Circuit Court for Baltimore City
Case No. 116230014

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2214

September Term, 2017

RONALD TIMMONS

v.

STATE OF MARYLAND

Wright,
Graeff,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Sharer, J.

Filed: August 27, 2019

A jury, in the Circuit Court for Baltimore City, convicted Ronald Timmons, appellant, of two counts of first-degree assault and one count of reckless endangerment. The court sentenced appellant to a total of 35 years' imprisonment. In this appeal, appellant presents five questions for our review:

1. Did the trial court err in not dismissing appellant's convictions after the jury returned an inconsistent verdict?

2. Did the trial court err in not declaring a mistrial and in compelling the jury to continue deliberations after a poling of the jury revealed that the jury's verdicts were not unanimous?

3. Was the evidence insufficient to support appellant's convictions?

4. Did the trial court commit plain error when it instructed the jury on the elements of first-degree assault?

5. Did the trial court err in limiting defense counsel's cross-examination of a State's witness?

For reasons to follow, we decline to address questions one, two, and four, as those issues were not preserved for our review. As to the remaining questions, we hold that the evidence adduced at trial was sufficient and that the trial court did not err in limiting defense counsel's cross-examination of the State's witness. Accordingly, we affirm.

BACKGROUND

Appellant was arrested and charged following the shooting of two individuals, Jazzmine Jackson and Thomas Brown, outside of the Westside Shopping Center in Baltimore.

Trial Evidence

At trial, one of the victims, Ms. Jackson, testified that, for several years leading up to the shooting, she and appellant had been in a sexual relationship but that, around the time of the shooting, the relationship had come to an end because appellant had become jealous upon finding out that Ms. Jackson had been dating the other victim, Mr. Brown. Ms. Jackson also explained that, in the weeks leading up to the shooting, she and appellant had been involved in several incidents concerning Mr. Brown. During one of those incidents, Ms. Jackson and appellant got into a physical argument after the two had a conversation in which Mr. Brown's name "came up." In another incident, appellant called Ms. Jackson's phone while she was with Mr. Brown, and Mr. Brown answered the phone, which he then handed to Ms. Jackson. During the conversation that ensued, appellant told Ms. Jackson that "if he can't have [her], nobody can" and that he was "willin' to die or spend the rest of his life in jail behind [her]."

Regarding the shooting, Ms. Jackson testified that, on July 25, 2016, she and Mr. Brown were walking with Ms. Jackson's one-year-old son, who was in a stroller, up to the Westside Shopping Center to buy some deodorant. According to Ms. Jackson, as her group reached the sidewalk adjacent to the shopping center, appellant drove up in a black Dodge Durango and then "jumped out" of the vehicle holding a gun. After appellant approached Ms. Jackson on foot, the two engaged in a verbal altercation. Ms. Jackson testified that, during the altercation, appellant "musta seen [Mr. Brown] behind [her]" because "he just started shootin'."

Ms. Jackson testified that appellant first shot at Mr. Brown, who "stumbled behind the car that was next to him and fell on the ground." Appellant then "started shootin" in Ms. Jackson's direction. Appellant then walked up to Ms. Jackson, placed the gun against her head, and pulled the trigger, but the bullet "wouldn't come out." Upon realizing that the bullet "wasn't coming out," Ms. Jackson grabbed her son's stroller and tried to run away. Immediately thereafter, appellant fired again, and a bullet struck Ms. Jackson in the shoulder. Ms. Jackson then ran into a nearby store, and appellant fled the scene. Mr. Brown, who was suffering from a gunshot wound to the abdomen, also managed to get inside the store. A few minutes later, after the police had arrived on the scene, Ms. Jackson informed the responding officers that appellant was the shooter. Later that day, the police showed Ms. Jackson a photographic array and asked her to identify the shooter. Ms. Jackson again identified appellant as the shooter.

Baltimore City Police Detective Ernest McMillon testified that he was one of the officers that responded to the scene following the shooting. While on the scene, Detective McMillon received information about "a possible suspect vehicle," which was described as "a black Dodge Durango with a Maryland tag." Upon receiving that information, Detective McMillon "put it over the air." Detective McMillon testified that he then collected several items from the scene, including a "fisherman style hat," which was later submitted for DNA analysis. DNA taken from appellant was later matched to the DNA found on the hat.

