

Circuit Court for Montgomery County
Case No.: C-15-CR-23-000286

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 2506

September Term, 2024

CRISSTOFER MICHAEL FRENCH, SR.

v.

STATE OF MARYLAND

Berger,
Beachley, **
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Berger, J.

Filed: March 10, 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).

**Beachley, J., now retired, participated in the hearing and conference of this case while an active member of this Court. He participated in the adoption of this opinion after being recalled pursuant to Maryland Constitution, Article IV, Section 3A.

A jury in the Circuit Court for Montgomery County convicted Crisstofor Michael French, Sr., appellant, of child sexual abuse, for which he was sentenced to 25 years, with all but 10 years suspended, plus five years of probation. French represented himself throughout the trial, which included pretrial proceedings as well as a three-day trial and sentencing.

Now assisted by appellate counsel, he presents three questions, the first of which the State agrees requires reversal and remand for a new trial.

- I. Whether the circuit court committed reversible error by failing to determine and announce on the record whether French knowingly and voluntarily waived his right to counsel.
- II. Whether the circuit court abused its discretion by admitting other-bad-acts evidence in the form of (a) the statement of facts from French’s misdemeanor conviction and (b) videos recorded in Virginia.
- III. Whether French’s constitutional right to due process and a fair trial was violated by the State’s repeated violations of the rules and evidence and procedure.

Because the record establishes that the circuit court failed to make mandatory waiver determinations and announcements on the record, we will vacate French’s conviction and remand for further proceedings.

FACTUAL AND LEGAL BACKGROUND

As a result of an investigation, Prince William County Police Department executed a search warrant at French’s Virginia residence on November 19, 2018. Based on seized materials showing filmed images of a minor identified as French’s stepdaughter, additional investigations and searches were conducted by the Department of Homeland Security with

whom French had been employed, and Montgomery County where French used to live in a residence matching many of the seized images.

French was charged with one felony count of sexual abuse of a minor based on “a continuing course of conduct” that took place between January 1, 2014 and January 1, 2018, while the child was a member of his household.

On March 31, 2023, when French appeared without counsel for a scheduled first appearance, he immediately asked for permission not to stand at the counsel table in the courtroom. When the court asked why, he stated: “I do not have bar insurance, so I didn’t want to step into the well of the Court without a waiver from the Court.” The following colloquy ensued:

THE COURT: Let me ask you. Are you an attorney?

MR. FRENCH: No, sir.

THE COURT: What’s bar insurance then? What do you mean by that?

MR. FRENCH: It would cover anything that happened within the courts, within your jurisdiction. So I’m comfortable standing right here if that’s okay with you. As long as you –

THE COURT: What’s the significance to you for not stepping into the well?

MR. FRENCH: It’s the jurisdiction involved. I’m here on behalf as an administrator for the trust, representing for Michael French.

THE COURT Okay. Well, you’ve already identified yourself as Mr. French so we’ve established that, sir.

MR. FRENCH: Yes. I’m the receiver for that, so.

THE COURT: No, you're the individual for that, sir. So thank you.

MR. FRENCH: Yes.

The court then asked French whether he had an attorney, and French indicated that he intended to consult with counsel:

THE COURT: All right. How much time? ***Have you contacted an attorney, sir?***

MR. FRENCH: ***I have not.*** I was downstairs. I was a little late coming up here to the clerk's –

THE COURT: That's okay.

MR. FRENCH: -- clerk's office to make sure that you receive some paperwork that's been filed. Apparently, some of the information that was in a different court hadn't come up to you.

THE COURT: Okay.

MR. FRENCH: -- from the Circuit Court, so I got that straightened out. So I think we're – ***I need to get an attorney involved on my end.*** Court has not gotten all the documentation. I would ask for a continuance just so I can get that straightened out.

THE COURT: Okay.

[PROSECUTOR]: State joins that request, would ask two weeks.

THE COURT: Thank you.

You're intending to get an attorney?

MR. FRENCH: ***I'm going to do the research for it. Yes, sir.***

THE COURT: Okay. All right. So we will – this is his, Mr. French's first appearance in court today. We'll postpone this case for two weeks.

Sir, *the purpose of this hearing is to schedule your trial, but before that, to see what steps you're taking to get an attorney. And it's a good idea to get an attorney, sir.* All right. If you show up the next one, then I'm going to have to tell you all the charges that you're facing, what maximum sentence you're facing is, *go over with you how an attorney can assist you with regard to every step of the case, not just the trial but many other things that come up.*

MR. FRENCH: *Understood. So thanks.*

(Emphasis added.)

