

Circuit Court for Prince George's County
Case No. C-16-CR-22-326

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 625

September Term, 2024

RODNEY KNIGHT

v.

STATE OF MARYLAND

Leahy,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Leahy, J.

Filed: June 30, 2026

* This is an unreported opinion. The 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 Rule 1-104(a)(2)(B).

In November 2023, a jury in the Circuit Court for Prince George’s County found Appellant Rodney Knight guilty of five crimes: armed robbery, robbery, use of a firearm in the commission of a crime of violence, transporting a handgun in a vehicle while on a public road, and possession of a regulated firearm after a disqualifying conviction.¹ Knight was sentenced to serve 17 years in prison.

Before Knight was tried, he objected to how his jury was selected. Prosecutors and Knight each had five peremptory strikes (chances to remove prospective jurors from the jury even if those jurors were otherwise qualified to serve).² Prosecutors spent all five strikes removing Black people from the jury, including, according to the trial court, “four African American males, one after another.” Knight’s counsel objected to these strikes as illegally race-based under *Batson v. Kentucky*, 476 U.S. 79 (1986). The trial court overruled Knight’s *Batson* challenge based on the prosecutors’ explanation that the strikes had nothing to do with race, and that there were other jurors in the room who “the State liked better as jurors.” In this appeal, Knight presents three questions for our review, which we have slightly rephrased as:³

I. Was the trial court clearly erroneous by denying Knight’s *Batson*

¹ Knight’s robbery conviction was merged into his armed robbery conviction for sentencing purposes.

² See generally *Curtin v. State*, 393 Md. 593, 601 (2006).

³ Knight presents the questions in his brief as follows:

- I. Did the trial court err in denying the defense’s *Batson* challenge because the prosecutor failed to provide race-neutral reasons for striking two Black male prospective jurors?

(Continued)

challenge?

- II. Did the trial court abuse its discretion by allowing recall testimony of witnesses in violation of the court’s sequestration order?
- III. Did the trial court abuse its discretion by denying Knight’s motion for a mistrial after the prosecutor displayed and commented on an image not in evidence during the prosecutor’s closing argument?

We hold, as the State now concedes, that the trial court was clearly erroneous in denying Knight’s *Batson* challenge, because the prosecution failed to provide a reasonably specific race-neutral explanation for striking only Black jurors. Because prosecutors had a fair chance to offer race-neutral justifications but failed to do so, we remand the case for a new trial. As a result, we need not address Knight’s remaining challenges to how the first trial was conducted.

BACKGROUND

The following account is derived from the evidence adduced at Knight’s trial, viewing the evidence in the light most favorable to the State. *Molina v. State*, 244 Md. App. 67, 87 (2019). Because Knight does not challenge the sufficiency of the evidence to sustain his convictions, we provide a summary only of the record necessary to provide context for the dispositive issue in this appeal. *Lovelace v. State*, 214 Md. App. 512, 518, n.1 (2013).

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- II. Did the trial court abuse its discretion in denying the defense’s motion to exclude the recall testimony of witnesses in violation of the court’s sequestration order?
 - III. Did the trial court abuse its discretion in denying the defense’s motion for a mistrial after the prosecutor displayed and commented on a screenshot of Mr. Knight not in evidence during closing argument?

The Robbery

On the morning of September 5, 2022, the Prince George’s County 9-1-1 center received a call reporting a robbery at a tobacco store in Capitol Heights. A store employee told the dispatcher that a man came into the store, pulled a gun, and took money from him. A witness then said that he “was in the parking lot when it happened” and described the robber as a “heavy-set Black guy” wearing black sweatpants and a black hoodie with gray stripes. The witness also identified a “light-skinned female” who sat in the passenger seat of a “blue Honda” during the robbery. Another witness said the two then “pulled right out and went straight down Marlboro Pike” in a blue “four-door Ford.”

Officers of the Prince George’s County Police Department (“PGPD”) responded. Detective Ashby Hoffman, the lead detective, took photographs of the scene and met the store employee. Detective Ashley Ryder downloaded surveillance footage, which showed a Ford vehicle at the crime scene. PGPD posted a “vehicle lookout”⁴ to find the Ford.

The Vehicle

About a month later, on October 7, 2022, Washington Area Vehicle Enforcement (“WAVE”) team received an alert that a “wanted vehicle” was entering the Prince George’s County. The vehicle matched the description and license plate number specified in the lookout. WAVE officers then located the vehicle as it was entering a 7-Eleven parking lot. When police approached the vehicle, they found a female passenger and a male driver, and

⁴ A “vehicle lookout” refers to “a ‘Be-On-The-Lookout’ or a ‘BOLO.’”

the driver identified himself to the police as Rodney Knight. Knight had the keys.

One officer identified a “7A visible in the car”—code for handgun. After searching the vehicle, the officers recovered a loaded “Glock 19 Gen5 handgun” and an “extended magazine with a gold baseplate” in the driver’s side door pocket.⁵ Another officer confirmed that the vehicle where the gun was found was the same as the vehicle displayed in the surveillance footage. The gun was processed for DNA evidence and fingerprints and then sent to the Firearms Examination Unit.