A bystander, John Tindal, testified that, on the day of the shooting, he was exiting a store at the Westside Shopping Center when he "heard shots." Mr. Tindal testified that, after the shots stopped he looked up and observed "a black SUV run off" heading "towards Wilkins Avenue." As the vehicle was driving away, Mr. Tindal recorded the vehicle's license plate number, which he then gave to a police officer who had arrived on the scene following the shooting.

Baltimore City Police Officer Mark Tallmadge testified that he was on patrol in a police vehicle on the day of the shooting when he received a call over his radio about "a shooting at Westside Shopping Center" and "a black Durango" with a particular license plate that had been observed at the scene of the shooting. Officer Tallmadge testified that, soon after receiving that call, he observed a black Dodge Durango with the same license plate number "approaching the intersection of West Baltimore Street and Hilton," which was approximately one and a half miles away from where the shooting occurred. Shortly thereafter, Officer Tallmadge initiated a traffic stop of that vehicle and observed a single occupant, the driver, whom the officer later identified as appellant. Appellant was ultimately arrested. No firearm was recovered from appellant's person or vehicle.

Defense's Cross-Examination of Ms. Jackson

During defense counsel's cross-examination of Ms. Jackson, the trial court, on several occasions, sustained objections by the State. The first instance occurred following a line of inquiry during which defense counsel asked Ms. Jackson if she considered herself "an honest person," and Ms. Jackson responded in the affirmative. Defense counsel then

questioned Ms. Jackson about her relationships with other men, and Ms. Jackson testified that, while she was in a sexual relationship with appellant, she was also in a relationship with two other men. Ms. Jackson also testified that she never told either man about the exact nature of her relationship with appellant and that she had even lied to Mr. Brown by telling him that appellant was her uncle. Following that testimony, defense counsel asked Ms. Jackson if she had changed her opinion as to whether she was "an honest person." At that point the State objected, and the court sustained the objection, telling defense counsel to "move on, please."

Immediately thereafter, defense counsel asked Ms. Jackson if she had "relationships" with "anyone else" during the time that she was in a relationship with appellant. Again the State objected, and the court sustained the objection as "irrelevant to the case."

A short time later, defense counsel again questioned Ms. Jackson about the fact that she had lied to Mr. Brown about appellant being her uncle. In so doing, defense counsel asked whether Ms. Jackson "told him that lie and he bought it." After Ms. Jackson responded in the affirmative, defense counsel asked whether that was because Ms. Jackson was "very good at perpetuating that fraud." The State objected, and the court sustained the objection on the grounds that the issue had been "covered."

Later, defense counsel asked Ms. Jackson if it was "fair to say" that, given "the impact [her] relationship with [appellant] was having on [her] life and [her] relationship

with Mr. Brown, it woulda been best for [her] to have him permanently step aside." Before Ms. Jackson could respond, the State objected, and the court sustained the objection.

Court's Instructions to the Jury on Charge of First-Degree Assault

At the close of all evidence, the court instructed the jury on, among other things, the elements of first-degree assault:

> You're instructed that in order to convict the defendant of the charge of assault in the first degree, the State must prove all of the elements of second-degree assault or battery[.] In addition to that, the State must prove that this defendant used a firearm to commit that assault or battery. Or – or, in other words, all of the three elements of assault in the second degree and in addition to that, the State must prove that (a), that a firearm was used in the commission of that assault or must prove that the defendant intended to cause serious physical injury in the commission of that assault.

Appellant did not object to the court's instruction at the time it was given, nor did he object at the close of all instructions. In fact, at the close of the instructions, the court asked defense counsel if there were "any exceptions from the defense," and defense counsel responded: "None, Your Honor."

Initial Verdict Announced

On the third day of trial, after retiring to deliberate, the jury informed the court that it had reached a unanimous verdict. That verdict was then announced on the record. Following that, the jury was polled, and one of the jurors informed the court that his verdict was not the same as the one announced. The court immediately stopped the polling and sent the jury back to the jury room to continue its deliberations. Appellant did not object to the court's decision.

A short time later, at approximately 5:34 p.m., the jury informed the court that they had not reached a unanimous verdict. When the court asked defense counsel what course of action he wanted the court to take in light of the jury's announcement, defense counsel responded that he was "fine" to "let them go and bring them back tomorrow." The court then brought the jurors into the courtroom and gave them a choice: to continue deliberations that day or to come back the next morning and continue deliberations. The jury informed the court that it wanted to come back the next morning, and the court accepted that decision. Defense counsel did not object or otherwise indicate his displeasure with the court's course of action.

