

Circuit Court for Baltimore County
Case No.: C-03-CR-24-000183

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2258

September Term, 2024

STANLEY A. RIDDIC

v.

STATE OF MARYLAND

Nazarian,
Zic,
Beachley, Donald E.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Nazarian, J.

Filed: July 22, 2026

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

A jury in the Circuit Court for Baltimore County convicted Stanley Riddic of second-degree assault and possession of a regulated firearm after a disqualifying conviction. On appeal, Mr. Riddic argues that his decision to waive his right to testify was not made knowingly and voluntarily because he was misinformed by defense counsel that if he chose to testify, “any past criminal convictions [could] come up.” Mr. Riddic contends as well that he was denied the effective assistance of counsel when defense counsel elicited testimony that there were warrants for his arrest. We hold that the circuit court didn’t err in accepting Mr. Riddic’s waiver of his right to testify because the record does not establish that counsel’s advice was intrinsically and facially incorrect or that Mr. Riddic relied on the challenged advice in deciding not to testify. We decline to address Mr. Riddic’s claim regarding ineffective assistance of counsel on direct appeal, and we affirm the judgments.

I. BACKGROUND

In the early morning of December 17, 2023, police responded to an assault call from the Colony Inn in White Marsh. Responding officers learned that Mr. Riddic was inside Room 9 with a handgun and refused to come out. Using the victim’s cell phone, Lieutenant Aaron Galloway contacted Mr. Riddic, who eventually exited the room and complied with the officers’ instructions. Officers then executed a search warrant on Room 9 and recovered a handgun and seven bullets from the toilet tank and two more bullets inside a book bag in the room.

The State charged Mr. Riddic with second-degree assault and illegal possession of a regulated firearm after a disqualifying conviction. Before trial, the State filed notice under

Maryland Rule 4-245 of its intent to proceed against Mr. Riddic as a subsequent offender under Md. Code (2002, 2021 Repl. Vol.), § 14-101 of the Criminal Law Article (“CR”). Among other convictions, the notice identified two prior robbery convictions: a 2004 conviction in the Circuit Court for Carroll County and a 2017 conviction in the Court of Common Pleas in York County, Pennsylvania.

The case proceeded to a jury trial in September 2024. At the close of the State’s case, outside of the jury’s presence, the court asked defense counsel whether he wished to advise Mr. Riddic on the record about his right to testify. Counsel advised Mr. Riddic, and Mr. Riddic elected not to testify:

THE COURT: The jury is now out of the courtroom. Given where we are, do you wish to advise your client as to his right to testify and/or to choose not to testify on the record?

[DEFENSE COUNSEL]: Certainly, Your Honor.

THE COURT: Okay.

[DEFENSE COUNSEL]: Mr. Riddic, you have, as the judge just said, the right to testify or the right not to testify. The constitution guarantees you the right to remain silent. You do not have to testify. If you choose not to testify, the jury cannot use your decision not to testify in any way against you and they will be so instructed by the judge. She made reference to that earlier this morning, but she will again make reference to that in the jury instructions. If you do choose to testify, not only can this case come up, but *any past criminal convictions can come up* and that may or may not influence the jury, but you do have the right to testify or you can remain quiet and don’t say anything or you can choose to say I want to say my piece in front of the jury and you can do that. There are risks inherent obviously in that. It is your decision.

THE DEFENDANT: I guess I’m doing [sic] to go with whatever your recommendation is what would be the best thing to do at this time.

[DEFENSE COUNSEL]: I would recommend -- although it is ultimately your decision, but I would recommend that you not testify.

THE DEFENDANT: All right.

THE COURT: Mr. Riddic, do you understand that you have had the opportunity to consult with your counsel about what is in your best interest at this particular time, but ultimately it is your decision. Obviously this is a case against you and these are your rights. So, is it my understanding that you're choosing at this time not to testify?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. Do you understand that I will, if requested and I think it is requested, instruct the jury that they may not consider that of course?

THE DEFENDANT: Okay.

THE COURT: Any questions about that for this court?

THE DEFENDANT: No, ma'am.

(emphasis added). Mr. Riddic opted not to testify. The jury found him guilty of both counts, and the court sentenced him to ten years to the Division of Corrections for second-degree assault, to run concurrently with fifteen years, the first five without the possibility of parole, for illegal possession of a regulated firearm after a disqualifying conviction.

This appeal timely followed. We supply additional facts below as appropriate.

I. DISCUSSION

On appeal, Mr. Riddic presents two questions for our review, which we rephrase as follows:

1. Did the circuit court err in accepting his waiver of his right to testify?

2. Was he deprived of effective assistance of counsel?¹

We hold that the court didn’t err in accepting Mr. Riddic’s waiver of the right to testify and we decline to address Mr. Riddic’s ineffective assistance of counsel claim, which is better addressed in a post-conviction proceeding.

