

Circuit Court for Baltimore County
Case No. C-03-CR-21-005265

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0471

September Term, 2024

RUSSELL ANTONIO GEATER, JR.

v.

STATE OF MARYLAND

Reed,
Kehoe, S.,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: March 23, 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 persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This appeal stems from the conviction of Appellant, Russell Antonio Geater, Jr., (“Mr. Geater”), for sexual abuse of minor child A.H., which occurred from 2017 through 2020. On March 6, 2023, the Honorable Vicki Ballou-Watts of the Circuit Court for Baltimore County presided over a motions hearing concerning the admissibility of a recorded forensic interview of A.H. On June 28, 2023, the Hon. Robert E. Cahill, Jr. presided over a motions hearing where Mr. Geater expressed his desire to fire his attorney, Timothy Bahr, Esq. (“Mr. Bahr”) of the Office of the Public Defender. Judge Cahill denied Mr. Geater’s request and Mr. Bahr continued representing Mr. Geater. During this time, Mr. Geater sent a letter to the Assistant State’s Attorney for Baltimore County assigned to the case, Zarena Sita, Esq. (“Ms. Sita”), which included the assertion that she “must either have a chemical imbalance, have a traumatic brain injury, have a stroke, or be on [her] menstrual cycle” if she believed A.H.’s allegations (“the Statement”). On the first day of trial, now before the Hon. Timothy J. Doory, Mr. Geater again requested that Mr. Bahr be discharged. After finding that Mr. Geater’s reasons for discharging Mr. Bahr were non-meritorious, Judge Doory denied Mr. Geater’s request and trial continued. On the third day of trial, over defense counsel’s objection, the court allowed Ms. Sita to cross-examine Mr. Geater on the Statement. Following trial, the jury deliberated for under two hours and found Mr. Geater guilty on all counts. Mr. Geater was sentenced to an aggregate of eighty-two years of incarceration. This appeal followed.

Mr. Geater argues on appeal that the court erred by allowing Ms. Sita to cross-examine him on the Statement, which he asserts is irrelevant and unfairly prejudicial. Mr. Geater further contends that the court abused its discretion in denying his motions to

discharge Mr. Bahr. For the reasons stated herein, we reject both of Mr. Geater's arguments. We affirm the judgments and conviction of the Circuit Court for Baltimore County and explain below.

I. FACTUAL BACKGROUND

In the summer of 2020, A.H. told her mother that her mother's boyfriend, Mr. Geater, had been touching her inappropriately for the last three years. In July 2020, the police were called and an investigation began. Mr. Geater was subsequently charged with the ongoing sexual abuse of A.H., beginning when A.H. was six years old and continuing until she was nine or ten years old. During this time, Mr. Geater handwrote sexually explicit letters to A.H. in a notebook she kept under her pillow.¹ At trial, Mr. Geater claimed that when he

¹ Some of the statements from the letters Mr. Geater admitted to writing to A.H. were as follows:

Fuck next week? You know I can't wait for real I'm going to be counting that shit. You better not punk out on me like you always do I need my fuckin slut.

* * *

I want to pick you up and fuck the shit out of you . . .

* * *

I want to bend you over, lick your pussy from the back. We have to do it while – after everyone is asleep, okay, Mommy? I knew you wouldn't want to suck on it, I wouldn't have done it and I'm honestly sorry but I really think you are awesome and deserve better. If you want me to come over and like how I ate your pussy, you write my name on the right corner of this page at the bottom of the page and I will see you soon, Mommy.

Other letters—in the same handwriting but which Mr. Geater denied writing—stated the following:

wrote the letters, he was only attempting to gain A.H.’s confidence so he could “figure out what was actually happening” in the house. He acknowledged that this method was “unorthodox” but maintained that he never acted on anything described in the letters.

Social worker Sarah Slaw-Kiewe, LMSW (“Ms. Slaw-Kiewe”) of the Baltimore County Department of Social Services conducted a forensic interview in which A.H. disclosed that Mr. Geater digitally penetrated her, performed oral sex on her, and inserted his penis into her mouth. At a motions hearing, the State sought to introduce portions of the video recording of the forensic interview and allow Ms. Slaw-Kiewe to testify as a witness at trial pursuant to Md. Code Ann., Crim. Proc. § 11-304. On March 6, 2023 Judge Ballou-Watts granted the State’s motion. At trial, the forensic interview was played for the jury.