Knight was arrested, searched, transported for an interview by another WAVE officer, and swabbed for DNA evidence. In the meantime, Knight’s Ford was taken to the evidence bay, where it was searched pursuant to a search warrant. This search recovered Knight’s identification card and a sweatshirt with reflective stripes.

A forensic examiner at the Federal Bureau of Investigation analyzed DNA swabs from the Glock and compared them to Knight’s DNA profile. Her report, which was admitted into evidence, concluded that the analysis provided “very strong support to include ... Knight as a possible contributor” to the DNA found on the handguns. She explained at trial that she had connected the DNA from the grip of the handgun to three different men, and that it was “6.7 octillion times more likely” that Knight was one of the three than not. For DNA swabbed from the trigger, it was “5.2 octillion times more likely” that Knight was one of the three than not. For DNA from the sight of the pistol, there were

⁵ Knight stipulated at trial that he was prohibited from possessing a firearm.

two DNA profiles, and it was “400 septillion times more likely” that Knight’s DNA was one of them than not.

According to Knight’s fiancé, Knight had rented the Ford from someone “under the table” for \$100 and had the Ford for only two days. (The vehicle had been stolen a few months before the robbery.) She claimed to have left her recently purchased handgun and other belongings in the Ford, but she did not have “any ammunition.” When presented with the gun apprehended by police, she explained that the gun “could possibly” be hers, but that she did not own the gold clip on the gun.

Jury Selection

On the first day of trial, the parties selected a jury. The presiding judge asked a pool of prospective jurors to answer questions that might affect their ability to be impartial in this case. For example, the judge asked: “[I]n this case the State alleges that the Defendant used a handgun in the commission of this crime. Is there any member of the jury panel who has strong feelings about handguns?” At the end of this process, the judge selected 16 prospective jurors to sit in the jury box, so that the parties could use five “peremptory strikes” to remove any of these 16 jurors. Among these 16 prospective jurors, only two had not answered “yes” to any of the judge’s screening questions: Juror 9 and Juror 34. They were called to the bench to confirm whether they would be able to listen to the evidence and be fair and impartial, and both Juror 9 and 34 confirmed that they could.

Prosecutors then used their five strikes to remove five Black jurors, including Juror 9 and Juror 34, leaving two Black men on the jury. Defense counsel objected, and the trial

court identified the issue immediately:

THE COURT: Do you wish to be heard as to the Batson challenge for striking the individuals?

[THE STATE]: Yes, Your Honor. The State just exercised its preemptory challenges fair and impartial. And I will submit.

THE COURT: There are at least two jurors who did not say anything and they were – they were black males – Juror No. 9 and Juror No. 34. What was the basis for striking them that does not involve race?

* * *

[THE STATE] So, let me start with Juror No. 9. I don't remember which juror that was.

THE COURT: He was a tall African American male, young, light-skinned. He didn't have any -- he didn't say anything. He didn't respond to any of our questions.

[THE STATE]: Sure, there were other jurors that were coming behind him that the State thought would -- the State liked better as jurors.

And as for Juror 34, the State had “similar reasons”: “It didn't have anything to do with his job, or his race, or his heritage or anything like that. As Her Honor stated, he came up here during the jury selection and didn't really say anything, but there were other jurors that the State liked more than Juror No. 34. The State simply just waited to use its strike until he was in the box.”

Based on these answers, the trial court found “that there is sufficient information that has been propounded by the State to show that it was race neutral in making its decisions, especially in line with the decisions that both sides made regarding this case.” On that basis, the trial court overruled Knight's *Batson* challenge. Defense counsel

reviewed the other stricken prospective jurors’ backgrounds and answers on the record:

[COUNSEL]: Okay, this is what – I can put this on the record, that No. 8, did in fact say, when he came up, that he could be fair and he was an African American male that was stricken. No. 1 did have something pending, but –

THE COURT: In Gaithersburg.

[COUNSEL]: Right, but he had a brother who is in the police, in the military and then somewhere else. I’m trying to get to the other people. 48, brother is a civil lawyer, doesn’t really mean anything and then (indiscernible at 2:57:11 p.m.) that case, brother was pulled over and assaulted, but then he still indicated that he could be fair. So for those reasons, we would object.

THE COURT: That’s fine, just so – the Court said based on what everyone was doing because there have been individuals that both sides have stricken that did not provide any information and they all indicated that they would be fair and impartial. Your objection was noted.

The jury that was ultimately returned a guilty verdict against Knight on all counts. On May 3, 2024, Knight was sentenced to 45 years’ incarceration, with all but 17 suspended, subtracting roughly 1.6 years of time already served while Knight awaited trial. Knight timely appealed.