Because the *first* issue presents a constitutional question concerning the waiver of the right to testify, we review the circuit court’s decision *de novo*. See *Carter v. State*, 367 Md. 447, 457 (2002) (“We review legal questions *de novo*, and where, as here, petitioner raises a constitutional challenge . . . we must make an independent constitutional evaluation . . .”).

A. The Circuit Court Did Not Err In Accepting Mr. Riddic’s Waiver Of His Right to Testify Because Counsel’s Advice Was Not “Intrinsically And Facially Incorrect” And The Record Does Not Demonstrate Detrimental Reliance On The Challenged Advice.

First, Mr. Riddic argues that his waiver of his right to testify was not knowing and voluntary because defense counsel advised him incorrectly on the record that “any” of his

¹ Mr. Riddic phrased his Questions Presented as:

1. Whether Mr. Riddic was misinformed about prior convictions that could be used to impeach him if he testified thereby rendering his decision to not testify unknowing[.]
2. Whether Mr. Riddic received ineffective assistance of counsel[.]

The State, in turn, phrased its Questions Presented as:

1. Has Mr. Riddic failed to demonstrate that his trial counsel provided inherently, overtly, and facially erroneous advice about the right to testify, or that he relied on the advice in electing not to testify?
2. Should this Court decline to consider Mr. Riddic’s ineffectiveness claim on direct appeal?

prior convictions could be used to impeach him. He contends that once counsel made this misstatement in open court, “the court had a duty to correct counsel’s misadvice.” The State responds that the circuit court had no obligation to intervene *sua sponte* because “the record reveals no ‘intrinsically and facially incorrect’ advisement.” We agree with the State.

The Fifth, Sixth, and Fourteenth Amendments to the United States Constitution guarantee a criminal defendant the right to testify on their own behalf. *Tilghman v. State*, 117 Md. App. 542, 553 (1997) (citing *Rock v. Arkansas*, 483 U.S. 44, 51–53 (1987)). Because that right is “essential to due process of law in a fair adversary process,” it may be waived only knowingly and intelligently by the defendant. *Id.* (quoting *Rock*, 483 U.S. at 51). When a defendant decides not to testify, “the trial court is entitled to assume . . . that [the defendant] has effectively waived [their] right to do so.” *Id.* at 555.

Although a trial court must advise a *pro se* criminal defendant of their constitutional right to testify and the corresponding right to remain silent, when a defendant is represented by counsel, the trial court presumes that counsel has advised the defendant of those rights. *See Thanos v. State*, 330 Md. 77, 91 (1993) (citing *Gilliam v. State*, 320 Md. 637, 652–53 (1990)). A trial court generally has “no affirmative duty to inform represented defendants of their right to testify,” subject to two exceptions. *Savoy v. State*, 218 Md. App. 130, 150 (2014) (citing *Gilliam*, 320 Md. at 652–53). *First*, the duty arises when “it becomes clear to the trial court that the defendant does not understand the significance of his election not to testify or the inferences to be drawn therefrom.” *Gilliam*, 320 Md. at 652–53. *Second*,

the duty arises when counsel, in the presence of the court, imparts advice to the defendant that is “intrinsically and facially incorrect,” meaning that the advice is “readily identifiable as erroneous, without reference or resort to extrinsic information.” *Tilghman*, 117 Md. App. at 564. In that circumstance, the presumption that counsel has provided correct advice is overcome “irrespective of the defendant’s outward appearance of understanding.” *Id.*

A defendant need not be advised of the potential for impeachment with prior convictions for a waiver of the right to testify to be knowing and intelligent. *Id.* at 557 (citing *Martin v. State*, 73 Md. App. 597, 597–98 (1988)). The risk of impeachment is not a “fundamental attribute” of the right to testify—it’s a potential consequence of exercising that right that is “of largely strategic, not essential, import.” *Id.* (quoting *Hamilton v. State*, 79 Md. App. 140, 143 (1989)). Advice about impeachment, then, triggers a trial court’s duty to intervene only when it is “intrinsically and facially incorrect.” *Id.* at 564.