Mr. Geater’s first issue on appeal concerns the Statement—that Ms. Sita, the prosecutor in the case, “must either have a chemical imbalance, have a traumatic brain injury, have a stroke, or be on [her] menstrual cycle” if she believed A.H.’s allegations. When asked what the intended purpose of questioning Mr. Geater on the Statement was, Ms. Sita explained: “Your Honor, I’m eliciting how he feels towards women. The part in

Do you still want to fuck? I’m sorry it hurted [*sic*] a little when I put my finger inside you. I will be careful.

* * *

I want you so bad baby I love the taste of your titties in my mouth you make me so hard we should Fuck tonight the pain will be short once my dick is in you I need you baby. . .

* * *

You are going to be the sexiest bitch out here with braces. . .

there that talked about my menstrual cycle is very specifically about women, that [Mr. Geater] has a problem with that and that is why we're here in this situation in the first place." In response, the court limited the scope of questioning: "I will allow you to explore his relationship with women or with females in general, his attitudes," but did not allow admission of the letter in its entirety. The line of questioning was as follows:

[MS. SITA]: Mr. Geater, do you have a problem with women?

[MR. GEATER]: Never.

[MS. SITA]: You don't have a problem with women?

[MR. GEATER]: I don't think so.

[MS. SITA]: So, you don't say or feel that a woman might be more likely to act a certain way?

[MR. GEATER]: No.

[MS. SITA]: Do you know of any men that have menstrual cycles?

[MR. GEATER]: Men?

[MS. SITA]: Yes.

[MR. GEATER]: That's not possible.

[MS. SITA]: So, it is only women. Right?

[MR. GEATER]: Menstrual cycles?

[MS. SITA]: Yes.

[MR. GEATER]: That might be an issue that you might want to take up personally with your doctor.

[MS. SITA]: Mr. Geater, did you write me a letter?

[MR. GEATER]: Yes.

* * *

[MS. SITA]: Again, Mr. Geater, in the letter that you wrote to me, did you indicate to me that I must either have a chemical imbalance, have a traumatic brain injury, have a stroke or be on my menstrual cycle in order to believe [A.H.]?

[MR. GEATER]: What was it in reference of?

[MS. SITA]: You tell me. You wrote the letter.

[MR. GEATER]: Yes.

[MS. SITTA]: No further questions, Your Honor.

The second issue on appeal concerns the denials of Mr. Geater's requests to discharge his counsel, once at a pretrial motions hearing before Judge Cahill, and again at trial before Judge Doory.² At the pretrial motions hearing, the following colloquy occurred between Judge Cahill and Mr. Geater:

THE COURT: Mr. Geater, is it your desire to fire or discharge Mr. Bahr and the Office of the Public Defender?

[MR. GEATER]: Yes, it is.

THE COURT: Before I give you a hearing on that, I must advise you that if I deny your request and find no meritorious reason to order the discharge, you can still fire Mr. Bahr and the Office of the Public Defender, but you will not be permitted to select another attorney in their office because you don't like the attorney that you got. Those are just their rules.

[MR. GEATER]: You heard what he said. He is not even prepared for anything.

THE COURT: Just listen first and then [I'll] give you a chance to talk. Do you understand what I just said?

[MR. GEATER]: Yes, I understand.

THE COURT: So, if I order the discharge or if you fire him, you are without an attorney.

[MR. GEATER]: Right.

THE COURT: You can hire a private attorney if you wish to represent you, that is within your rights, or you can self-represent, but you will not be represented by the Office of the Public Defender or another attorney in that office.

[MR. GEATER]: I understand.

² We note that Mr. Geater raised this issue a third time at a hearing on a motion for new trial before Judge Doory and Judge Cahill on December 20, 2023. At the hearing, Mr. Geater alleged that Mr. Bahr violated ethical rules by failing to communicate with Mr. Geater. After hearing from Mr. Bahr, the court found "absolutely no meritorious reason . . . to order the discharge of Mr. Bahr and the Office of the Public Defender" once again.

Judge Cahill continued: “If you would like to express to me why it is that you’re dissatisfied with the Office of the Public Defender. I’m happy to hear from you.” Mr. Geater replied: “He is not representing me. . . . [H]e has never talked about the case that I got. He is always trying to show me a video. He has never gone over the actual discovery, the facts in the discovery or the questions that I had for him.” Mr. Geater explained a few more reasons to the court and Mr. Bahr replied in relevant part:

I have seen him I think twelve times and we have talked about the case. As with any case, we will go over the discovery. Even if the client maintains their innocence, we’ll still go through each charge and each and every element what the State has to prove beyond a reasonable doubt. And there are some videos, especially statements. In this type of case we have watched those videos to address those charges.

