

Circuit Court for Caroline County  
Case No. C-05-CR-20-000060

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1762

September Term, 2022

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RUSBEL GALVEZ-MAZARIEGOS

v.

STATE OF MARYLAND

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Wells, C.J.,  
Friedman,  
Moylan, Charles E.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Wells, C.J.

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Filed: August 2, 2023

\*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

This is an unreported opinion. It 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).

In 2021, the State charged appellant Rusbel Galvez-Mazariegos with sexually abusing his niece, a minor. After a bench trial in the Circuit Court for Caroline County presided over by the Honorable Jonathan G. Newell, the court convicted Galvez-Mazariegos of second-degree sex offense, third-degree sex offense, and second-degree assault. The court sentenced Galvez-Mazariegos to twenty years of incarceration, with all but ten years suspended, and five years of supervised probation.

Galvez-Mazariegos moved for a new trial based on what he argued was newly discovered evidence. According to Galvez-Mazariegos, that evidence was allegations that Judge Newell filmed and otherwise sexually abused young boys. The motion was initially denied without a hearing.

Galvez-Mazariegos filed two separate appeals, Case Numbers 737 and 1510, both September 2021 Term. This Court consolidated the appeals for consideration by one panel. Appeal number 737 concerned an evidentiary issue about cross-examination of a witness at trial. Appeal number 1510 concerned the summary denial of the motion for new trial. In an unreported opinion, this Court reversed the circuit court in appeal number 1510, vacated the sentences, and remanded so that the court could conduct a hearing on the motion for new trial.

After a hearing on remand, the circuit court denied Galvez-Mazariegos' motion concluding he was not entitled to a new trial because he failed to show that Judge Newell demonstrated bias in the determination of guilt. Galvez-Mazariegos timely appealed. He submits the following issue for our review: Did the circuit court err by denying the motion

for new trial? For the reasons that follow, we conclude that the court did not err and, therefore, affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

On June 28, 2021, Judge Newell, presiding without a jury, convicted Galvez-Mazariegos of sexual offense of a minor child in the second-degree, sexual offense in the third degree, and assault in the second-degree. Judge Newell sentenced Galvez-Mazariegos to twenty years' incarceration, with all but ten years suspended, in favor of five years of supervised probation.

The United States Attorney for the District of Maryland filed a criminal complaint in the U.S. District Court for the District of Maryland on September 9, 2021, alleging that Judge Newell had committed the offense of “sexual exploitation of a child” under 18 U.S.C. § 2251(a) “on or about” September 28, 2014. The complaint stemmed from an incident that allegedly occurred on July 23, 2021, when Maryland State Police responded to a call that a boy had located a video camera in the bathroom of Judge Newell’s cabin in Fishing Creek, Maryland. Subsequent investigation by the Federal Bureau of Investigation (F.B.I.) revealed that several minor boys had stayed at Judge Newell’s cabin over the years and had allegedly been surreptitiously filmed while in the bathroom or, in other cases, that Judge Newell sexually assaulted them. The F.B.I. seized a hard drive from the cabin which included several videos of underage boys. In some of the videos, Judge Newell could be seen setting up the hidden camera.

One day after the criminal complaint was filed, September 10, 2021, law enforcement officers found Judge Newell dead at his home from an apparent self-inflicted

gunshot wound. The U.S. Attorneys’ Office released a statement that said the judge’s suicide came about after the federal complaint against him had been made public.

**a. Motion for New Trial**

On September 28, 2021, three months after Judge Newell sentenced Galvez-Mazariegos, defense counsel filed a “Motion for New Trial Based on Newly Discovered Evidence” under Rule 4-331(c). The motion states:

[T]he Defendant ... pursuant to Maryland Rule 4-331(c), hereby respectfully requests a new trial in the above-captioned matter and for reasons states:

1. That on June 28, 2021, Defendant was convicted of Sex Offense- 2<sup>nd</sup> degree, Sex Offense 3<sup>rd</sup> degree, and Assault- 2<sup>nd</sup> degree;
2. That said conviction came after a one-day Bench Trial;
3. That Judge Jonathan G. Newell (hereinafter “Judge Newell” was the Presiding Judge;
4. That Defendant was sentenced to 20 years (suspend all [but] 10 years);
5. That unbeknownst to undersigned counsel and Defendant, at the same time Judge Newell was presiding over the abovementioned case, Judge Newell was also allegedly recording and fondling underage children, as well as other lewd acts;
6. That said allegations are similar to the charges of which Defendant was convicted;
7. That such information would have been critical in such a case;

8. That neither undersigned counsel nor Defendant had any reasonable means of knowing the aforementioned alarming information concerning Judge Newell;
9. That it is unreasonable to conclude that Judge Newell was able to fairly preside over said case as required under law.