The jury returned to court the following morning and continued its deliberations. That afternoon, the jury informed the court that it had reached a verdict. Again, defense counsel did not object or otherwise indicate that he wanted the court to take any alternative or additional action.

Final Verdict Announced

As noted, the jury ultimately convicted appellant of two counts of first-degree assault and one count of reckless endangerment. In so doing, the jury also acquitted appellant of several other charges, including two counts of wearing, carrying, and transporting a handgun, one count of unlawfully discharging a firearm, one count of using a handgun in the commission of a crime of violence, and one count of unlawfully possessing a regulated firearm. At no time did appellant object to the jury's verdicts or otherwise make it known to the court that the verdicts were defective.

DISCUSSION

I.

Appellant first contends that the trial court erred in not dismissing his convictions for first-degree assault and reckless endangerment. Appellant maintains that those guilty verdicts were "inconsistent" with the jury's verdicts of acquittal on the various handgun charges.

We hold that this issue is not preserved for our review. When the jury announced its verdicts, appellant did not object, nor did he make it known, prior to the verdicts becoming final, that the verdicts were inconsistent. *See Givens v. State*, 449 Md. 433, 472-73 (2016) ("[T]o preserve for review any issue as to allegedly inconsistent verdicts, a defendant in a criminal trial by jury must object to the allegedly inconsistent verdicts or otherwise make known his or her position before the verdicts become final and the trial court discharges the jury."). Accordingly, appellant's argument is not properly before this Court.

II.

Appellant next contends that the trial court erred in not declaring a mistrial and in compelling the jury to continue its deliberations when, after the jury returned its initial verdict on the third day of trial, one of the jurors informed the court during polling that his verdict was not the same as the other jurors. Appellant maintains that the "procedure the trial court used to obtain a verdict was flawed and that, instead of compelling the jury to continue its deliberations, the court should have *sua sponte* declared a mistrial."

We hold that this issue is not preserved for our review. When the jury informed the court that its verdict was not unanimous and the court sent the jury back to the jury room to continue deliberations, appellant did not object or request a mistrial. *See* Md. Rule 8-131(a) ("Ordinarily, the appellate court will not decide any [non-jurisdictional issue] unless it plainly appears by the record to have been raised in or decided by the trial court[.]"); *See also Brice v. State*, 225 Md. App. 666, 678 (2015) ("Rule 8-131(a) requires a defendant to make timely objections in the lower court, or he will be considered to have waived them and he cannot now raise such objections on appeal.") (citations and quotations omitted). Then, when the jury informed the court that it was unable to reach a verdict and the court sent the jury home with instructions to return the next day to continue deliberations, appellant did not object, nor did he ask for a mistrial or otherwise indicate that he wanted the court to take some alternative or additional action. To the contrary, when asked by the court how he would like to proceed, defense counsel stated quite clearly that he would be "fine" to "let them go and bring them back tomorrow," which is precisely what the court did. *See VEI Catonsville, LLC v. Einbinder Props., LLC*, 212 Md. App. 286, 293-94 (2013) ("The doctrine of acquiescence – or waiver – is that a voluntary act of a party which is inconsistent with the assignment of errors on appeal normally precludes that party from obtaining appellate review.") (citations and quotations omitted). Accordingly, appellant's argument that the court erred in refusing to grant a mistrial and in compelling the jury to continue deliberations is not properly before this Court.

III.

Appellant next contends that the evidence adduced at trial was insufficient to sustain his convictions. Appellant maintains that the State "presented no solid factual proof" he was the shooter and that "the only evidence" was the testimony of Ms. Jackson, "who was shown to the jury to be a liar."