The court then explained to Mr. Geater as follows:

THE COURT: Okay. So, I have given him a full hearing here. There is no meritorious reason to sanction or order the discharge of the Office of the Public Defender under the circumstances presented here. I don’t think the Defendant likes the case against him and he is expressing that in terms of blaming his attorney for it, but I see no professional shortcomings on the part of Mr. Bahr or the Office of the Public Defender based on the universe of facts that I have been given.

So, now your option is you can fire Mr. Bahr and the Office of the Public Defender if you would like, but as I said before you will be without an attorney if you do that. If you have another attorney, a private lawyer willing to step in and represent you, that’s fine. We can arrange that as long as that attorney is ready to go on July 12th. [S]o, what is your option here? What would you like to do? I would advise you to –

[MR. GEATER]: Is there any attorney that I can get appointed to me besides him? That’s all I’m asking.

THE COURT: Negative. The answer is no. You have a fine attorney who has done a good job for you already.

[MR. GEATER]: He has not.

THE COURT: There is no reason for me to appoint an attorney in this case. What do you want to do? Do you want to fire him and represent yourself or

do you want to maintain your lawyer/client relationship with Mr. Bahr and the Office of the Public Defender? Those are your two options. If you fire him, you're going to be on your own. Do you understand that?

[MR. GEATER]: Yes.

THE COURT: So, you don't want to do that, do you?

[MR. GEATER]: No.

THE COURT: Okay. So, the Defendant has declined to independently discharge Mr. Bahr and the Office of the Public Defender. I have found and will continue to find no meritorious reason for the discharge.

On the first day of trial, Mr. Geater renewed his request to discharge his counsel, Mr. Bahr. Judge Doory listened as Mr. Geater explained that he was dissatisfied because Mr. Bahr was not discussing or agreeing with Mr. Geater on a defense strategy. The court then stated that it will not intervene in a dispute of legal strategy and urged Mr. Geater and Mr. Bahr to talk more. After affording Mr. Bahr the opportunity to explain his side, that is, that himself and Mr. Geater “did talk” and “did go over everything methodically as best as we could[,] and that “[Mr. Geater] is frustrated that the charges are still pending,” the court indicated that trial would proceed.³ The trial consumed four days: August 22, August 23, August 24 and August 25, 2023. The jury found Mr. Geater guilty on all counts.⁴

³ On this occasion, the court did not explicitly find that Mr. Geater's reasons were non-meritorious. Nor did Mr. Geater retract his request to discharge Mr. Bahr.

⁴ Specifically, Mr. Geater was convicted of sexual abuse of a minor, two counts of second degree rape and one count of attempted second degree rape, arising out of incidents that occurred between October 2017 and July 2020. Mr. Geater was also convicted of two counts of third degree sex offenses and two counts of second degree rape for conduct occurring between September 2021 and October 2021.

I. QUESTIONS PRESENTED

Mr. Geater presents two questions for our review: (1) Did the trial court err in allowing the State to introduce irrelevant and unduly prejudicial evidence of a letter written by Mr. Geater to the prosecutor? (2) Did the motions court and the trial court abuse its discretion in denying Mr. Geater's motion to discharge counsel under Maryland Rule 4-215(e)? We answer each in the negative.

II. DISCUSSION

We first hold that the Statement was relevant under Md. Rule 5-401 and its probative value was not substantially outweighed by the danger of unfair prejudice under Md. Rule 5-403. Even so, any error was harmless as Mr. Geater's negative beliefs about women were evident from the letters he wrote in A.H.'s journal. As to the second issue, we hold that the court did not abuse its discretion in denying Mr. Geater's motions to discharge his counsel. The court gave Mr. Geater several opportunities to explain his reasons for requesting a discharge, properly considered Mr. Geater's reasons, and determined them to be non-meritorious.

A. The Statement in the Letter to Ms. Sita

1. Parties' Contentions

Mr. Geater contends that his testimony about the Statement contained in the letter should not have been admitted because it was irrelevant and unduly prejudicial because "it invited the jury to convict Mr. Geater based on his negative opinions of women." Mr. Geater explains that the "[Statement] portrayed [him] as an individual who thought women's thought processes were impacted by their menstrual cycles and lent itself to the

impression that Mr. Geater did not think well of women[,]” and therefore, the danger of unfair prejudice from the Statement substantially outweighed its probative value. Mr. Geater stresses that credibility was critical to the case, and that the Statement, “which had nothing to do with any of the elements of the charges, created error that cannot be harmless.” Mr. Geater argues that reversal is in order where an “emotional letter [and Statement therein] could serve no legitimate evidentiary purpose and only served to ignite jurors’ emotions.”

