases. Nonetheless, Ms. Williams's case was also scheduled for trial on July 26th.[5]

On July 26, 2022, that is, the scheduled date for both trials, neither Mr. Logan nor Ms. Williams appeared. Mr. Logan's counsel remarked that he thought that Mr. Logan's case had been "joined on the record of a previous hearing with Ms. Williams's case[.]" The court, however, informed counsel that the two cases had not been consolidated:

> But, you know, one thing I wanted to mention to you, *I don't know that anybody ever really formally moved to join the two cases. And I wondered if you might want to think about whether that's what you want to do. And if so, maybe file a motion to that effect.*
>
> [DEFENSE COUNSEL]: Your Honor, I recall I had looked at the docket entries and had the same thought. I was confused as to how that had happened. But then reviewing my notes and my recollections over the four years that this case has been in and out, I believe that what happened was that a previous hearing,[6] a postponement request by either party or both, I'm not quite sure, was entertained by the court. And there was concern expressed over the inconvenience to witnesses.
>
> And it was discussed on the record that there was no opposition from Mr. Logan or from the defense that those -- that Mr. Logan and Ms. Williams be tried at the same time. It was not done in writing. It was done on the record.[7] So we certainly can address that in writing.
>
> * * *
>
> THE COURT: Right. Anyway, does anybody have any objection to the cases being consolidated?

[5] As of the time of the drafting of this opinion, Ms. Williams's case is still pending. The most recent docket entry is an order entered April 12, 2023 that denied Ms. Williams's motion to quash a bench warrant.

[6] This appears to be a reference to the June 2, 2022 hearing.

[7] In his briefs to this Court, Mr. Logan does not identify where in the record this discussion occurred, and we have been unable to find it.

> [PROSECUTOR]: Well, the issue is Ms. Williams isn't represented by an attorney so . . .[8]
>
> THE COURT: Right, right. I thought about that.
>
> [PROSECUTOR]: I was going to actually try to clarify that before we started the trial is to get both sides to say that they either did or didn't object to it. But . . .
>
> THE COURT: *Well, maybe it would be best to -- since there is no formal consolidation, to -- you know, when they are picked up, to give them separate dates.*

(Emphasis added.)

The trial court then ordered that bench warrants be issued for both Mr. Logan and Ms. Williams.

Mr. Logan turned himself in the following spring, and a bail review hearing was held on March 10, 2023.

At the hearing, defense counsel asked the court to release him on bond. Counsel explained that Mr. Logan was:

> Twenty-nine years old, expecting his first child with Ms. Williams. He was working at Google in the IT help desk remotely, not currently on probation. His criminal record is minimal and there's disorderly conduct from 2017 that I'm aware of. There's no history of incarceration.
>
> * * *
>
> Obviously, Ms. Williams, you know, [is] pregnant with his child [and this] is something that has not, you know, finished yet. That is still in the process of happening. The pregnancy is still here. So he does need to be out to be there for Ms. Williams, to attend to those medical appointments. And he would ask your Honor to entertain an unsecured or nonmonetary conditions of bond.

[8] There is nothing in the record that indicates that Ms. Williams was present at the hearing, and Mr. Logan does not assert otherwise.

After further discussion between the court and counsel, the court declared that it would release Mr. Logan on a $50,000 unsecured bond and set a trial date of July 12, 2023.

Mr. Logan appeared in court with counsel on the rescheduled trial date. Prior to that date, the prosecutor and defense counsel had reached a tentative plea agreement. After a lengthy plea colloquy, Mr. Logan agreed to plead guilty, and the court found that Mr. Logan was pleading guilty "knowingly, intelligently, and voluntarily[.]" The court also found that there was an adequate factual basis to support the plea, and it found Mr. Logan guilty of two counts of second-degree assault.

The court then heard victim impact testimony from Ms. Bowling. She stated that both she and her spouse suffered significant and ongoing physical and emotional trauma arising out of their interactions with Mr. Logan and Ms. Williams. Specifically, Ms. Bowling testified that, as a result of the injuries inflicted on him by Mr. Logan, her spouse had lost vision in his left eye, which made it impossible for him to continue working in his job as an "IT professional[.]" Additionally, Ms. Bowling testified that: she had visible scars that would not heal; both she and Mr. Bowling were suffering from insomnia; and they were afraid to venture outside their home to perform routine tasks such as gardening, cutting the lawn, and walking their dogs.[9] The court stated that it would allow Mr. Logan to withdraw his plea.