"The test of appellate review of evidentiary sufficiency is whether, 'after viewing 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.'" *Donati v. State*, 215 Md. App. 686, 718 (2014) (citing *State v. Coleman*, 423 Md. 666, 672 (2011)). That standard applies to all criminal cases, "including those resting upon circumstantial evidence, since, generally, proof of guilt based in whole or in part on circumstantial evidence is no different from proof of guilt based on direct eye-witness accounts." *Neal v. State*, 191 Md. App. 297, 314 (2010). Moreover, "[t]he test is 'not whether the evidence *should have or probably would have* persuaded the majority of fact finders but only whether it *possibly could have* persuaded *any* rational fact finder.'" *Painter v. State*, 157 Md. App. 1, 11 (2004) (citations omitted) (emphasis in original). In making that determination, "[w]e 'must give deference to all reasonable inferences [that] the fact-finder draws, regardless of whether [we] would have chosen a different reasonable inference.'" *Donati*, 215 Md. App. at 718 (citing *Cox v. State*, 421 Md. 630, 657 (2011)). In so doing, "[w]e defer to the fact finder's 'opportunity to assess the credibility of witnesses, weigh

the evidence, and resolve conflicts in the evidence[.]'" *Neal*, 191 Md. App. at 314 (citations omitted).

Here, we hold that the evidence was sufficient to sustain appellant's convictions. Ms. Jackson, one of the victims of the shooting, testified and identified appellant as the shooter. *See Handy v. State*, 201 Md. App. 521, 559 (2011) ("It is well settled that the evidence of a single eyewitness is sufficient to sustain a conviction."). In addition, Ms. Jackson testified that appellant was jealous of her relationship with Mr. Brown, the other victim, and that she and appellant had been involved in several incidents concerning Mr. Brown, including one incident that resulted in a physical altercation. That Ms. Jackson may have been, as appellant suggests, "shown to the jury to be a liar," is immaterial. *See Grimm v. State*, 447 Md. 482, 505-06 (2016) ("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.") (citations and quotations omitted) (emphasis in original).

Finally, although Ms. Jackson's testimony was, by itself, sufficient to sustain appellant's convictions, additional evidence was adduced at trial to establish appellant's culpability, including testimony that a hat containing appellant's DNA was recovered from the scene; that a black Dodge Durango was seen driving away from the scene immediately after the shooting; that, not long after the shooting, appellant was spotted driving a black Dodge Durango near where the shooting occurred; and that the license plate number of appellant's vehicle matched the license plate number of the vehicle that was observed

driving away from the scene of the shooting. Viewing all of the evidence, including Ms. Jackson's testimony, in a light most favorable to the State, we hold that any rational trier of fact could have found the essential elements of the crimes beyond a reasonable doubt.

IV.

Appellant next contends that the trial court erred in its instruction to the jury on the elements of first-degree assault. Specifically, appellant maintains that the court erred in instructing the jury that, for there to be a first-degree assault, the State had to prove that appellant, in the commission of the assault, either used a firearm or intended to cause serious physical injury. Appellant asserts that the court's instruction was erroneous because the facts adduced by the State "consisted solely of the allegations that he shot Mr. Brown and Ms. Jackson with a firearm not that he caused or attempted to cause serious physical injury to them by any other means." Although appellant concedes that he did not object to the court's instruction and that, as a result, the issue is not preserved for our review, he nevertheless asks that we review the issue for "plain error."

Maryland Rule 4-325(e) provides, in relevant part, that an appellate court may "take cognizance of any plain error in the instructions, material to the rights of the defendant, despite a failure to object." "The appellate courts of this State have often recognized error in the trial judge's instructions, even when there has been no objection, if the error was likely to unduly influence the jury and thereby deprive the defendant of a fair trial." *State v. Brady*, 393 Md. 502, 507 (2006) (citing *State v. Hutchinson*, 287 Md. 198, 202 (1980)) (quotations omitted). "The premise for such appellate action is that a jury is able to follow

the court's instructions when articulated fairly and impartially." *Brady*, 393 Md. at 507 (citations omitted). "It follows, therefore, that when the instructions are lacking in some vital detail or convey some prejudicial or confusing message, however inadvertently, the ability of the jury to discharge its duty of returning a true verdict based on the evidence is impaired." *Id.* (citations omitted).

Nevertheless, in order to recognize error in a court's instructions absent an objection, "the error must be plain, and material to the rights of the accused, and, even then, the exercise of [appellate] discretion to correct it should be limited to those cases in which correction is necessary to serve the ends of fundamental fairness and substantial justice." *Brown v. State*, 14 Md. App. 415, 422 (1972). The Court of Appeals has "characterized the instances when an appellate court should take cognizance of unobjected to error as 'compelling, extraordinary, exceptional or fundamental to assure the defendant a fair trial,' and as those 'which vitally affect a defendant's right to a fair and impartial trial[.]'" *Brady*, 393 Md. at 507 (internal citations omitted). On the other hand, plain error review is inappropriate "as a matter of course" or when the error is "purely technical, the product of conscious design or trial tactics or the result of bald inattention." *Id.* (citations and quotations omitted).