The State responded that the criminal complaint against Judge Newell was not a finding of guilt, the charges against Judge Newell were different from the allegations against Galvez-Mazariegos, the allegations in the complaint did not constitute newly discovered evidence, and it was purely speculative whether Judge Newell could not fairly preside over the trial.

Roughly six weeks later, on November 5, 2021, the circuit court issued a written order, summarily denying the motion without a hearing. As noted, that order was one issue in Galvez-Mazariegos' first appeal to this Court.

**b. The First Appeal and Remand**

In his first appeal, Galvez-Mazariegos argued that under Rule 4-331(c): (1) the motion for a new trial was timely and made a *prima facie* showing that the information about Judge Newell could not have been discovered within 10 days of the verdict; (2) the newly discovered evidence was material; and (3) there was a substantial or significant possibility that the evidence would have affected the verdict had it been discovered prior to trial.

The State argued the allegations against Judge Newell did not constitute newly discovered evidence as contemplated under Rule 4-331(c). Further, the State argued that

even if the information about Judge Newell had been known prior to trial it would not have created the significant likelihood of a different result.

In the unreported opinion addressing the summary denial of the motion for new trial, we explained that “newly discovered evidence” under Maryland Rule 4-331(c) could possibly include judicial bias. We simply could not tell if it was ground for a new trial in this case as there was no record developed below. Accordingly, this Court remanded the case for a hearing on the motion for new trial.

At the remand hearing, the circuit court determined that there was no evidence of judicial bias. The motions court found that Judge Newell’s verdict was based on the evidence presented at trial, the sentences imposed were within the Maryland Sentencing Guidelines, and there was nothing in the trial record indicating Judge Newell displayed a bias against Galvez-Mazariegos. In reaching that last conclusion, the court conceded that the allegations against Judge Newell were very serious, but the court (1) gave greater weight to the fact that the allegations were unknown at the time of trial, (2) Judge Newell had not yet been charged at the time of trial, (3) the sentence in this case was within the recommended sentencing guidelines, and (4) the convictions were based on the evidence presented at trial. Ultimately, the circuit court denied the motion for a new trial. Galvez-Mazariegos filed this timely appeal.

We will supply additional details when relevant to our analysis.

## **DISCUSSION**

### **Standard of Review**

In reviewing a trial court’s denial of a motion for a new trial under Maryland Rule 4-331(c), this Court examines whether the trial court abused its discretion. *Campbell v. State*, 373 Md. 637, 661 (2003). Trial judges are afforded discretion that is “broad, but not boundless.” *Id.* at 665 (quoting *Nelson v. State*, 315 Md. 62, 70 (1989)). A trial judge has abused their discretion when they exercise it “in an arbitrary or capricious manner or when he or she acts beyond the letter or reason of the law.” *Id.* at 665-66.

A defendant is entitled to a new trial based on newly discovered evidence as a matter of law only if three factors are met. *Argyrou v. State*, 349 Md. 587, 600-01 (1998). First, the newly discovered evidence must not have been discovered or been discoverable through the exercise of due diligence within ten days after a returned verdict. *Id.* Second, the newly discovered evidence “must be material to the result.” *Id.* at 601. And third, the court applies the test set out in *Yorke*, which states, “[t]he newly discovered evidence may well have produced a different result, that is, there was a substantial or significant possibility that the verdict of the trier of fact would have been affected.” *Yorke v. State*, 315 Md. 578, 588 (1989).