In the State’s view, the Statement was relevant because it was a preemptive attack on the victim’s credibility, which illustrates consciousness of guilt. The State argues that “[e]vidence of his guilty conscience helped the jury decide whether [Mr. Geater’s] conversations with a ten-year-old girl were an effort to earn her trust—as [Mr. Geater] claimed—or if they were accurate statements of his actions and intentions.” Next, the State argues that the court soundly exercised its discretion in ruling that the probative value of the Statement was not substantially outweighed by the danger of unfair prejudice. The State maintains that “[t]he only prejudicial aspect of the letter (outside of its probative value) was its portrayal of [Mr. Geater’s] unsavory character as it related to women[,]” which Mr. Geater himself had already sullied through his letters to A.H. Furthermore, the State asserts that any error was harmless in light of “[Mr. Geater’s] statements to police and his letters written to A.H.—and the appalling language therein—[that] fully informed the jury about his mentality toward women and girls.” The State urges this court to “find, beyond a reasonable doubt, that a single sentence showing [Mr. Geater’s] attempt to undermine the prosecutor’s faith in A.H. did not affect the jury’s verdict.”

2. Relevant Evidence

“An appellate court reviews *de novo* a trial court’s determination as to whether evidence is relevant.” *Ford v. State*, 462 Md. 3, 46 (2018). Evidence that is not relevant is not admissible. Md. Rule 5-402. “Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Md. Rule 5-401. “Having ‘any tendency’ to make ‘any fact’ more or less probable is a very low bar to meet.” *Williams v. State*, 457 Md. 551, 564 (2018) (citing *State v. Simms*, 420 Md. 705, 727 (2011)).

We agree that the Statement, which denigrates Ms. Sita on the basis of a menstrual cycle—primarily experienced by girls and women—relates to Mr. Geater’s negative beliefs about girls and women, which often coincide with sexual violence against them.⁵ The letter Mr. Geater sent to Ms. Sita should not be read in a vacuum, but rather as another example of disrespect Mr. Geater has shown towards women in writing. The similarity of Mr. Geater’s conduct and form of expression are also relevant as to whether the misogynistic statements contained in A.H.’s journal were (1) written by Mr. Geater, and (2) actual admissions of sexual abuse. *See Snyder v. State*, 361 Md. 580, 592 (2000) (“[T]he relevancy determination is not made in isolation. Instead, the test of relevance is whether,

⁵ *See, e.g.*, Michael Flood & Bob Pease, *Factors Influencing Attitudes to Violence Against Women*, 10 *Trauma, Violence, & Abuse* 125–42 (2009) (showing a robust effect of men’s adherence to sexist, patriarchal, and/or sexually hostile attitudes on the use of violence against women including domestic violence, sexual assault and sexual harassment).

in conjunction with all other relevant evidence, the evidence tends to make the proposition asserted more or less probable.”).

We also observe how one of the letters written to A.H. displays Mr. Geater’s disappointment that A.H. was “on her shit,” which we read contextually as a reference to A.H.’s menstrual cycle. *See* State’s Ex. 1(m) (“Well damn baby it look [*sic*] like your [*sic*] on your shit. I enjoyed seeing you last night.”). Whether Mr. Geater’s frustration regarding a natural bodily process relates to his dissatisfaction with the accompanying hormone fluctuation (and misconception that it would impact a prosecutor’s ability to assess the credibility of a victim) or, is simply inconvenient for his own sexual gratification, is of no concern to us, as both comments reflect Mr. Geater’s “relationship with women or with females in general, [and] his attitudes.” In conjunction with the other relevant evidence in the case, including the letters to A.H., we are satisfied that the Statement tends to make the State’s factual propositions that Mr. Geater wrote the letters to A.H.; believed what he was writing; and acted on those impulses, thus, *actually committed sexual assault of A.H.*, more probable. This connection meets the low bar for relevance. *See Williams*, 457 Md. at 564.