In *State v. Rich*, 415 Md. 567 (2010), the Court of Appeals set forth the following four-prong test regarding plain error review of a court's jury instructions:

> First, there must be an error or defect – some sort of deviation from a legal rule – that has not been intentionally relinquished or abandoned, *i.e.*, affirmatively waived, by the appellant. Second, the legal error must be clear or obvious, rather than subject to reasonable dispute. Third, the error must

> have affected the appellant's substantial rights, which in the ordinary case means he must demonstrate that it affected the outcome of the [court] proceedings. Fourth and finally, if the above three prongs are satisfied, the [appellate court] has the discretion to remedy the error – discretion which ought to be exercised only if the error seriously affects the fairness, integrity or public reputation of judicial proceedings.

Id. at 578-79 (quoting *Puckett v. U.S.*, 556 U.S. 129, 135 (2009)) (internal citations and quotations omitted).

Against that backdrop, we decline appellant's request to review for plain error the trial court's instruction on first-degree assault. To begin with, the instruction given by the court was nearly identical to the Maryland pattern instruction on first-degree assault. *See* MPJI-Cr 4:01.1. Thus, we cannot say that the court, in giving that instruction, deviated from a legal rule or that, even if it had, such an error was clear or obvious. *See Johnson v. State*, 223 Md. App. 128, 152 (2015) (noting that "it is well-established that a trial court is strongly encouraged to use the pattern jury instructions."); *See also Yates v. State*, 202 Md. App. 700, 724 (2011) (holding that "the circuit court's use of a pattern jury instruction, without objection, weighs heavily against plain error review of the instructions given."). Moreover, we fail to see how the alleged error affected the outcome of the proceedings. The evidence adduced at trial satisfied both prongs of the instruction – that is, the evidence showed that appellant assaulted the victims with a firearm and that he did so with the intent of causing serious physical injury. That the jury was left to choose between two valid alternatives appears, under the facts presented here, inconsequential, as either choice would have resulted in a guilty verdict. At the very least, we cannot say that the given instruction seriously affected the fairness, integrity or public reputation of the proceedings.

V.

Appellant's final contention is that the trial court, on four separate occasions, erroneously sustained objections lodged by the State during his cross-examination of Ms. Jackson. The first ruling came after defense counsel asked Ms. Jackson, for the second time, if she considered herself "an honest person." The second ruling came after defense counsel asked Ms. Jackson if she had "relationships" with any other individuals during the time that she was in a relationship with appellant. The third ruling came after defense counsel asked Ms. Jackson if Mr. Brown believed that appellant was her uncle because she was "very good at perpetuating that fraud." The fourth ruling came after defense counsel asked Ms. Jackson whether, in terms of her relationship with Mr. Brown, it would have been "best" for her to have appellant "permanently step aside."

Appellant asserts that the trial court, in making those four rulings, "unduly limited the defense's cross-examination of Ms. Jackson to such an extent that his right to receive a fair trial was inhibited." Appellant maintains that "Ms. Jackson's credibility was central to the State's case" and that the court's actions "deprived him of the means to demonstrate to the jury that Ms. Jackson was an untruthful person." Appellant contends, therefore, that the court "improperly interfered with [his] ability to exercise his right to put on a defense and confront his accusers and unduly restricted his constitutional right to cross-examine Ms. Jackson."

"A criminal defendant's right to cross-examine a prosecution witness is guaranteed by the Confrontation Clause of the Sixth Amendment, made applicable to the States

through the Fourteenth Amendment, and Article 21 of the Maryland Declaration of Rights." *Holmes v. State*, 236 Md. App. 636, 671 (2018), *cert. denied*, 460 Md. 15. Also rooted in the Confrontation Clause is a defendant's right to face his accusers, and that includes "the right to attack that accuser's credibility in court by means of cross-examination[.]" *Churchfield v. State*, 137 Md. App. 668, 682-83 (2001) (citations and quotations omitted). "To comply with the Confrontation Clause, a trial court must allow a defendant a 'threshold level of inquiry' that 'exposes to the jury the facts from which jurors, as the sole triers of fact and credibility, could appropriately draw inferences relating to the reliability of the witnesses.'" *Peterson v. State*, 444 Md. 105, 122 (2015) (quoting *Martinez v. State*, 416 Md. 418, 428 (2010)). "An undue restriction of the fundamental right of cross-examination may violate a defendant's right to confrontation." *Pantazes v. State*, 376 Md. 661, 681 (2003).