[9] After Ms. Bowling concluded her victim impact testimony, defense counsel asked the court to consider an additional piece of defense evidence, namely, a YouTube video (continued…)

Mr. Logan then addressed the court. Among other things, he accused Ms. Bowling of "lying in the courtroom." He asserted that "we have the proof, we have the documentation, we have the evidence" that "what she's saying is not true. Now she's not crying, she's fine now all of a sudden. And I'm saying that we had -- we did have a bad day, Judge." Mr. Logan further claimed that Mr. Bowling "put his hands on" Ms. Williams and that "he pushed her and he grabbed her" and "refused" to let her go. Mr. Logan asserted that Mr. Bowling "was bigger than me and he's taller than me. . . . And so I asked him to please let her go and he refused." Mr. Logan told the court that "[i]f we go to trial, I think it would be imperfect self-defense. It wouldn't be perfect. Maybe I should have did this or this or that. But I'm telling you that I was there defending my wife[.]"

In light of all of this, the trial court expressed reservations about a plea agreement. Defense counsel then examined Mr. Logan in open court to ascertain whether he was knowingly and voluntarily withdrawing his guilty plea. Mr. Logan declared that he wanted a jury trial, and, after a consultation with his client, defense counsel stated that there would be "no motion to recuse" the presiding judge. At this point, a recess was called so that the court could address unrelated matters.

When the case was recalled, defense counsel requested a postponement, declaring:

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of the Bowlings that was posted on October 14, 2018, that is, thirteen days after the events giving rise to this appeal. Counsel stated that "in looking at the video . . . there's no visible black eye or anything, and that would offset in some sense" the victim impact testimony. However, the prosecutor stated that, although the video was posted after the incident, it was recorded "well before the incident" for the Bowlings' church. The video was not introduced at trial. Mr. Logan does not address this matter in this appeal.

> [DEFENSE COUNSEL]: On June 2nd of 2022, so well over a year ago, this case was being scheduled for trial . . . . And the State requested that the case be joined with the codefendant's case, Ms. Taylor Williams.
>
> Her case number is C-13-CR-18-561. I have the hearing sheet from that hearing, and it does note that the cases were -- well, it says set with codefendant's case and lists that case number. I believe because they were joined that this case cannot proceed without Ms. Williams present.
>
> Now, Ms. Williams has an outstanding warrant. I believe that there have been efforts to try to quash that warrant but unsuccessfully. So she's not here and neither is her counsel.
>
> * * *
>
> But what we would ask this court to do would be to quash the warrant for Ms. Williams and reset a trial date for both matters, and they will both appear so that they could be tried together.
>
> * * *
>
> The fact that there would be another trial needing to go forward with Ms. Williams when and if that trial is scheduled means that this would all have to be done a second time. So regardless of any delay that has been, we would ask that in the interest of judicial economy, but first and foremost in the interest of Mr. Logan's Sixth Amendment right, we would ask that the case be postponed in order to allow for Ms. Williams to be present and joined as we've all discussed.

The prosecutor responded:

> Your Honor, there's absolutely no reason why Ms. Williams can't be here. She lives with the defendant. The defendant can go home tonight and say Ms. Williams, show up and testify for me tomorrow. There's -- this is exactly -- this case has been going on for quite a long time because of warrants being issued[.]

After additional back-and-forth between defense counsel and the prosecutor, defense counsel pointed to the hearing sheet from a hearing on June 2, 2022, as proof of his claim that the cases had been joined:

> [DEFENSE COUNSEL]: And I -- if your Honor needs it, I have a copy of the June 2, 2022 hearing sheet. I think your Honor could take judicial notice that it exists. It lists that -- the jury trial date of July 26, 2022, three days set with codefendant case. And it lists the case number. And I'm confident that on the record you would hear the motion to join discussed before that.

After further argument, the court denied defense counsel's motion for postponement, declaring:

> THE COURT: All right. This matter has been going on for five years. And at this point, the court is going to deny your motion to postponement [sic]. And we're going to proceed here today with jury selection. So that's the court's ruling with respect to that.