On appeal, the State further argues that the Statement displays Mr. Geater’s “consciousness of guilt” and is therefore relevant. Notwithstanding our discussion of alternative bases of relevance discussed above, we disagree with the State on this point. Consciousness of guilt relates to actions taken by a defendant that tend to show that the defendant is guilty. *See Thomas v. State*, 372 Md. 342, 351 (2002). We have previously found “flight after a crime, escape from confinement, use of a false name, and destruction or concealment of evidence” as actions consistent with consciousness of guilt. *Decker v.*

State, 408 Md. 631, 641 (2009). We do not feel as though Mr. Geater’s action of sending a letter preemptively discrediting the victim, insulting the prosecutor in doing so, is “much like an attempt to destroy evidence” as the State avers, nor is it suggestive of guilt. “[T]he probative value of ‘guilty behavior’ depends upon the degree of confidence with which certain inferences may be drawn.” *Id.* at 642. “There must be an evidentiary basis, either direct or circumstantial, to link the defendant’s conduct to the consciousness of guilt inference.” *Id.* Here, one can imagine a scenario where a genuinely innocent criminal defendant would be outraged that a prosecutor would believe a victim that is, in fact, lying.⁶ Though we are not convinced that an evidentiary basis exists to link the Statement to an inference that Mr. Geater was conscious of his own guilt, *see id.*, we nonetheless accept that the statement was relevant.

3. Probative Value Versus Unfair Prejudice

After determining whether the evidence in question is relevant, we next consider whether the court abused its discretion by admitting relevant evidence which should have been excluded as unfairly prejudicial. *Montague v. State*, 471 Md. 657, 673 (2020). “An abuse of discretion occurs where no reasonable person would take the view adopted by the circuit court.” *Williams*, 457 Md. at 563 (citing *Fuentes v. State*, 454 Md. 296, 325 (2017)). Appellate “courts ‘are generally loath to reverse a trial court unless the evidence is plainly inadmissible under a specific rule or principle of law or there is a clear showing of an abuse

⁶ This should not be read as any condonation of Mr. Geater’s decision to express his outrage to Ms. Sita in the manner in which he did.

of discretion.” *Portillo Funes v. State*, 469 Md. 438, 479 (2020) (quoting *Merzbacher v. State*, 346 Md. 391, 404–05 (1997)). In other words, an abuse of discretion occurs when a court’s decision is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Hargett v. State*, 248 Md. App. 492, 510 (2020). The abuse of discretion standard is highly deferential, so, “[t]he fact that we might have struck the balance otherwise is beside the point.” *Newman v. State*, 236 Md. App. 533, 556 (2018) (quoting *Oesby v. State*, 142 Md. App. 144, 167 (2002)).

“Probative value is the tendency of evidence to establish the proposition that it is offered to prove.” *Molina v. State*, 244 Md. App. 67, 127 (2019). “Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Md. Rule 5-403.

In balancing probative value against unfair prejudice, we are mindful that prejudicial evidence is not excluded under Rule 5-403 only because it hurts one party’s case. *Montague*, 471 Md. at 674 (citing *Burris v. State*, 435 Md. 370, 392 (2013)). Instead, probative value is substantially outweighed by unfair prejudice when the evidence “tends to have some adverse effect . . . beyond tending to prove the fact or issue that justified its admission.” *State v. Heath*, 464 Md. 445, 464 (2019) (quoting *Hannah v. State*, 420 Md. 339, 347 (2011)). We have previously explained:

The rule's frequently invoked obligation on a trial judge to weigh two competing qualities, however, is so regularly subjected to deliberate, almost reflexive, misinterpretation that it warrants some precautionary comment. Invariably, the defense bar suggests that the trial judge must balance probative value against prejudice. That, of course, is not the case. What has been omitted, inadvertently or advertently, in such a formulation is the critical qualifier unfair. What sits in the defense pan of the balance scale is not naked or general prejudice but only a small fraction of that much larger phenomenon. What must be balanced against probative value is not prejudice but, as expressly stated by Rule 5-403, only unfair prejudice.

Newman, 236 Md. App. at 549 (internal quotations and citations omitted).

In *Clark v. State*, we held that the court did not abuse its discretion in admitting a statement from a letter that the defendant wrote to his mother from jail that described the victim with a derogatory slur.⁷ 218 Md. App. 230, 251 (2014). At trial and on appeal, the State argued that the statement was “highly probative” as it would establish that the defendant knew that the victim was a transgender woman, a fact only *the defendant* would know if *he* committed the crime. *See id.* at 249 (emphasis added). By contrast, the appellant argued that the statement was “highly prejudicial to [him] insofar as it reflected badly on his character.” Appellant’s Brief at 11, *Clark v. State*, 218 Md. App. 230 (2014) (No. 701) 2014 WL 1394745 at *11. Nonetheless, we concluded that the “court acted well within its discretion in determining that the probative value outweighed the danger of unfair prejudice.” *Id.* at 251.

⁷ Specifically, in *Clark*, the prosecutor sought to admit a letter containing the word “faggy.” *Clark*, 218 Md. App. at 250.