The Supreme Court of Maryland<sup>1</sup> recently noted that the second and third elements are often analogous to each other, and a court should conduct a “threshold screening” by evaluating the materiality of evidence prior to determining if it might have a substantial or significant effect on the outcome. *Hunt v. State*, 474 Md. 89, 114 (2021). Thus, if the court

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<sup>1</sup> At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022.

finds that the evidence could have a substantial or significant effect on the verdict, then that evidence is, by definition, material. *Id.*

### **Parties' Contentions**

Galvez-Mazariegos' makes two arguments in support of reversal. First, he contends that the circuit court did not exercise its discretion in considering the motion for a new trial. What we understand Galvez-Mazariegos to mean is that because the court only focused on whether actual bias existed, the court failed to exercise its discretion. In his reply brief he more fully explains that in the opinion we issued in the first appeal, we implicitly held that the appearance of impartiality could constitute grounds for a new trial because we did not explicitly state that only actual bias mattered. Galvez-Mazariegos argues that our holding required the circuit court to consider the mere appearance of bias, not just actual bias, in ruling on the motion for new trial.

Second, Galvez-Mazariegos argues that even if this Court determines that the circuit court exercised its discretion, the court still erred because he was entitled to a new trial as a matter of law. Specifically, Galvez-Mazariegos contends that if the allegations against Judge Newell were known, then there is a substantial or significant possibility the verdict would have been more favorable to him. He bases this assertion on the theory that if the allegations of Judge Newell's criminal conduct were known at the time of the trial, those allegations would have called into question whether Judge Newell could have impartially presided over Galvez-Mazariegos' trial because he faced similar allegations to those of Judge Newell. Galvez-Mazariegos argues it was impossible for Judge Newell to avoid the appearance of impropriety under these circumstances. Finally, he argues that he would not



have requested a bench trial thereby increasing the possibility of a different, likely more favorable verdict.

The State contends that the court exercised its discretion by conducting the outcome-focused analysis required under Rule 4-331(c), namely whether the allegations, unknown to anyone at the time of the trial, had a substantial or significant impact on the verdict. Galvez-Mazariegos was not entitled to a new trial as a matter of law under Rule 4-331(c), the State argues, because the motions court determined that there was no evidence that the allegations had a “material impact on the course of the case.” Further, the court found no “outward manifestation of bias.” Therefore, according to the State, the court did not err.

Additionally, the State asserts that the court properly focused its analysis on whether the allegations against Judge Newell merited a new trial under Rule 4-331, not whether the allegations created the appearance of impropriety, which is the subject of a motion for recusal. The State argues that the circuit court correctly concluded that Galvez-Mazariegos’ arguments about bias were wholly speculative. Specifically, he provided no evidence that would infer prejudice, chiefly because at the time of the trial Judge Newell had not been charged and had no reason to believe that he was or would be investigated. Finally, the State argues that there is no reason to believe that Galvez-Mazariegos would have been successful on a recusal motion even if Judge Newell was aware of the allegations against him at the time of the trial because Galvez-Mazariegos provides no evidence that suggests that Judge Newell was actually biased against him. Consequently, according to

the State, Galvez-Mazariegos has failed to show that there is a substantial or significant possibility of a different verdict.

### **Analysis**

#### **A. The Circuit Court Exercised Its Discretion in Denying Galvez-Mazariegos’ Motion for New Trial**

Galvez-Mazariegos argues that the circuit court did not “fully” exercise its discretion because it failed to consider whether the allegations against Judge Newell created an appearance of impropriety and, instead, focused only on whether the allegations manifested actual bias. His argument is without merit.

Maryland Rule 4-331(c) states:

The court may grant a new trial or other appropriate relief on the ground of newly discovered evidence which could not have been discovered by due diligence in time to move for a new trial pursuant to section (a) of this Rule:

(1) on motion filed within one year after the later of (A) the date the court imposed sentence or (B) the date the court received a mandate issued by the final appellate court to consider a direct appeal from the judgment or a belated appeal permitted as post conviction relief; and

(2) on motion filed at any time if the motion is based on DNA identification testing not subject to the procedures of Code, Criminal Procedure Article, § 8-201 or other generally accepted scientific techniques the results of which, if proved, would show that the defendant is innocent of the crime of which the defendant was convicted.