At his rescheduled first appearance on April 14, 2023, French again appeared without counsel before the same judge, reasserting his objection to stepping up to the defense table:

THE COURT: Yes, sir. Can you step up here, please?

MR. FRENCH: No, sir. I'm going to speak to the Court from here. Outside your –

THE COURT: Why is that, sir?

MR. FRENCH: This is your jurisdiction, and *I'm going to stay outside your jurisdiction.*

THE COURT: This whole county is my jurisdiction, sir.

MR. FRENCH: *Well, this is this Court's jurisdiction right here, so.*

THE COURT: No, my jurisdiction is this entire county, sir. So you're wrong about that.

MR. FRENCH: *I'm sorry. I'm not going to voluntarily step into your –*

THE COURT: You're not? Okay. . . . Tell me again why not? I'm try to. [Sic]

MR. FRENCH: I have no bar insurance either, so. . . .

THE COURT: Are you an attorney?

MR. FRENCH: No, sir, I'm not.

THE COURT: Why do you need bar insurance?

MR. FRENCH: Well, to protect both you and I and the Court system.

(Emphasis added.)

When the judge again asked him to “step into the well” so that he could be heard, French replied, “No, sir. I'm sorry.” The judge then asked about his “bond status[,]” and the prosecutor answered, “It's my understanding that Mr. French aligns as being a sovereign citizen” and that he was “out on bond.”

The court again inquired about French's plan to obtain representation:

THE COURT: *Sir, are you going to get an attorney?*

MR. FRENCH: Well, sir, *we did talk about that last time I was here. I listened to your advice. I did a little bit of research on that*, and I did find a Los Angeles law case that spoke to having an attorney, and you know, where they're – they're –

THE COURT: See, that's the problem is you're not being a lawyer. You got to speak up so I can hear you. . . . And that's what I'm worried about by you stepping back there and not coming into the well.

(Emphasis added.)

When French continued to refuse to move, the court returned to its inquiry about representation:

THE COURT: *Are you going to get an attorney, sir?*

MR. FRENCH: Well, regarding the attorney, it's –

THE COURT: Answer my question.

MR. FRENCH: *Well, that was the intent the last time I was here. But the concern I have was that I found some Los Angeles County law information that says that the attorney occupies dual positions which impose dual obligations.* His first duty is to the court and the public, not to the client. So *my concern that I raise there is that if an attorney is not there to represent the client first, and I don't feel that would be would be just, so I've got to figure that part out.*

(Emphasis added.)

At that point, the judge inquired about French's mental state, the charges against him, and a "release of lien" request that he claimed was pending:

THE COURT: Sir, at this moment, are you under the influence of alcohol or medications of any kind?

MR. FRENCH: No, sir.

THE COURT: Have you ever been diagnosed as suffering from a mental disorder?

MR. FRENCH: No, sir.

THE COURT: Okay. . . . what are the charges in this case?

[PROSECUTOR]: Sex abuse of a minor. Your Honor, this defendant was videotaping his stepdaughter in her room for quite a long period of time and under the bathroom door. We have those videos. He has been convicted of this offense in Virginia already. . . .

THE COURT: What's the maximum sentence he faces?

[PROSECUTOR]: 25 years.

THE COURT: Okay. All right. Sir, did you hear [the prosecutor]?

MR. FRENCH: Yes, sir. I was – I'm aware of that.

THE COURT: All right. Very good. All right, sir.

MR. FRENCH: I have submitted to the Court. I want to make sure the Court understood that I did send in a Form 90 – Form 91, which was a release of lien of real property and release of property – personal property from escrow. I know that the Court hasn't done anything about that, but this, the hearings and –

THE COURT: Why are you asking – what are you asking the Court to do with regard to those findings?

MR. FRENCH: Well, these are requests for release of l[ie]n. . . .

THE COURT: Why is that relevant in this case?

MR. FRENCH: Because of the use of the uppercase and lowercase of Crisstofer Michael Frank [sic], Sr. So the – the jurisdiction lies with an abandoned property, which is no longer the case. Okay. I'm here as a representative from CM French, and [sic] incorporated trust on the administration.

THE COURT: So you're here on behalf of yourself. So those requests are denied. I can tell you that. All right. We're going to set the trial date in this case.