We hold that the evidence here, though inherently prejudicial,⁸ did not carry a high risk of *unfair* prejudice. The court soundly exercised its discretion in limiting the scope of the inquiry to just the Statement on cross-examination, recognizing that much of Mr. Geater’s letter was inadmissible. Specifically, the court restricted the scope of questioning in stating: “I will allow you to explore his relationship with women or with females in general, his attitudes.” The court’s limitation mitigated much of the risk that the jury would be “invited . . . to convict Mr. Geater based on his negative opinions of women.”

Moreover, as in *Clark*, the argument that a derogatory statement made by the defendant “reflects badly on his character[,]” or, in the case *sub judice*, “portrayed Mr. Geater as an individual who thought women’s thought processes were impacted by their menstrual cycles and lent itself to the impression that Mr. Geater did not think well of women[,]” will not surpass the Rule 5-403 balancing test.⁹ It was critical to the State’s theory of the case that Mr. Geater wrote and acted on the sexual behaviors described in the letters to A.H.—in part motivated by his negative beliefs regarding women. As in *Clark*,

⁸ See *Oesby*, 142 Md. App. at 165–66, *cert. denied*, 369 Md. 181 (2002) (“In a larger sense, all competent and trustworthy evidence offered against a defendant is prejudicial.”). The competency and trustworthiness of the Statement is not challenged on appeal. “As this issue was not raised below and, in any event, was not sufficiently briefed in this Court to permit our deciding it, it is not appropriate for us to address it. See *Klauenberg v. State*, 355 Md. 528, 552 (1999).

⁹ We observe that in *Clark*, the probative value of the evidence was discounted. See *Clark*, 218 Md. App. at 249–51. In that case, defense counsel argued that appellant could have learned the identity of the victim while in jail from potential co-defendant(s), in light of when the letter was sent. See *id.* No similar allegations exist here. Given our view that the Statement is more probative than the letter in *Clark* (and slur contained therein which similarly contained inherent prejudice risks), we reach the same conclusion as we did in *Clark*: The court “acted well within its discretion.” *Id.* at 251.

the letter was not admitted in its entirety; Mr. Geater was merely cross-examined on whether he made the Statement and whether or not he held any negative attitudes towards women. The court did not abuse its discretion in determining that the probative value of the Statement was not substantially outweighed by the danger of unfair prejudice. *See* Md. Rule 5-403.

4. Harmless Error

An error is harmless when an appellate court, “upon its own independent review of the record, is able to declare a belief, beyond a reasonable doubt, that the error in no way influenced the verdict.” *Newton v. State*, 455 Md. 341, 353 (2017). “[T]he proper inquiry upon applying the harmless error test is . . . whether the trial court’s error was unimportant in relation to everything else the jury considered in reaching its verdict.” *Dionas v. State*, 436 Md. 97, 118 (2013). Maryland has long recognized cumulativeness as an important factor for harmless error analyses. *See Gross v. State*, 481 Md. 233, 260 (2022). “[C]umulative evidence tends to prove the same point as other evidence presented during the trial[.]” *Dove v. State*, 415 Md. 727, 744 (2010). If properly admitted evidence is “so overwhelming” that the erroneously admitted evidence appears “insignificant by comparison,” this Court can find harmless error. *See Dorsey v. State*, 276 Md. 638, 659 (1976). Importantly, “the length of jury deliberations is a relevant factor in the harmless error analysis.” *Dionas*, 436 Md. at 112. Our Supreme Court explained in *Dionas* that the “length of jury deliberations provide context, albeit not necessarily conclusive, for the evaluation and understanding of the jury’s findings, and thus, perspective.” *Id.*

Even if the trial court should not have admitted the limited testimony about the Statement, we hold that any error was harmless. The record reveals that questioning concerning the letter lasted no more than a few minutes and was not emphasized to the jury in closing argument. Both the video of A.H.'s forensic interview with Ms. Slaw-Kiewe and A.H.'s testimony at trial displayed evidence of sexual abuse. At trial specifically, Ms. Sita asked Ms. Slaw-Kiewe whether it was her opinion that the letters corroborate A.H.'s disclosures. Ms. Slaw-Kiewe testified: "Yes, I do think they corroborate her disclosure. I think the language speaks to her repeated victimization and learned behaviors." Moreover, A.H. testified that Mr. Geater walked into her room naked, started touching her vagina, and attempted to insert his penis into A.H.'s mouth, beginning when she was six years old. Upon review of "everything else the jury considered in reaching its verdict[.]" we conclude that any error by the court was "unimportant." *See Dionas*, 436 Md. at 118.