Galvez-Mazariegos frames his argument that the court didn’t “fully” exercise its discretion. Preliminarily, we note that the exercise of discretion is either accomplished or it isn’t. A court can’t partially exercise discretion. More importantly, analysis of a Rule 4-331(c) motion requires the court to consider whether the moving party has demonstrated

that “[t]he newly discovered evidence may well have produced a different result, that is, there was a substantial or significant possibility that the verdict of the trier of fact would have been affected.” *Yorke*, 315 Md. at 588. In this case, the record demonstrates that the court considered Galvez-Mazariegos’ motion for new trial and rejected it.

In finding that the allegations against Judge Newell did not have a substantial or significant impact on the verdict, the court noted, first, that at the time of the trial, Judge Newell’s alleged misconduct had not come to light, nor had he been criminally charged. Second, Galvez-Mazariegos can point to nothing in the record that Judge Newell said or did that demonstrated a bias against him. Third, the verdict, as well as the judge’s rulings during the trial, were based on the evidence. Finally, the sentence was not excessive considering it was within the recommended sentencing guidelines. For those reasons, the court denied the motion for new trial. Based on this record, we conclude that the court exercised its discretion in considering the motion and rejecting it.

Further, we find no merit in Galvez-Mazariegos’ argument that the court was obliged to consider whether Judge Newell presiding over Galvez-Mazariegos’ trial before the allegations of misconduct came to light created an appearance of impropriety. The court was not tasked with determining whether Judge Newell would have been obliged to recuse himself had the alleged misconduct come to light before trial. The court’s job was to conduct an analysis of whether a new trial was warranted under the factors presented in Rule 4-331(c). We conclude that the court performed this task. Whether or not Judge Newell should have presided at the trial based on information about his personal conduct

that came to light months later is not the inquiry. We will discuss the reasons for this more fully in the next section.

**B. Galvez-Mazariegos Is Not Entitled to a New Trial as a Matter of Law**

Galvez-Mazariegos’ next argument is that even if this Court determines that the circuit court exercised its discretion in denying the motion for a new trial, the court still erred because he was entitled to a new trial as a matter of law. He asserts that the revelations about Judge Newell were material and, thus, almost by definition, the allegations of the judge’s misconduct had a significant or substantial possibility of causing a different verdict. While we agree that the allegations against Judge Newell are disturbing and if true merit sanction, we are unpersuaded that the allegations, without more, mean that Galvez-Mazariegos is entitled to a new trial.

To overcome the presumption of a judge’s impartiality and show actual bias, a party “must prove that the trial judge has ‘a personal bias or prejudice’ concerning him or ‘personal knowledge of disputed evidentiary facts concerning the proceedings.’” *Jefferson-El v. State*, 330 Md. 99, 107 (1993) (quoting *Boyd v. State*, 321 Md. 69, 74-75 (1990)). Here, as we’ve discussed, the circuit court properly found that Judge Newell’s alleged misconduct did not create actual bias and did not affect the trial’s outcome. Further, Galvez-Mazariegos did not claim that Judge Newell had “personal knowledge of disputed evidentiary facts.” And, Galvez-Mazariegos has not cited a single instance during the trial or at sentencing where Judge Newell exhibited a personal bias or prejudice against him.

Distinct from actual bias, Galvez-Mazariegos argues that Judge Newell should have recused himself because he was allegedly engaging in conduct similar to that for which

Galvez-Mazariegos was on trial. Consequently, so this argument goes, the judge’s alleged behavior created an appearance of bias.

Maryland Rule 18-202.2 governs how judges should behave when performing their judicial functions. The Rule states:

(a) A judicial appointee shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

(b) A judicial appointee shall avoid conduct that would create in reasonable minds a perception of impropriety.

The test for evaluating if the appearance of bias would disqualify a judge is “whether a reasonable person knowing and understanding all the relevant facts would recuse the judge.” *Boyd*, 321 Md. at 86. There, the Supreme Court of Maryland, at the time called the Court of Appeals,<sup>2</sup> held that the trial judge who had presided over Boyd’s co-defendant’s trial was not required to recuse himself, even after hearing disputed facts that were also raised in Boyd’s trial. *Id.* at 78-80. The Court held that the judge was not prejudiced against Boyd solely because he presided over the co-defendant’s trial. *Id.* Further, the Court held that trial judge was not required to recuse himself to avoid the appearance of impropriety. *Id.* at 86.