Maryland Rule 5-609 establishes a three-part test for determining whether a witness’s prior conviction is admissible for impeachment. Md. Rule 5-609(a)–(b); *Jackson v. State*, 340 Md. 705, 710–11 (1995). *First*, the conviction must fall within the “eligible universe” of convictions, which consists of infamous crimes and other crimes relevant to a witness’s credibility. *State v. Westpoint*, 404 Md. 455, 478 (2008) (quoting *Jackson*, 340 Md. at 712), *superseded by statute on other grounds*, Md. Code (1974, 2020 Repl. Vol.), § 10-923 of the Courts & Judicial Proceedings Article, *as recognized in*, *Woodlin v. State*, 484 Md. 253 (2023). Infamous crimes include treason, common law felonies and other

offenses known as *crimen falsi*.² *Id.* at 477 (citing *State v. Giddens*, 335 Md. 205, 213 (1994)). *Second*, the conviction must have occurred within the preceding fifteen years, except no time limit applies to convictions for perjury. Md. Rule 5-609(b). *Third*, the trial court must determine that the probative value of admitting the conviction outweighs the danger of unfair prejudice to the witness or the objecting party. *Westpoint*, 404 Md. at 478 (quoting *Jackson*, 340 Md. at 712–13).

First, Mr. Riddic argues that defense counsel misadvised him because several of his prior convictions would not have been admissible for impeachment. He’s right about that as far as it goes. But the existence of *some* convictions that might not be ultimately impeachable didn’t render counsel’s advice intrinsically and facially incorrect where “its legal accuracy depended upon, and could not be ascertained fully without knowledge of, [Mr. Riddic’s] criminal record,” *Tilghman*, 117 Md. App. at 564–65, not least in this case because Mr. Riddic had at least one conviction with which he might well have been impeached had he testified.

The State’s notice under Maryland Rule 4-245 identified Mr. Riddic’s 2004 Maryland robbery conviction and his 2017 Pennsylvania robbery conviction as predicates

² “Crimes historically classified as *crimen falsi* include crimes in the nature of perjury, false statement, criminal fraud, embezzlement, false pretense, or any other offense involving some element of deceitfulness, untruthfulness, or falsification bearing on the witness’s propensity to testify truthfully.” *Beales v. State*, 329 Md. 263, 269–70 (1993).

for his treatment as a subsequent offender, so there was no surprise about them.³ Robbery is a common-law felony and an infamous crime that falls within the eligible universe of convictions that may be admitted for impeachment purposes. *See Cure v. State*, 421 Md. 300, 324 (2011) (“The common law felonies were murder, manslaughter, robbery, rape, burglary, larceny, arson, sodomy and mayhem.” (quoting *Robinson v. State*, 4 Md. App. 515, 523 n. 3 (1968)); *see also Gregory v. State*, 189 Md. App. 20, 42 (2009) (affirming admissibility of out-of-state theft and robbery convictions for impeachment). Although Mr. Riddic’s 2004 conviction fell outside Rule 5-609’s fifteen-year time limit, his 2017 robbery conviction fell within both Rule 5-609’s eligible universe of convictions and its fifteen-year time limit. And because at least one conviction identified in the record before the circuit court was potentially admissible for impeachment, defense counsel’s advice was not “intrinsically and facially incorrect,” and the circuit court had no duty to intervene.⁴ *Tilghman*, 117 Md. App. at 564.

Second, Mr. Riddic bore the burden of proving that he relied to his detriment on the allegedly erroneous advice in order to establish that he didn’t waive the constitutional right

³ 18 Pa. Cons. Stat. § 3701 (2025) states, in part: “A person is guilty of robbery if, in the course of committing a theft, he . . . [t]hreatens another with or intentionally puts him in fear of immediate serious bodily injury.” *Id.* § 3701(a)(1)(ii).

⁴ We are not deciding whether the State should or would have been allowed ultimately to impeach Mr. Riddic with this conviction at trial. That question would have turned on the Maryland Rule 5-609(a)(2) balancing of probative value against unfair prejudice, which the circuit court never performed because Mr. Riddic elected not to testify. *See Jackson*, 340 Md. at 717 (providing “guidelines to be considered in weighing the probative value of a past conviction against the prejudicial effect”).

to testify knowingly and voluntarily. *Gregory*, 189 Md. App. at 38 (“Detrimental reliance on [counsel’s] erroneous advice is a necessary element in determining that the defendant did not knowingly and voluntarily waive his constitutional right to remain silent.”); *Savoy*, 218 Md. App. at 155 (“It is [the] appellant’s burden to show reliance upon his counsel’s legal advice, not the State’s burden” to prove an absence of reliance.). The Supreme Court applied this requirement in *Thanos*, where counsel advised the defendant that the State “could inquire into any prior convictions that [he] may have.” 330 Md. at 90. The Court concluded there that the record “g[ave] no hint” that counsel’s advice affected defendant’s decision not to testify and therefore held that the trial court did not err. *Id.* at 91–92.