Moreover, Mr. Geater's other statements in his letters to A.H. fully informed the jury about his mentality towards women and girls. *See supra* note 1. As such, any indication from the Statement that Mr. Geater "did not think well of women" was cumulative, as the properly admitted letters Mr. Geater wrote to A.H. "tend[ed] to prove the same point." *See Dove*, 415 Md. at 744.

Lastly, the jury deliberated for less than two hours after several days of proceedings, which bolsters our conclusion that any error was harmless beyond a reasonable doubt. Looking to the record as a whole, we are confident that the statement would not have persuaded the jury to render a guilty verdict when it would not have otherwise done so.

B. The Motions to Discharge Mr. Bahr

We hold that the court did not abuse its discretion as the court complied with Rule 4-215 governing discharge of counsel, provided Mr. Geater with an opportunity to express his reasons for discharging counsel, considered those reasons, and fairly exercised discretion in denying his requests. *See* Md. Rule 4-215; *State v. Taylor*, 431 Md. 615, 642 (2013) (finding no abuse of discretion when court allowed defendant to explain reason for purported request and later denied request as non-meritorious).

1. Parties' Contentions

Mr. Geater contends that the trial court abused its discretion when it found that Mr. Geater's reasons for asking to discharge his attorney were non-meritorious. Mr. Geater explains that Mr. Bahr failed to communicate with him or share discovery, which he argues is a serious allegation warranting discharge, given that an attorney's failure to communicate with a client is a violation of the Maryland Rules of Professional Responsibility. Mr. Geater further contends that the court "violated Mr. Geater's due process rights by proceeding with a Rule 4-215 hearing without affording Mr. Geater the opportunity to prepare for a hearing."¹⁰

The State contends the court soundly exercised its discretion in finding that Mr. Geater's reasons for wanting to discharge defense counsel did not rise to the level of good

¹⁰ In its brief, the State emphasized that "[t]he State cannot find any case, and [Mr. Geater] does not provide any, that suggests that a defendant must be given advance notice of a hearing addressing his own request in a situation such as this, where he raised the request at a hearing he attended." Insufficiently briefed issues are not appropriate for our review. *See Klauenburg*, 355 Md. at 552.

cause for doing so at the time of the hearing, and thus were not meritorious. The State points out that Mr. Bahr “largely contradicted [Mr. Geater’s] allegations about his preparation, and the court was not required to accept [Mr. Geater’s] representations as true.” According to the State, it was the trial court’s prerogative to make credibility determinations.

2. Waiver of Assistance of Counsel

The Sixth Amendment of the United States Constitution¹¹ and Article 21 of the Declaration of Rights of the Maryland Constitution¹² guarantee defendants in criminal prosecutions the right to assistance of counsel for their defense. U.S. Const. amend. VI; Md. Const. Decl. of Rts. art. 21. If a defendant cannot afford counsel, they are entitled to a public defender or court appointed attorney at the State’s expense. *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). Otherwise, a defendant has a right to the attorney of their choice if they can afford to hire private counsel. *U.S. v. Gonzalez-Lopez*, 548 U.S. 140, 144 (2006). The Sixth Amendment also implies a “correlative right to dispense with a lawyer’s help.” *Adams v. U.S.*, 317 U.S. 269, 279 (1942). The Constitution cannot force counsel upon a defendant. *Id.* To relinquish the right to counsel, one must do so freely, knowingly, and intelligently. *Id.* at 275. Thus, a defendant in a criminal matter “may waive [their]

¹¹ The Sixth Amendment of the United States Constitution reads, in relevant part: “In all criminal prosecutions, the accused shall enjoy the right [...] to have the Assistance of Counsel for his defence.” U.S. Const. amend. VI.

¹² Article 21 of the Maryland Declaration of Rights reads, in relevant part: “That in all criminal prosecutions, every man hath a right [...] to be allowed counsel [...]” Md. Const. Decl. of Rts. Art. 21.

Constitutional right to assistance of counsel” but only “if [they know] what [they are] doing and [their] choice is made with eyes open.” *Id.* at 279; *see also Johnson v. Zerbst*, 304 U.S. 458, 468–69 (1938).