After the parties agreed that trial would require four days, the court advised French that his trial could not be scheduled within the 180-day *Hicks* deadline,¹ then set trial to begin on October 10, 2023. The judge again questioned French about representation:

THE COURT: *Sir, is it your intent to represent yourself throughout the trial?*

MR. FRENCH: *I guess it depends if I can find an attorney that represents me, the client, first. . . .*

If I do, obviously I would be notifying the courts.

¹ Under the so-called “‘*Hicks* rule,’ a criminal trial in a circuit court must commence within 180 days of the first appearance of the defendant or defense counsel in that court, a deadline known as the ‘Hicks date.’” *Tunnell v. State*, 466 Md. 565, 569 (2020); *see State v. Hicks*, 285 Md. 310, 318 (1979); Md. Rule 4-271.

THE COURT: Yes, okay. *No doubt you'll be able to find an attorney who's going to represent you, because I want to go over with you what an attorney can do for you.* They'll make sure that your Constitutional rights are protected. They'll be able to explain to you all the – well, the charge that you're facing and the penalty, and explain what the likelihood of what the sentence will be if you're found guilty.

They'll be able to go through all the discovery that the State will provide so that you're aware of what evidence the State has against you. They could also negotiate with the State, and attorneys are experienced with regard to doing that. They can also file appropriate motions, because you have no burdens with regard to the charges. The burdens are entirely on the State. *So an attorney can bring motions to the Court asking the Court not to permit the State to present evidence that the State would otherwise want to present.* So also, if you're convicted, the attorney can advise you with regard to your appellate rights, to have a higher court review what's done in this Court.

And if you're not able to afford an attorney, you can go to the public defender's office, make application. They may possibly represent you without any charge to you.

MR. FRENCH: Okay.

THE COURT: So I got to tell you, *don't wait till the trial to make up your mind. Because now that I have advised you with regard to the rights that you have to have a lawyer and the importance of having a lawyer,* if you show up without a lawyer, the trial judge may decide that you've waived your right and proceed with the trial. *So to protect you, I am going to schedule a motions hearing at this time because if you get an attorney, they very well may want to file the types of motions that I discussed.*

(Emphasis added.)

On August 25, 2023, French appeared without counsel for the third time before the same judge, this time for a pretrial conference. Still asserting his “jurisdictional” defense,

French continued to refrain from “stepping into the well of the Court” on the ground that he did not “have a bar license or bar insurance.” After confirming a motions hearing set for September 15 and trial beginning October 10, French affirmatively asserted that he “waived” his right to counsel:

THE COURT: Okay. Mr. French, I believe *we’ve been over before that, your understanding that you have a right to an attorney?*

MR. FRENCH: *Yes, sir, waive.*

THE COURT: Okay. Do you understand the charge that you’re facing?

MR. FRENCH: Yes, sir.

THE COURT: Have you received all the charging documents and discovery in this case?

MR. FRENCH: Everything has been provided for the, for the case.

THE COURT: Okay. And you know the maximum sentence that you’re facing in this case, sir?

MR. FRENCH: I understand.

THE COURT: Okay. *And you still wish to represent yourself at trial?*

MR. FRENCH: *I’m representing myself. I, I believe all the documentation that I provided in court speaks for itself in writing.* So –

THE COURT: Okay.

MR. FRENCH: The Court might want to review that. It’s the 630 document, judicial notice of stipulation of facts.

THE COURT: Okay. Sir, I’m going to let the trial judge address all those facts, sir, okay? All right, sir? All right.

You’ve been notified of the dates of the hearings, and *you’ve been notified of the importance of having an attorney represent you, and you’re waiving that, right* –

MR. FRENCH: *Correct*

THE COURT: *-- is that correct?*

MR. FRENCH: *I understand what you’re saying, Your Honor. I don’t really qualify for the court system here because of the documents I’ve submitted, so I recommend the documents be reviewed by the Court.*

THE COURT: Have you filed a motion, sir?

MR. FRENCH: The motion is filed. It’s been in there since 6/30 when it was filed, a motion for corporate relief, but there’s been no response for two weeks.

THE COURT: Motion for corporate relief? Did you request a hearing?

MR. FRENCH: I didn’t have to do that last time. The last time I filed it, the judge looked at it.

THE COURT: And what was the disposition last time?

MR. FRENCH: Well, it was a different document. . . . It wasn’t this document.

THE COURT: So, you don’t want to hear [sic] on it?

MR. FRENCH: I do want a hearing on the issue. . . .

THE COURT: Yeah, we’ll be taking it up on September 15th.

(Emphasis added.)