Similarly, in *Doering v. Fader*, 316 Md. 351 (1989), the Supreme Court of Maryland held that a trial judge was not disqualified from hearing a sentencing proceeding in a capital punishment case after he had presided at Doering’s trial and his original sentencing proceeding during which he declared that a sentence of death was unwarranted.

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<sup>2</sup> See note 1.

In reaching the conclusion that the judge had erroneously disqualified himself, our Supreme Court considered whether the judge had personal knowledge of facts about the case from a source other than from participating in a judicial proceeding. *Id.* at 358. If the judge had learned information about disputed facts from an outside source, then recusal was warranted. *Id.* at 355-56. In this case, the judge’s knowledge came wholly from participation in a judicial proceeding. *Id.* at 357. In its opinion, the Court urged the judge to reconsider recusal because he had mistakenly believed that his knowledge of facts from the prior proceedings disqualified him. *Id.* at 358. Cases like *Boyd* and *Doering* stand for the proposition that a judge who has obtained information about a defendant from an earlier court proceeding does not have to recuse him or herself from the defendant’s subsequent trial or other legal proceeding.

Also, we acknowledge that the Supreme Court of Maryland has held that in certain instances, where the alleged conduct of the judge comes to light *prior to* trial, that if “the asserted basis for recusal is personal conduct of the trial judge that generates serious issues about his or her personal misconduct, then the trial judge must permit another judge to decide the motion for recusal.” *Surratt v. Prince George’s County, Md.*, 320 Md. 439, 466 (1990). But that is not the case here because the charges against Judge Newell came to light after the trial. In fact, we have found no cases that address circumstances similar to those presented here where the potentially disqualifying information was discovered *after* the trial and where the allegations against the judge have not been proven.

Two cases from Washington State are instructive. In both cases the intermediate appellate court of Washington affirmed the denial of the appellant’s motion for a new trial

where the trial judge was charged with criminal conduct after the appellant’s trial. In *State v. Williams*, a judge in Washington State presided over a bench trial in which Williams was found guilty of “third degree assault, felony violation of a no-contact order, and three counts of witness tampering.” 15 Wash. App. 2d 841, 843 (2020). Three years later, Williams filed a motion to vacate his convictions on grounds that the judge had been arrested and charged with a number of sexual assaults. *Id.* at 844. Mr. Williams argued that “[t]he allegations against [the judge] call into question his ability to reason, his character, judgment and [i]nteg[ri]ty.” *Id.* He contended that “[a] [r]e-trial is the only reasonable cours[e] of action capable of eliminating the taint and biases [his] actions have potentially caused.” *Id.*

The Washington Court of Appeals held that because the judge “has not yet been found guilty of any charge” that was “reason enough” to deny a motion to vacate Williams’ sentence and order a new trial. *Id.* at 847. But to avoid additional litigation, the court “address[ed] why, even if the present charges against [the judge] are proved, they would not entitle Mr. Williams to a new trial.” *Id.* The court acknowledged that the judge was obliged to follow several standards of judicial conduct, among them to: (1) follow the law, (2) promote confidence in the judiciary, and (3) perform judicial duties without bias or prejudice. *Id.* at 848. The court held that for Williams to succeed he would have to show how the judge’s conduct manifestly prejudiced his trial and Williams could not do that. *Id.* at 849.

As for the judge’s conduct not giving Williams’ trial the appearance of fairness, Williams could point to nothing the judge did that showed that he did not receive “a fair,

impartial, and neutral hearing.” *Id.* The burden was with Williams to show how the mere allegations of judicial misconduct robbed him of a fair trial; mere speculation of bias is not enough. *Id.* Finally, the court found no basis to infer “that the charges, if true, would cause an objective observer to expect [the judge] to favor the State. Mr. Williams's appearance of fairness challenge fails for a lack of any evidence of bias or partiality.” *Id.* at 850.

