

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 423

September Term, 2016

CHRISTINA MEREDITH RATHER

v.

STATE OF MARYLAND

Woodward, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 2, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Convicted of attempted second degree murder, first degree assault, and second degree assault following a jury trial in the Circuit Court for Anne Arundel County, Christina Meredith Rather, appellant, raises a single question on appeal: Did the court err in limiting cross-examination of the victim? For the reasons that follow, we affirm.

At trial, the State called the victim, who testified that she and Rather were involved in a romantic relationship. At the time of the offenses, the victim had been married for four years to a man named Sahms, but the couple had “been separated for a while.” On the evening of the offenses, Rather and the victim, who were spending the night at the victim’s residence, argued. Rather struck the victim with her fists, and the two fought. The victim repeatedly told Rather to leave, and Rather replied that “if she doesn’t get [the victim] today she’s going to get [the victim] tomorrow.” After Rather exited the residence and entered her car, the victim exited the front door and walked to the driveway. Rather then backed her car up, “put it into drive,” and drove into the victim, striking her in her leg and throwing her on top of the car. After the victim landed in some bushes, Rather circled around and accelerated toward the victim. Rather swerved, and the victim went into the residence and called police.

During cross-examination, defense counsel asked the victim: “[I]sn’t it true you told [Rather] that [your marriage] was a sham marriage for immigration purposes?” The victim replied: “No.” Defense counsel then asked the victim what she had told Rather about her marriage. The State objected, and at the bench, defense counsel proffered that the victim had stated that she “was involved in a sham marriage for immigration purposes,”

and argued that “it has to do with her credibility in terms of whether or not she’s engaging in immigration fraud.” The court sustained the objection.

The State also called the victim’s mother, who testified that, on the evening of the offenses, Rather, who was “extremely upset” and “screaming,” called her and stated: “I apologize, Ms. Karen. There’s going to be blood in your house. I’m going to kill your daughter.”

Testifying in her defense, Rather did not dispute that she struck the victim with her car, but claimed that the striking was not intentional. Rather testified that it was the victim who initially assaulted Rather at the victim’s residence. After the two fought, Rather tried to leave the victim’s residence, but the victim prevented her from doing so. After Rather placed a phone call to the victim’s mother, the victim allowed Rather to leave. When Rather entered her car, the victim approached, struck one of the car’s windows, and “went away.” When Rather proceeded to drive away, the victim “jumped out of the bushes” and in front of the car, and Rather unintentionally struck the victim.

On appeal, Rather contends that “defense counsel was improperly foreclosed from examining [the victim] regarding the particularities of her marriage arrangement, which would call into question her honesty and credibility.” The State counters that “[t]he evidence that Rather complains was excluded erroneously was not admissible impeachment evidence.”

“Managing the scope of cross-examination is a matter that falls within the sound discretion of the trial court.” *Wagner v. State*, 213 Md. App. 419, 468 (2013) (internal citations and quotations omitted). “This discretion is exercised by balancing the probative

value of an inquiry against the unfair prejudice that might inure to the witness.” *Id.* (internal citations and quotations omitted). “Otherwise, the inquiry can reduce itself to a discussion of collateral matters which will obscure the issue and lead to the fact finder’s confusion.” *Id.* (internal citations and quotations omitted).

Rule 5-613(b) states that “extrinsic evidence of a prior inconsistent statement by a witness is not admissible . . . unless the statement concerns a non-collateral matter.” Here, the primary issue at trial was whether Rather intended to strike the victim with her car. The matter of why the victim married her husband was a collateral matter, which would have obscured the primary issue and may have confused the jury. We are persuaded that the trial court did not abuse its discretion in limiting cross-examination of the victim.

**JUDGMENTS OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**