French continued to represent himself during two more hearings before different judges. On September 15, 2023, French asked the court to rule “on a request for proof of interest held in private property” based on his contention that the State did not “have authorization to administer” the property he identified as “[t]he fictitious ens legis [sic]

term,” which he explained “is what the Court and the State is trying to administer” and that he was “the legal administrator and receiver for the trust that owns the property.” The State advised the court that it intended to file a motion *in limine* “related to other acts that might have occurred outside . . . Maryland[.]”

The original October 2023 trial date was postponed until March 18, 2024. At a pretrial hearing on March 7, 2024, French once again appeared without an attorney and “reserve[d]” his “rights as a state national,” “ask[ing] the Court [to] respect that” by letting him remain outside the well of the court. The court considered and granted the State’s motion under Md. Rule 5-404(b) to introduce evidence that (1) French pleaded guilty to crimes that took place in Virginia; and (2) based on the State’s proffer that police recovered images recorded in his Virginia residence, selected videos that showed him placing cameras and showed recordings of his stepdaughter. Although French objected to “that information from the State of Virginia” because of “a jurisdiction difference[.]” the court granted the State permission to present evidence that French admitted to those events in Virginia as proof of French’s identity as the cameraman using the same *modus operandi*, and of his intent to film his stepdaughter in the charged crimes that took place in Maryland. The court also denied French’s motions to dismiss the charges based on jurisdictional grounds “because of [his] non-U.S. citizenship” and because the State failed to timely respond to his motion. During that hearing, the State noted that it had “not received any notice of witnesses” but could not “communicate directly with the defendant” because “he doesn’t have counsel.” When the judge asked whether he planned to call any witness, French replied, “I’ll have to get back to you on that one too.”

Trial took place on March 18-20, 2024. The victim testified that while living at the Virginia and Maryland residences with her mother and French, she was under 18 and unaware that she was being filmed in her bedrooms and bathrooms.

STANDARDS GOVERNING THE WAIVER OF ONE’S RIGHT TO COUNSEL

Our Supreme Court recently underscored the importance of an informed waiver of the constitutional right to counsel under the Sixth Amendment to the United States Constitution and Article 21 of the Maryland Declaration of Rights, which provide that “criminal defendants enjoy the right . . . to have the Assistance of Counsel for his defence.” *Goodrich v. State*, 492 Md. 480, 484 (2025) (citations omitted). This right to counsel encompasses the right to self-representation. *See id.*; *Faretta v. California*, 422 U.S. 806, 817-19, 95 S. Ct. 2525 (1975) (holding that Sixth Amendment guarantees a defendant’s “right to self-representation—to make one’s own defense personally”). Maryland’s waiver of counsel rule, Md. Rule 4-215, implements this right to waive counsel, by “incorporat[ing] safeguards to ensure that the defendant is acting knowingly and voluntarily in making that choice” and to “indulge every reasonable presumption against waiver.” *Id.* (cleaned up).

Even after a defendant expresses an intent to waive his right to counsel, the waiver inquiry must continue “because ‘in order to represent himself, the accused must ‘knowingly and intelligently’ forgo these relinquished benefits.” *Snead v. State*, 286 Md. 122, 128-29 (1979) (citing *Johnson v. Zerbst*, 304 U.S. 458, 464-465, 58 S. Ct. 1019 (1938)). Although this inquiry does not require “a specific procedure[,]” and “a defendant need not himself have the skill and experience of a lawyer in order competently and intelligently to choose

self-representation, he should be made aware of the dangers and disadvantages of self-representation, so that the record will establish that ‘he knows what he is doing and his choice is made with eyes open.’” *Id.* (quoting *Faretta*, 422 U.S. at 835, 95 S. Ct. at 2541).

Md. Rule 4-215(a) protects these constitutionally foundational requirements by specifying that certain advisements must be made when a defendant does not have an attorney at his or her first appearance in circuit court:

(a) First Appearance in Court Without Counsel. ***At the defendant’s first appearance in court without counsel, . . . the court shall:***

(1) Make certain that the defendant has received a copy of the charging document containing notice as to the right to counsel.

(2) Inform the defendant of the right to counsel and of the importance of assistance of counsel.

(3) Advise the defendant of the nature of the charges in the charging document, and the allowable penalties, including mandatory penalties, if any.

(4) Conduct a waiver inquiry pursuant to section (b) of this Rule if the defendant indicates a desire to waive counsel.

(Emphasis added.)