After the jury was selected, defense counsel once again raised the possibility of a plea bargain. After an extended colloquy, Mr. Logan rejected the final plea offer, declaring, "[w]e're going to trial."

Analysis

"[T]he decision whether to grant a postponement is within the sound discretion of the trial judge." *Ware v. State*, 360 Md. 650, 706 (2000). "A trial court abuses its discretion when[] no reasonable person would take the view adopted by the trial court or when the court acts without reference to any guiding rules or principles." *Kusi v. State*, 438 Md. 362, 386 (2014) (cleaned up). "A discretionary ruling will generally not be deemed an abuse of discretion unless it is well removed from any center mark imagined by the

reviewing court or is beyond the fringe of what the reviewing court deems minimally acceptable." *Jones v. State*, 403 Md. 267, 291 (2008) (cleaned up).

As we have explained, and contrary to Mr. Logan's assertions at both the trial and appellate levels, Mr. Logan's case and Ms. Williams's case were never joined with one another. The best opportunity to resolve whether joinder was appropriate occurred on July 26, 2022, when Mr. Logan and Ms. Williams were scheduled for separate trials on the same day in the same courthouse. But neither Mr. Logan nor Ms. Williams appeared. Although Mr. Logan was not present, his counsel was. After defense counsel erroneously stated that Mr. Logan's and Ms. Williams's cases had been joined for purposes of trial, the court informed the prosecutor and defense counsel that the two cases had not been joined. Thereafter, no effort was made by either the State or Mr. Logan to join Mr. Logan's and Ms. Williams's cases for purposes of trial.

As a result of his status and scheduling hearing on March 10, 2023, Mr. Logan was aware that his case had not been joined to Ms. Williams's, and that his trial was scheduled to begin on July 12, 2023. Four months was ample time for Mr. Logan to file a motion for a joint trial pursuant to Md. Rule 4-253.[10] Four months was also ample time for Mr.

[10] Md. Rule 4-253 states in pertinent part:

> (a) **Joint trial of defendants.** — On motion of a party, the court may order a joint trial for two or more defendants charged in separate charging documents if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses.

Logan to obtain a subpoena requiring Ms. Williams to be present to testify at his trial.[11] Finally, even after the trial court denied his motion for a continuance on the first day of trial, Mr. Logan could have asked the court to waive the time requirements in Rule 4-265(d) to permit him to obtain a subpoena and arrange for its service on Ms. Williams. But Mr. Logan did none of these things. Under the circumstances, the trial court did not abuse its discretion in denying Mr. Logan's belated request for a continuance so that his case could be joined with Ms. Williams's.

### 3. Mr. Logan's Motion In Limine – Evidence Regarding Injuries Sustained by the Bowlings

*The Parties' Contentions*

Mr. Logan contends that the trial court abused its discretion in denying his motion in limine to limit the testimony regarding the injuries sustained by Ms. and Mr. Bowling. He

[11] Md. Rule 4-265 states in pertinent part:

> (b) **Issuance**. — A subpoena shall be issued by the clerk of the court in which an action is pending in the following manner:
>
> > (1) On request of a party, the clerk shall prepare and issue a subpoena commanding a witness to appear to testify at trial. The request for subpoena shall state the name, address, and county of the witness to be served, the date and hour when the attendance of the witness is required, and which party has requested the subpoena.
>
> * * *
>
> (d) **Filing and service.** — Unless the court waives the time requirements of this section, a request for subpoena shall be filed at least nine days before trial in the circuit court . . . not including the date of trial and intervening Saturdays, Sundays, and holidays.

asserts that this evidence was both irrelevant[12] and unfairly prejudicial.[13] He argues that the trial court erred in admitting evidence whose "only purpose" was "to prejudice the jury against" him.

In response, the State argues that (1) Mr. Logan's contentions are not preserved for appellate review, (2) the evidence in question "was relevant to corroborate the victims' testimony and rebut [Mr.] Logan's claim that his actions were justified[,]" and (3) any error on the trial court's part was harmless. We agree with the State that Mr. Logan's contentions are not preserved for appellate review and that the evidence in question was relevant. In order to put the parties' contentions in context, we will provide some additional information.

