

Circuit Court for Prince George's County  
Case No. CJ172234

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 193

September Term, 2018

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JASON NATHANIEL MARKS

v.

STATE OF MARYLAND

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Meredith,  
Nazarian,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Moylan, J.

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Filed: January 10, 2019

\*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.

The appellant, Jason Marks, was convicted in Prince George's County by a jury, presided over by Judge Ingrid M. Turner, of reckless endangerment. The appellant's sole contention on appeal is that Judge Turner erroneously permitted the Assistant State's Attorney to make two related but separate improper requests.

In the course of a fist fight in a parking lot with Bryan Harris, the appellant administered a severe physical beating to Mr. Harris, a 58-year-old man. The appellant was charged with the second-degree assault of Mr. Harris but was acquitted of that offense, while being found guilty of the reckless endangerment of Mr. Harris. The appellant was also charged with the second-degree assault of Tamaka Harris, Mr. Harris's wife, but was found not guilty of that offense. The several blows delivered on Mrs. Harris were essentially inadvertent as she was attempting to shield her husband from the blows aimed at him.

The State's initial jury argument was uneventful, as it went on what in the record amounts to five pages of typewritten text, single spaced. As the State was closing, the following occurred.

[PROSECUTING ATTORNEY]: . . . . As I round up I just want you to remember that as you go back and you deliberate we just ask for one thing justice, justice for Mr. Harris, who was on the ground who got knocked out twice and suffered a fracture to his orbital bone, or justice for Mrs. Harris --

[DEFENSE COUNSEL]: Objection, Your Honor.

[PROSECUTING ATTORNEY]: -- who had to sit there --

THE COURT: Approach.

[DEFENSE COUNSEL]: Your Honor, this is inappropriate. Closing argument regarding justice to Mr. Harris and justice to Mrs. Harris. That's not what the jury's here for. They're here to look at the evidence concerning (Indiscernible – 10:34:45). The State's appealing to an emotional call to the jury. That's not what --

[PROSECUTING ATTORNEY]: Your Honor, I'm not -- (Indiscernible – 10:34:52) position. All I'm asking is to go in there and deliberate (Indiscernible – [1]0:34:55) justices (Indiscernible – 10:34:57). I don't think I've done anything inappropriate.

THE COURT: So this is closing argument. This is asking for them to do justice and (Indiscernible – 10:35:04) deliberation so your objection is overruled.

[PROSECUTING ATTORNEY]: Thank you, Your Honor.

[DEFENSE COUNSEL]: Thank you, Your Honor.

There was no further appeal to justice. The State's rebuttal argument was completely uneventful.

As a general matter, the control of such inevitable trial incidents is left to the discretion of the trial judge. The appellant, on the other hand, contends that nothing short of a reversal of his conviction can suffice as a necessary sanction. We hold that Judge Turner did not abuse her discretion.

**JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANT.**