So too here. Even if Mr. Riddic was advised erroneously about his right to testify, the record is devoid of evidence demonstrating that he relied on that advice in deciding not to testify. Mr. Riddic never indicated that he wished to testify. When advised of his rights, Mr. Riddic stated that he would “go with whatever [counsel’s] recommendation [was]” about “what would be the best thing to do at [the] time.” Counsel then recommended that Mr. Riddic not testify and emphasized that “it [was] ultimately [Mr. Riddic’s] decision.” After the circuit court confirmed that he understood his rights, Mr. Riddic elected not to testify. Nothing in the record suggests that counsel’s reference to “any prior convictions,” rather than counsel’s general recommendation that he not testify, specifically or solely influenced Mr. Riddic’s decision.

Mr. Riddic’s reliance on *Morales v. State*, 325 Md. 330 (1992), doesn’t help him either; indeed, two crucial distinctions compel a different result here. *First*, *Morales*

involved an unrepresented defendant who received erroneous advice directly from the trial court. *Id.* at 338–39. The Supreme Court held that although a trial court isn’t required to advise a defendant about the impeachment consequences of testifying, it is obligated to do so correctly once it starts. *Id.* Here, by contrast, Mr. Riddic was represented by counsel and the challenged advice came from counsel rather than the circuit court, so we presume that counsel advised Mr. Riddic correctly. *See Thanos*, 330 Md. at 91 (recognizing the “long-standing rule that criminal defendants represented by counsel are presumed to have been informed of their constitutional rights, including the right to testify”). *Second*, the record in *Morales* suggested strongly that the trial court’s erroneous advice affected the defendant’s decision not to testify materially. *See* 325 Md. at 333–34, 339. Before receiving the court’s advice, Mr. Morales indicated on the record that he intended to testify; after the court advised him that his earlier convictions could be used to impeach him, he elected not to take the stand. *Id.* at 333–34. Mr. Riddic, by contrast, never indicated an intention to testify. The circumstances that warranted reversal in *Morales* are absent here, and the circuit court didn’t err in accepting Mr. Riddic’s waiver of his right to testify.

B. We Decline To Address Mr. Riddic’s Ineffective Assistance of Counsel Claim On Direct Appeal.

Mr. Riddic argues *next* that his trial counsel was ineffective for eliciting testimony that there were outstanding warrants for Mr. Riddic’s arrest. He contends further that the testimony was highly prejudicial and served no strategic purpose. Most importantly for present purposes, Mr. Riddic asks us to resolve the claim on direct appeal. The State responds that this claim is better addressed in a post-conviction proceeding. In this instance,

the State is right.

The testimony at issue arose during defense counsel’s re-cross examination of Lieutenant Galloway, the State’s supervising officer on the scene. In the course of that re-cross, defense counsel asked a question that included a reference to an outstanding warrant and elicited an answer that referred to the possibility of additional warrants:

[DEFENSE COUNSEL]: Didn’t [Mr. Riddic], in fact, tell you that he was also afraid to come out because he had a warrant?

[LIEUTENANT GALLOWAY]: He said that he had warrants. I don’t remember exactly if he said that he was afraid to come out because he had warrants, but he did say that he had some warrants.

The question is whether we should consider this question now or whether it is addressed more appropriately in a post-conviction proceeding. “[A] claim for ineffective assistance of counsel ordinarily should be addressed in a post-conviction proceeding,” *Crippen v. State*, 207 Md. App. 236, 253 (2012), typically because that posture allows the defendant and the court to develop a record bearing on counsel’s strategic and tactical decisions:

“[G]enerally, the trial record does not provide adequate detail upon which the reviewing court could base an assessment regarding whether counsel rendered ineffective assistance because the character of counsel’s representation is not the focus of the proceedings and there is no discussion of counsel’s strategy supporting the conduct in issue.”

Smith v. State, 394 Md. 184, 200 (2006). Although we consider ineffective assistance of counsel claims on direct appeal rarely, the rule is “not absolute.” *Bailey v. State*, 464 Md. 685, 703 (2019) (*quoting In re Parris W.*, 363 Md. 717, 726 (2001)). We reach such a claim

only in the narrow case “where the critical facts are not in dispute and the record is sufficiently developed to permit a fair evaluation of the claim.” *Id.*

This case falls outside of that narrow exception. The trial record on this case offers no indication about why defense counsel asked the question that drew out the reference to Mr. Riddic’s warrants. Counsel may have had a tactical reason for asking that question or counsel may have erred, and this record doesn’t permit us to assess which is true. “Post-conviction proceedings are [designed to] allow for fact-finding and the introduction of testimony and evidence directly related to allegations of the counsel’s ineffectiveness,” *Mosley v. State*, 378 Md. 548, 560 (2003), and so a post-conviction hearing is the appropriate forum for Mr. Riddic to bring his ineffective assistance of counsel claim. We decline to address Mr. Riddic’s claim regarding ineffective assistance of counsel on direct appeal, but he is free to raise it in an appropriate postconviction proceeding.

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