Prior to the start of trial, defense counsel moved in limine "to limit testimony regarding [the victims'] alleged injuries." Counsel asserted that because second-degree

[12] Md. Rule 5-401 states:

> **Definition of "relevant evidence"**
> "Relevant evidence" means 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.

[13] Md. Rule 5-403 states:

> **Exclusion of relevant evidence on grounds of prejudice, confusion, or waste of time**
> Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

assault "requires no showing of injury or the extent of those injuries[,]" the evidence was not relevant under Md. Rules 5-401 and 5-402. Counsel argued that the victims' testimony about their injuries would "only . . . prejudice the jury and draw on their sympathies" in violation of Md. Rule 5-403. Moreover, counsel offered to "stipulate that there was contact, and it will be clear that it was unwanted or offensive."

The prosecutor countered that Mr. Logan was asserting self-defense and/or defense of others and that, therefore, the degree of force that he used was relevant. The trial court denied Mr. Logan's motion, concluding that it was appropriate for the jury to learn "what happened and [the] result of what happened."

On the following day, Howard County Police Officer McGarvey testified that, on the day of the incident, he responded to a 911 call involving an assault at the Bowlings' residence. He further testified that, upon arriving, he saw that both of them were injured. The prosecutor then attempted to introduce into evidence photographs taken by Officer McGarvey depicting the victims' injuries. Defense counsel objected on the ground that the date stamp on the photographs did not match the date of the incident, thereby rendering those photographs irrelevant. The trial court sustained the objection.

The prosecutor then cured the problem by eliciting testimony from Officer McGarvey that he had taken the photographs using a battery powered camera, which had applied an erroneous time and date stamp to the photographs, but that he had taken the photographs on October 1, 2018, the date of the offenses. The trial court admitted the

photographs into evidence over a defense objection "on the same grounds." The photographs then were published to the jury without further objection.

Ms. Bowling testified, without objection, that she believed that Mr. Logan "was really gonna kill [her] husband just with his bare hands." She further declared, again without objection, that Mr. Logan "was so violent towards [her] husband for no reason." Later, after a 911 recording from the date of the offenses was broadcast to the jury, the prosecutor asked Ms. Bowling: "As a result of this incident, did you receive injuries?" This time, defense counsel objected on the same ground he had raised in the motion in limine, namely that actual injury is not an element of the crime of second-degree assault and that the probative value of the evidence was substantially outweighed by the danger of unfair prejudice. *See* Md. Rule 5-403. The trial court overruled the objection.

The prosecutor then showed Ms. Bowling the photographs taken by Officer McGarvey that had already been admitted into evidence, and she described the injuries depicted in those photographs. Defense counsel did not object to any of that series of questions, nor did he request a continuing objection.

Mr. Bowling testified that he was "kind of dazed from getting hit a couple times." He further testified that Mr. Logan punched his wife so hard that she "back[ed] up and [fell] to the ground." Mr. Bowling also testified that the "last time" Mr. Logan struck him, the blow was so hard that he "blacked out" and "could not see." Finally, the prosecutor showed Mr. Bowling a photograph, depicting his injuries, and he testified, "That's my

face after the incident." When asked to point out where he was injured, Mr. Bowling stated:

> You can see the bridge of my nose, it's bruised. And then my forehead has multiple bumps where I was hit on the top of my head, again, also I see a little bit of where he struck me on my right cheek, there's a little blemish. And also, he hit me on my eye on the left side a couple times.

Mr. Logan did not object to the admission of this evidence.

Analysis

"An objection to the admission of evidence shall be made at the time the evidence is offered or as soon thereafter as the grounds for objection become apparent. Otherwise, the objection is waived." Md. Rule 4-323(a). "[W]hen a motion *in limine* to exclude evidence is denied, the issue of the admissibility of the evidence that was the subject of the motion is not preserved for appellate review unless a contemporaneous objection is made at the time the evidence is later introduced at trial." *Klauenberg v. State*, 355 Md. 528, 539 (1999).

When objectionable evidence is admitted on multiple occasions, defense counsel must "'object each time a question concerning [the objectionable issue] was posed'" or "'request a continuing objection to the entire line of questioning'" in order to preserve the issue for appellate review. *Fowlkes v. State*, 117 Md. App. 573, 588 (1997) (quoting *Snyder v. State*, 104 Md. App. 533, 557 (1995)). And finally, "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." *Klauenberg*, 355 Md. at 541.