Maryland Rule 4-215 allows for the waiver of counsel under three circumstances: (1) express waiver of counsel; (2) waiver by inaction; and (3) discharge of counsel. Md. Rule 4-215(b)–(e). A defendant does not have “an unfettered right to discharge current counsel and demand different counsel shortly before or at trial.” *Fowlkes v. State*, 311 Md. 586, 605 (1988). The Rule states as follows:

(e) Discharge of Counsel—Waiver. If a defendant requests permission to discharge an attorney whose appearance has been entered, *the court shall permit the defendant to explain the reasons for the request*. If the court finds that there is a meritorious reason for the defendant’s request, the court shall permit the discharge of counsel; continue the action if necessary; and advise the defendant that if new counsel does not enter an appearance by the next scheduled trial date, the action will proceed to trial with the defendant unrepresented by counsel. *If the court finds no meritorious reason for the defendant’s request, the court may not permit the discharge of counsel without first informing the defendant that the trial will proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel*. If the court permits the defendant to discharge counsel, it shall comply with subsections (a)(1)–(4) of this Rule if the docket or file does not reflect prior compliance.

Md. Rule 4-215(e). The Rule requires “strict compliance” and “a trial court’s departure from the requirements of Rule 4-215 constitutes reversible error.” *Pinkney v. State*, 427 Md. 77, 87–88 (2012). “The trial judge must give much more than a cursory consideration of the defendant’s explanation.” *Johnson v. State*, 355 Md. 420, 446 (1999) (citing *Moore v. State*, 331 Md. 179, 185 (1993)). In other words, the record should reflect the court’s consideration of the defendant’s reasons. *Moore*, 331 Md. at 186. When faced with a

request to discharge counsel, “the trial judge has the duty to listen, recognize that he or she must exercise discretion in determining whether the defendant’s explained reasons are meritorious, and make a rational decision.” *Taylor*, 431 Md. at 642. A request to discharge counsel must be granted if the trial court determines that the defendant’s reasons are meritorious. *State v. Brown*, 342 Md. 404, 425 (1996).

“A disagreement regarding legal strategy is not . . . a meritorious reason to discharge counsel.” *Cousins v. State*, 231 Md. App. 417, 443 (2017). Although, a “complete breakdown in communication is considered ‘good cause’ to discharge counsel.” *Id.* at 439. “In determining whether a court abused its discretion in denying a request to discharge counsel because of a breakdown of communication, a relevant factor is ‘whether appellant and his or her ‘counsel experienced a total lack of communication preventing an adequate defense.’” *Id.* (citing *Weathers v. State*, 231 Md. App. 112, 140 (2016) (Graeff, J., concurring)).

We hold that the court properly permitted Mr. Geater to explain the reasons for his request to discharge Mr. Bahr at every juncture. Given the court’s determination that Mr. Geater’s reasons for discharging his attorney were non-meritorious, the court properly informed Mr. Geater that trial would proceed as scheduled with the defendant unrepresented by counsel if the defendant discharges counsel and does not have new counsel. *See* Md. Rule 4-215(e). Both Judge Cahill and Judge Doory gave “much more than a cursory consideration” of Mr. Geater’s reasons, allowing him to explain his reasons on multiple occasions. *See Johnson*, 355 Md. at 446. Under the Rule, a judge is not precluded from asking questions of the defendant’s attorney to further ascertain whether

the defendant's reasons have merit. Here, Judge Cahill and Judge Doory properly exercised discretion when they asked a few questions to Mr. Bahr before determining whether the reasons for Mr. Geater's request were meritorious. Mr. Bahr explained to Judge Cahill that he had met with Mr. Geater on twelve prior occasions and went over discovery with him; as follows, there was not a "complete breakdown" or "total lack of communication." *See Cousins*, 231 Md. App. at 439. Furthermore, Judge Doory did not abuse his discretion in finding Mr. Geater's reasons to be non-meritorious when he believed Mr. Geater's complaints concerned matters of legal strategy. *See id.* at 443 ("A disagreement regarding legal strategy is not . . . a meritorious reason to discharge counsel."). We hold that the court did not abuse its discretion in denying Mr. Geater's motion to discharge counsel as the court strictly complied with Rule 4-215.

III. CONCLUSION

In sum, the court did not err in admitting the Statement. The Statement was relevant under Rule 5-401 because it exhibited Mr. Geater's beliefs about girls and women, which mattered here because the victim was a young girl. The court soundly exercised its discretion in deciding that the letter probative value was not substantially outweighed by the danger of unfair prejudice under Rule 5-403. Nevertheless, any error was harmless beyond a reasonable doubt. We further conclude that the court did not abuse its discretion in denying Mr. Geater's motions to discharge counsel. Time and time again, the court properly afforded Mr. Geater the opportunity to explain his reasons for requesting a

discharge, considered Mr. Geater's reasons and rightly determined them to be non-meritorious.

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