Under Maryland Rule 4-215(b) governing express waivers, the court must question an unrepresented criminal defendant who asserts an intent to represent himself, in order to determine on the record that he or she is making a competent, informed, and voluntary waiver of the right to counsel:

(b) Express Waiver of Counsel. ***If a defendant who is not represented by counsel indicates a desire to waive counsel, the court may not accept the waiver until after an examination of the defendant on the record conducted by the***

court, the State’s Attorney, or both, the court determines and announces on the record that the defendant is knowingly and voluntarily waiving the right to counsel. If the file or docket does not reflect compliance with section (a) of this Rule, the court shall comply with that section as part of the waiver inquiry. The court shall ensure that compliance with this section is noted in the file or on the docket. At any subsequent appearance of the defendant before the court, the docket or file notation of compliance shall be *prima facie* proof of the defendant’s express waiver of counsel. After there has been an express waiver, no postponement of a scheduled trial or hearing date will be granted to obtain counsel unless the court finds it is in the interest of justice to do so.

Md. Rule 4-215(b) (emphasis added.) These advisements may be satisfied over a series of circuit court appearances, if completed before the waiver is accepted. *See Laser Womack v. State*, 244 Md. App. 443, 469 (2020).

On appeal, “[t]his Court conducts its own independent constitutional analysis[,]” reviewing the waiver record *de novo* to determine “in light of the particular facts of the case at hand” whether the circuit court complied with Rule 4-215. *See Goodrich*, 492 Md. at 496. Because our Supreme Court has “consistently held that the requirements of Maryland Rule 4-215 ‘are mandatory’ and that its mandates require strict compliance[,]” any departure from the advise and announce requirements “constitutes reversible error.” *Id.* at 504; *see Pinkney v. State*, 427 Md. 77, 87 (2012).

DISCUSSION

I. Express Waiver of the Right to Counsel

French, who is now represented by appellate counsel, points to what he contends was his “bizarre behavior that indicated a profound misunderstanding of the proceedings and applicable law.” In his view, the circuit court “never determined whether [he] was

making a competent decision to proceed *pro se.*” Instead, the judge conducted an inadequate waiver inquiry, then compounded that error by failing to “make an on-the-record declaration” that he made an informed and voluntary waiver of his right to counsel. The State, conceding that it “must agree” in part, responds that even though the trial judge determined that French’s “waiver was knowing, competent, and voluntary,” “there was no announcement” of those “findings on the record[,]” so that “French is entitled to a new trial.”

We agree with the State that this express waiver of counsel record requires reversal and remand. Md. Rule 4-215 protects a criminal defendant’s fundamental right by requiring the court to “[i]nform the defendant of the right to counsel and of the importance of assistance of counsel[,]” Md. Rule 4-215(a)(4), and to make a finding on the record “that the defendant is informed of the risks of self-representation[.]” *Knox v. State*, 404 Md. 76, 88 (2008). Where, as here, “a defendant who is not represented by counsel indicates a desire to waive counsel, the court may not accept the waiver until after an examination of the defendant on the record conducted by the court,” during which “the court determines and announces on the record that the defendant is knowingly and voluntarily waiving the right to counsel.” Md. Rule 4-215(b). *See Lopez v. State*, 420 Md. 18, 33-35 (2011). “To discharge this duty properly in light of the strong presumption against waiver of the constitutional right to counsel, a judge must investigate as long and as thoroughly as the circumstances of the case before him demand.” *Lopez*, 420 Md. at 34 (quoting *Von Moltke v. Gillies*, 332 U.S. 708 (1948)). As both our Supreme Court and the United States Supreme Court have emphasized,

“[t]he fact that an accused may tell him that he is informed of his right to counsel and desires to waive this right does not automatically end the judge’s responsibility. To be valid such waiver must be made with an apprehension of the nature of the charges, the statutory offenses included within them, the range of allowable punishments thereunder, possible defenses to the charges and circumstances in mitigation thereof, and all other facts essential to a broad understanding of the whole matter. A judge can make certain that an accused’s professed waiver of counsel is understandingly and wisely made only from a penetrating and comprehensive examination of all the circumstances under which such a plea is tendered.”

Lopez, 420 Md. at 34-35 (quoting *Van Moltke*, 332 U.S. at 723-24).

This inquiry may occur during a series of hearings, but must be complete before the court accepts the defendant’s express waiver of counsel. *See* Md. Rule 4-215(b). As the State acknowledges in its brief, that did not happen here.

As we have detailed, over the course of three hearings, French initially stated that he wanted help from an attorney, then continued to indicate that he was considering obtaining counsel, before ultimately asserting that he was waiving his right to counsel.