As *Klauenberg* instructs, defense counsel is obligated to raise "a contemporaneous objection . . . at the time the evidence [was] later introduced at trial." *Id.* at 539. And as *Fowlkes* instructs, when objectionable evidence is admitted on multiple occasions, defense counsel must either "object each time" the evidence is admitted or "request a continuing objection to the entire line of questioning." *Fowlkes*, 117 Md. App. at 588 (cleaned up). On multiple occasions, defense counsel failed to do so, nor did he request a continuing objection.

Defense counsel objected only twice. The first objection was based on the fact the photographs that the State initially sought to introduce contained a time and date stamp that was prior to when the offenses took place. The trial court sustained that objection. However, counsel did not object when the prosecutor elicited Officer McGarvey's testimony that explained that the time and date stamps were erroneous and that he had taken the photographs on October 1, 2018, the date of the offenses.

Although the second objection expressly invoked the trial court's denial of the motion in limine, defense counsel made that objection only once, even though substantially similar evidence was admitted without objection at least half a dozen other times. Applying *Klauenberg*, *Fowlkes*, and Rule 4-323, we conclude that this claim is not preserved.

Looking past Mr. Logan's preservation difficulties, his argument is not persuasive. The "State is not constrained to forego relevant evidence and to risk going to the fact finder with a watered down version of its case." *Oesby v. State*, 142 Md. App. 144, 166

(2002). "The very purpose of photographic evidence is to clarify and communicate facts to the tribunal more accurately than by mere words." *Conyers v. State*, 354 Md. 132, 188 (1999) (cleaned up). Finally, whether to admit photographic evidence is within a trial court's discretion, and its "determination in this area will not be disturbed unless plainly arbitrary." *Johnson v. State*, 303 Md. 487, 502 (1985).

In this case, it was clear prior to trial that Mr. Logan would raise claims of self-defense and defense of another. Those defenses made relevant evidence as to the extent of the victims' injuries because the elements of both defenses require that the force used by the defendant was reasonable under the circumstances.[14] Moreover, although evidence of the nature and extent of the Bowlings' injuries was certainly prejudicial, it was not *unfairly* prejudicial because it was non-cumulative and relevant to an important part of the State's theory of its case. *See Oesby*, 142 Md. App. at 165-67 (explaining the distinction between prejudicial evidence—which generally is admissible—and unfairly prejudicial evidence, which is not). The trial court neither erred nor abused its discretion in admitting evidence of the victims' injuries.

[14] *See, e.g.*, *Lee v. State*, 193 Md. App. 45, 60 (2010) ("A third person, who is clearly related to or associated with the person subjected to the excessive and unreasonable force of the counterattack, has a right to go to the defense of that person and to use the same degree and character of force that the person presently being attacked could have used to defend himself." (cleaned up)).

4. Mr. Logan's Request for a Jury Instruction on Self-Defense

*The Parties' Contentions*

As we have related, at Mr. Logan's request, the court instructed the jury as to the affirmative defense of defense of others, the other person being Ms. Williams. Mr. Logan also asked the court to instruct the jury on self-defense, and the trial court declined to do so. Mr. Logan contends that the trial court erred. According to him, his testimony that Mr. Bowling had a knife and threatened to cut him was sufficient to generate the instruction.

The State counters that a self-defense instruction was not generated by the evidence. The State asserts that the gravamen of Mr. Logan's version of events was that he acted in defense of Ms. Williams, not himself. According to the State, Mr. Logan was the initial aggressor; as for his claim that he observed Mr. Bowling holding a knife, the State contends that Mr. Logan "testified that he disarmed [Mr. Bowling] before he could act on any such threat." The State argues that Mr. Logan's subsequent punching of Mr. Bowling was precipitated by Mr. Bowling's "aggress[ion] as to [Ms.] Williams, but not [to himself]."

We agree with Mr. Logan. Amidst his testimony pertaining to his efforts to protect Ms. Williams from what he asserted was aggression on the part of the Bowlings, Mr. Logan testified:

> [DEFENSE COUNSEL]: So after you're outside and you admit that you punched him --
>
> [MR. LOGAN]: Yes.