The other Washington case is *Matter of Ayerst*, 17 Wash. App. 2d 356 (2021). There, Ayerst challenged his convictions because the judge who presided over his case was being investigated for a variety of sexual assault crimes. As in *Williams*, Ayerst claimed that the same judge’s criminal conduct, discovered after Ayerst’s trial and sentencing, “denied him the right to an impartial tribunal....” *Id.* at 363. The Washington Court of Appeals held that

the mere existence of criminal charges against [the judge] does not establish a basis for relief from conviction. Although the allegations against [the judge] if proved would constitute violations of the Code of Judicial Conduct and could raise issues under the appearance of fairness doctrine, the judge’s alleged misconduct would not provide grounds for relief from conviction unless tied to specific circumstances of the defendant’s case.

*Id.* at 363-64.

And as in *Williams*, Ayerst could point to nothing that the judge did that would raise the specter of bias against Ayerst. *Id.* at 365. Equally important, the court held that because at the time of the trial the judge did not know he was under investigation, there was no reason to believe that the judge would have done anything prejudicial to Ayerst to avoid criminal prosecution himself. *Id.* “[T]here is no reason to believe [the judge] was laboring under a conflict between his duties as a jurist and a desire to avoid criminal prosecution.”



*Id.* Finally, Ayerst’s argument that the judge “must have been conflicted because he knew he was engaged in unlawful criminal activity and therefore would have wanted to issue rulings deflecting attention away from himself,” was without merit. *Id.* The court held that “this argument assumes both that [the judge] is guilty of the pending criminal charges and that he was concerned about getting caught. The current record does not support these assumptions.” *Id.*

We conclude that Galvez-Mazariegos has not proven under *Boyd* that “the trial judge ha[d] ‘a personal bias or prejudice’ concerning him or ‘personal knowledge of disputed evidentiary facts concerning the proceedings.’” *Boyd* at 74-75. First, as discussed, in requesting a new trial under Rule 4-331(c) the recusal standard isn’t the ground for determining whether a new trial is required. Second, under *Boyd* and *Doering*, the revelations about Judge Newell’s misconduct only surfaced after the trial, so neither holding in those cases applies. But we think that under *Surratt*’s holding if Judge Newell’s behavior had come to light before trial, that would have compelled another judge to consider whether Judge Newell should have been removed from the case. *Surratt*, 320 Md. at 466.

Third, we perceive nothing from our independent review of the record that reflects that Judge Newell was biased against Galvez-Mazariegos. Indeed, as the motions judge observed, Judge Newell’s rulings during the trial reflected the evidence. In fact, the docket sheet also shows that that Judge Newell granted the defense’s motion for judgment of acquittal on Count 1, first-degree rape and Count 2, attempted first-degree rape. [Case summary at 5]. Further, Judge Newell acquitted Galvez-Mazariegos of the more serious

crimes of second-degree rape, attempted second-degree rape (counts 3 and 4), as well as several counts of sex offense in the third degree (Counts 7-11). The verdict on the remaining counts matched the evidence adduced at trial. There is nothing in the record—and Galvez-Mazariegos has pointed us to nothing—that suggests that Judge Newell favored the prosecution over the defense.

Finally, the reasoning from the Washington state cases, *Williams* and *Ayerst*, is compelling. Even though the allegations against Judge Newell are damning, at the time of Galvez-Mazariegos’ trial, the allegations had not yet come to light. This is significant because under the circumstances, there is no reason to believe that Judge Newell, oblivious to the future investigation, had reason to deflect attention away from his own as yet uncovered misconduct by ruling in favor of the State and against Galvez-Mazariegos. Any theories about Judge Newell’s state of mind to the contrary would be based wholly on speculation.

Judge Newell’s allegedly inappropriate conduct with minors undoubtedly merited prosecution. But, to quote *Williams*, under the circumstances here, we cannot find a basis to infer “that the charges, if true, would cause an objective observer to expect [Judge Newell] to favor the State. [Galvez-Mazariegos’] appearance of fairness challenge fails for a lack of any evidence of bias or partiality.” *Williams*. 15 Wash. App. 2d at 850; *Ayerst* 17 Wash. App. 2d at 363-64 (alleged misconduct must be tied “to specific circumstances of the case” to merit reversal of his convictions.) Consequently, we conclude that the circuit court did not abuse its discretion in denying Galvez-Mazariegos’s motion for a new trial and affirm.

**THE JUDGMENT OF THE CIRCUIT  
COURT FOR CAROLINE COUNTY  
IS AFFIRMED. APPELLANT TO  
PAY THE COSTS.**