"Nevertheless, a defendant's constitutional right to cross-examine witnesses is not boundless," and "[t]he Confrontation Clause does not prevent a trial judge from imposing limits on cross-examination." *Id.* at 680. "As the Court [of Appeals] has said, 'trial courts retain wide latitude in determining what evidence is material and relevant, and to that end, may limit, in their discretion, the extent to which a witness may be cross-examined for the purpose of showing bias.'" *Parker v. State*, 185 Md. App. 399, 426 (2009) (quoting *Merzbacher v. State*, 346 Md. 391, 413 (1997)). "Moreover, trial judges are entitled to impose reasonable limits on cross-examination based on concerns about, among other things, harassment, prejudice confusion of the issues or interrogation that is only

marginally relevant." *Id.* (citations and quotations omitted); *See also* Md. Rule 5-611(a) ("The court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.").

In *Manchame-Guerra v. State*, 457 Md. 300 (2018), the Court of Appeals outlined the standard by which an appellate court should assess the propriety of a trial judge's restriction on a defendant's cross-examination of a witness when the defendant claims that the restrictions violated the Confrontation Clause:

> In controlling the course of examination of a witness, a trial court may make a variety of judgment calls under Maryland Rule 5-611 as to whether particular questions are repetitive, probative, harassing, confusing, or the like. The trial court may also restrict cross-examination based on its understanding of the legal rules that may limit particular questions or areas of inquiry. Given that the trial court has its finger on the pulse of the trial while an appellate court does not, decisions of the first type should be reviewed for abuse of discretion. Decisions based on a legal determination should be reviewed under a less deferential standard. Finally, when an appellant alleges a violation of the Confrontation Clause, an appellate court must consider whether the cumulative result of those decisions, some of which are judgment calls and some of which are legal decisions, denied the appellant the opportunity to reach the 'threshold level of inquiry' required by the Confrontation Clause.

Id. at 311 (quoting *Peterson*, 444 Md. at 124)).

Applying those standards, we hold that the trial court did not err in limiting appellant's cross-examination of Ms. Jackson. The record shows that the court gave defense counsel considerable latitude during cross-examination, permitting defense counsel to elicit from Ms. Jackson facts from which the jury could appropriately draw

inferences relating to Ms. Jackson's credibility. Specifically, defense counsel established that Ms. Jackson had not been truthful with her other boyfriends about her relationship with appellant; that she had lied to Mr. Brown about appellant being her uncle; and that Mr. Brown had "bought" that lie. Thus, despite the court's limitations on defense counsel's cross-examination, the cumulative result of those limitations did not inhibit appellant from reaching the "threshold level of inquiry" guaranteed by the Confrontation Clause.

Moreover, each of the court's limitations on appellant's cross-examination of Ms. Jackson was reasonable. *See generally Peterson*, 444 Md. at 122-23 ("Once the constitutional threshold is met, trial courts may limit the scope of cross-examination 'when necessary for witness safety or to prevent harassment, prejudice, confusion of the issues, and inquiry that is repetitive or only marginally relevant.'") (citations omitted). Regarding the inquiries into whether Ms. Jackson considered herself "an honest person" and whether she had convinced Mr. Brown that appellant was her uncle because she was "very good at perpetuating that fraud," both issues had already been raised by defense counsel, and Ms. Jackson had already answered similar questions. Thus, defense counsel's follow-up questions, which the court disallowed, were repetitive.

Regarding defense counsel's inquiries into Ms. Jackson's relationships with other men and her purported desire to have appellant "permanently step aside," those issues were collateral and, at best, marginally relevant. Furthermore, we fail to see how either line of inquiry would have been relevant in determining Ms. Jackson's capacity for truthfulness, which is the sole reason given by appellant as to why the court should have permitted the

inquiry. *See* Md. Rule 5-401 (defining relevant evidence). Accordingly, the court did not err in sustaining the State's objections.

JUDGMENTS OF THE CIRCUIT COURT FOR BALTIMORE CITY AFFIRMED; COSTS TO BE PAID BY APPELLANT.