[DEFENSE COUNSEL]: -- to try to protect --

[MR. LOGAN]: Yes.

[DEFENSE COUNSEL]: -- what happened next?

[MR. LOGAN]: Mr. Bowling like leaned over and said I'm calling the cops, I'm calling the cops.

[DEFENSE COUNSEL]: And what did you do?

[MR. LOGAN]: I said just pay me. I said just pay me, pay me the money like that you owe her. Pay me.
[DEFENSE COUNSEL]: What happened next?

[MR. LOGAN]: And he was like -- he was kind of upset. You know, he was upset that he got hit. And so at that point, he said, you know what, *I'm a cut you motherfuckers*. And I saw him reach down in his waistband, and he had a knife on his keys. And so --

[DEFENSE COUNSEL]: What happened next?

[MR. LOGAN]: *So when he reached down, he had a knife on his keys, I said give me these keys. You're not about to cut me, what are you talking about. And so I handed them to Taylor.* So Taylor did not take anything from them. If you want to accuse me of that, that's fine, accuse me of that.

But I saw this man reach for a knife on his keys, and he appeared that he had like a small Swiss pocketknife. *He said I'm a cut these motherfuckers. And that's what he said.*

* * *

[DEFENSE COUNSEL]: At any point, did you feel that you were in danger or were you just responding to danger?

[MR. LOGAN]: Just responding to my wife. I just responded to my wife and the fact that he had those keys and what *the threat could lead to if he tried to open the knife and cut us*. That's all it was.

(Emphasis added.)

Mr. Logan acknowledged that he had discarded the keys while he and Ms. Williams were fleeing in their vehicle from the Bowlings' home. He conceded that he had never reported to the police that Mr. Bowling had threatened him with a knife. Finally, Mr. Logan reiterated his justification for assaulting Mr. Bowling:

> And I don't agree with that shit and *I punched him in his fucking face, straight up. It was in self-defense, defense of my wife. And I'll do it again if somebody put they hands on my wife.*
>
> I'm not here to hurt innocent people. He put his hands on my fucking wife. What would you do if somebody put they hands on your wife, will you defend her? Or would you sit there and curl up like this. You would have to defend her. You're a man. Man up.

(Emphasis added.)

Defense counsel requested that the trial court give a jury instruction on self-defense, but it refused to do so. The court did, however, instruct the jury on defense of others.

Analysis

Maryland Rule 4-325(c) provides:

> (c) **How given.** — The court may, and at the request of any party shall, instruct the jury as to the applicable law and the extent to which the instructions are binding. The court may give its instructions orally or, with the consent of the parties, in writing instead of orally. The court need not grant a requested instruction if the matter is fairly covered by instructions actually given.

This provision has been interpreted as to require that a trial court give a jury instruction upon request "when (1) it 'is a correct statement of the law'; (2) it 'is applicable under the facts of the case'; and (3) its 'content was not fairly covered

elsewhere in the jury instructions actually given.'" *Hayes v. State*, 247 Md. App. 252, 288 (2020) (cleaned up) (quoting *Thompson v. State*, 393 Md. 291, 302 (2006)). The only matter in dispute in this case is whether the requested instruction is applicable to the facts. Our review of that question "is akin to assessing the sufficiency of the evidence, which requires a *de novo* review." *Jarvis v. State*, 487 Md. 548, 564 (2024).

To be entitled to a jury instruction on (perfect) self-defense, the defendant has "the burden of initially producing some evidence on the issue . . . sufficient to give rise to a jury issue." *Dykes v. State*, 319 Md. 206, 216 (1990) (cleaned up).

There are four elements of self-defense:

> (1) The accused must have had reasonable grounds to believe himself in apparent imminent or immediate danger of death or serious bodily harm from his assailant or potential assailant;
>
> (2) The accused must have in fact believed himself in this danger;
>
> (3) The accused claiming the right of self defense must not have been the aggressor or provoked the conflict; and
>
> (4) The force used must have not been unreasonable and excessive, that is, the force must not have been more force than the exigency demanded.