- At his first appearance in March 2023, French told the judge that he intended to consult with counsel.
- Two weeks later, on April 14, when that same judge explained how an attorney could help him, French indicated more vaguely that he was “researching” in an effort to decide on representation, but had concerns about conflicting “obligations” that counsel may have to both client and court. The hearing sheet states only that French appeared without counsel and that the court advised him “of their right to counsel.”
- More than four months later, at a pretrial conference on August 25, 2023, French definitively announced that he was waiving his right to counsel because, based on his own legal research, he believed that an attorney would have

“dual obligations” to him and to the court. At that point, the court confirmed that French knew the charge he was facing, received all charging documents and discovery, understood the maximum sentence he was facing, and “still wish[ed] to represent [himself] at trial[.]” French answered that he “was representing himself” and “believe[d] all the documentation that [he] provided in court speaks for itself[.]” then suggested “[t]he Court might want to review that[.]” The judge responded: “Sir, I’m going to let the trial judge address all those facts[.]” Without finding on the record that French was doing so knowingly and voluntarily, the court tacitly accepted the waiver of counsel and proceeded to set a motions hearing. The hearing sheet does not mention that French waived his right to counsel.

We conclude that although the waiver of counsel issue spanned several hearings, the circuit court never explicitly determined and announced on the record that French’s waiver of counsel was knowingly and voluntary. Indeed, the trial court’s advisement of French about his desire to waive his right to counsel occurred over the course of several proceedings. On March 31, 2023, French first appeared in the circuit court and French acknowledged that he had not contacted an attorney about representation and that he “need[ed] to get an attorney involved on [his] end.” On April 14, 2023, French again appeared before the circuit court without counsel. The circuit court again handled the matter most appropriately and advised French:

THE COURT: So I got to tell you, don’t wait till the trial to make up your mind. Because now that I have advised you with regard to the rights that you have to have a lawyer and the importance of having a lawyer, if you show up without a lawyer, the trial judge may decide that you’ve waived your right and proceed with the trial. So to protect you, I am going to schedule a motions hearing at this time because if you get an attorney, they very well may want to file the types of motions that I discussed.

Thereafter, on August 25, 2023, French appeared for a third time before the circuit court without counsel. Acknowledging the other appearances, the court advised Mr. French: “I believe we’ve been over before that, your understanding that you have a right to an attorney?” At that point, French immediately responded: “Yes, sir, waive.” In our view, it was at this point that the circuit court erred in its failure to comply with Maryland Rule 4-215.

As the Supreme Court recently explained regarding its decision in *Snead*, a “trial court’s failure to pursue any inquiry after the defendant stated that he did not want any attorney necessitate[d] reversal of the judgment.” *Goodrich*, 492 Md. at 501 (citing *Snead*, 286 Md. at 131). On this record, we are not satisfied that the court’s inquiry produced a “knowing and voluntary” waiver of the right to counsel. Because the circuit court erred in accepting French’s waiver of counsel without determining or announcing that it was knowing and voluntary, we must reverse and remand for further proceedings.

With respect to French’s other two assignments of error, which allege improper admission of other crimes evidence and objectionable conduct by the State in eliciting “irrelevant, detrimental hearsay” and “arguing facts not in evidence[,]” French asks us to “consider [these] remaining issues in order to provide the trial court with guidance in the event of a retrial, and to deter future prosecutorial misconduct in this and other cases.” We decline to do so.

“Generally, where an appellate court reverses a trial court’s judgment on one ground, the appellate court does not address other grounds on which the trial court’s judgment could be reversed, as such grounds are moot.” *Pearson v. State*, 437 Md. 350,

365 n.5 (2014). The exception typically occurs when “public interest clearly will be hurt if the [issue] is not immediately decided, if the [issue] is likely to recur frequently, and its recurrence will involve a relationship between government and its citizens, or a duty of government, and upon any recurrence, the same difficulty which prevented the appeal at hand from being heard in time is likely again to prevent a decision.” *Id.* (cleaned up).

Here, French’s “other crimes” and prosecutorial conduct issues might not recur after remand. If French is re-tried, he may assert, preferably with the assistance of counsel now that he has benefitted from such representation by obtaining a new trial, timely motions and objections that either avoid these two issues or provide the fully developed record necessary for this Court to address them on appeal.

**JUDGMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
VACATED. CASE REMANDED FOR
FURTHER PROCEEDINGS CONSISTENT
WITH THIS OPINION. COSTS TO BE
PAID BY MONTGOMERY COUNTY.**