*State v. Faulkner*, 301 Md. 482, 485-86 (1984).[15]

[15] The pattern jury instruction is similar but not identical to the language in *Faulkner*. MPJI-Cr 5:07 states in relevant part:

> You have heard evidence that the defendant acted in self-defense. Self-defense is a complete defense and you are required to find the defendant not guilty if all of the following four factors are present:

(continued…)

Returning to the case before us, although the primary theme of Mr. Logan's version of events was that he was acting to protect Ms. Williams, he did testify that Mr. Bowling had keys and a knife and that he was concerned that Mr. Bowling would open the knife and try to cut "*us*." (Emphasis added.)

In *Bazzle v. State*, 426 Md. 541 (2012), the Supreme Court of Maryland explained the evidentiary requirements necessary to support an instruction pertaining to an affirmative defense in a criminal case:

> [A] defendant needs only to produce "some evidence" that supports the requested instruction:
>
> > Some evidence is not strictured by the test of a specific standard. It calls for no more than what it says—"some," as that word is understood in common, everyday usage. It need not rise to the level of "beyond reasonable doubt" or "clear and convincing" or "preponderance." The source of the evidence is immaterial; it may emanate solely from the defendant. It is of no matter that the self-defense claim is overwhelmed by evidence to the contrary. If there is

---

> (1) the defendant was not the aggressor [[or, although the defendant was the initial aggressor, (pronoun) did not raise the fight to the deadly force level]];
>
> (2) the defendant actually believed that (pronoun) was in immediate or imminent danger of bodily harm;
>
> (3) the defendant's belief was reasonable; and
>
> (4) the defendant used no more force than was reasonably necessary to defend (pronoun) in light of the threatened or actual harm.
>
> In order to convict the defendant, the State must prove that self-defense does not apply in this case. This means that you are required to find the defendant not guilty, unless the State has persuaded you, beyond a reasonable doubt, that at least one of the four factors of complete self-defense was absent.

> any evidence relied on by the defendant which, if believed, would support his claim the defendant has met his burden.
>
> * * *
>
> Furthermore, in evaluating whether competent evidence exists to generate the requested instruction, we view the evidence in the light most favorable to the accused.

*Id.* at 551 (cleaned up).

Mr. Logan testified that he was concerned about what would happen if Mr. Bowling "tried to open the knife and cut *us*." (Emphasis added.) Guided by the teachings of the Supreme Court in *Bazzle*, we interpret this statement in the light most favorable to Mr. Logan. And even though the evidence that he was concerned about danger to himself may have been "overwhelmed by evidence" about his concerns for Ms. Williams's safety, we conclude that Mr. Logan met the requisite evidentiary threshold for a self-defense instruction. We hold that the trial court erred in refusing to instruct the jury on self-defense as to Mr. Bowling.

With that said, Mr. Logan does not point to any evidence from which the jury could believe that *Ms. Bowling* possessed the purported knife, and there was no evidence that Mr. Logan believed that he was in imminent or immediate danger of death or serious bodily harm *from her*. Nor does Mr. Logan make such an argument to us. Although Mr. Logan argued to the trial court that his self-defense extended to the theft charge, he does not present this contention in his briefs to this Court, and it is therefore waived. *See* Md. Rule 8-504(a)(6). There is no basis for us to reverse the theft conviction or the conviction of second-degree assault on Ms. Bowling.

We will reverse the conviction of assault in the second degree of Mr. Bowling and affirm the remaining convictions

**THE JUDGMENTS OF THE CIRCUIT COURT FOR HOWARD COUNTY ARE AFFIRMED IN PART AND REVERSED IN PART:**

**(1) COUNT 1: ASSAULT OF MICHAEL BOWLING IN THE SECOND DEGREE IS REVERSED.**

**(2) COUNT 2: ASSAULT OF SHEILA BOWLING IN THE SECOND DEGREE IS AFFIRMED.**

**(3) COUNT 3: THEFT OF PROPERTY WORTH LESS THAN $100 IS AFFIRMED.**

**CASE REMANDED FOR A NEW TRIAL ON COUNT 1.**

**COSTS ALLOCATED BETWEEN THE PARTIES: 2/3 TO APPELLANT, 1/3 TO APPELLEE.**

The correction notice(s) for this opinion(s) can be found here:

https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/1624s23cn.pdf