DISCUSSION

Under *Batson v. Kentucky*, 476 U.S. 79 (1986), “the Equal Protection Clause bars prosecutors from exercising peremptory challenges based on race.” *Pitchford v. Cain*, 146 S. Ct. 1345, 1349 (May 28, 2026); *see generally* U.S. Const., amend XIV. Here, Knight argues that prosecutors violated *Batson* when they struck five Black jurors without a race-neutral reason. This is a difficult argument for Knight to win in our court, because a trial

court’s resolution of a *Batson* challenge is a factual determination that we will not reverse unless it is clearly erroneous. *Ray-Simmons*, 446 Md. at 437. Nevertheless, we agree with Knight and reverse.

Knight’s *Batson* Challenge

Knight argues the prosecutor “offered no reason” for striking Jurors 9 and 34, only a “blanket denial of discriminatory purpose” and a “wholly insufficient” explanation that he preferred other jurors. Knight also challenges the prosecutor’s assertion that the strike of Juror 34 had nothing to do “with his job, or his race, or his heritage,” noting that a mere denial of discriminatory motive is insufficient. Because the trial that took place years ago, Knight requests a new trial.

The State agrees that the trial court improperly denied Knight’s *Batson* challenge but argues the appropriate remedy is limited remand to conduct a new *Batson* hearing, not a new trial. The State contends that relatively little time has elapsed since the trial, and thus “there is no reason to believe that the court or parties would be unable to hold a meaningful hearing.” Quoting *Edmonds v. State*, 372 Md. 314, 339-40 (2002), the State claims that because the prosecutor’s explanation for striking the Black jurors was simply unclear, a limited remand would give parties sufficient opportunities to “reconstruct the circumstances surrounding the peremptory challenges’ and properly apply the requirements of *Batson*.”

A peremptory challenge exercised on “the basis of race, gender, or ethnicity violates the Equal Protection Clause of the Fourteenth Amendment.” *Ray-Simmons v. State*, 446

Md. 429, 435 (2016). Excusing a juror on these bases, “violates both the defendant’s right to a fair trial and the potential juror’s ‘right not to be excluded on an impermissible discriminatory basis.’” *Id.* (quoting *Edmonds*, 372 Md. at 329). A trial court’s resolution of a *Batson* challenge is a factual determination that we will not reverse unless clearly erroneous. *Ray-Simmons*, 446 Md. at 437.

Under *Batson*, courts use a “three-part analysis ... to evaluate whether a peremptory strike was racially discriminatory.” *Bennett v. State*, 252 Md. App. 549, 560 (2021) (citing *Ray-Simmons*, 446 Md. at 435). First, the party raising the *Batson* challenge must make a *prima facie* showing⁶ that the peremptory challenge was based on race. *Ray-Simmons*, 446 Md. at 436. This is not a high threshold to meet. *Id.* The true reasons for the challenged strikes or counsel’s true intentions “are not relevant” at this step; the objecting party need only point to the ultimate use of peremptory challenges, identifying, for example, a pattern of striking jurors of the same race. *Id.* at 436, 443. The burden then shifts, and the other side must provide a race-neutral explanation for their strikes. *Batson*, 476 U.S. at 97. If the other side provides such an explanation, then the objecting party can attack it as pretextual, “and the trial court ... decides whether the prosecutor’s race-neutral reason for striking a juror is pretextual ‘in light of all evidence with a bearing on it.’” *Pitchford*, 146 S. Ct. at 1345 (quoting *Miller-El v. Dretke*, 545 U.S. 231, 252 (2005)).

⁶ “*Prima facie*” is Latin for “at first appearance.” A *prima facie* showing is therefore an appearance-based argument—here, Knight argued that it looked like the prosecutors were excluding jurors based on their race. *See prima facie*, Black’s Law Dictionary (12th ed. 2024) (“based on what seems to be true on first examination”).

Because the prosecutors here used all five of their strikes to exclude Black jurors, this case turns on the second step of the *Batson* framework—the prosecutors’ burden to offer race-neutral justifications for what appear to be race-based strikes. At this step, the prosecutors must carry “the burden of coming forward with ‘a clear and reasonably specific explanation of its legitimate reasons for’” their strikes. *Ray-Simmons*, 446 Md. at 444 (citing *Miller-El v. Dretke*, 545 U.S. 231, 239 (2005)). The striking party’s explanation must be “neutral as to race, gender, and ethnicity.” *Id.* at 436 (citing *Purkett*, 514 U.S. at 767). It need not be persuasive or plausible: “Any reason offered will be deemed race-neutral unless a discriminatory intent is inherent in the explanation.” *Id.* (quoting *Edmonds*, 372 Md. at 330). Prosecutors just have to come forward with “a neutral explanation related to the particular case to be tried.” *Batson*, 476 U.S. at 98.

In *Harley v. State*, for example, the prosecutor explained that he struck two jurors who had not answered any questions during *voir dire* because they were “under the age of thirty” and “single”; because one “acted like she did not want to be [t]here”; and because the other would be replaced by a police officer if she were struck. 341 Md. 395, 397-98 (1996). The prosecutor explained that he struck a third juror “because she is twenty-four years old and she is single.” *Id.* at 399. Noting that the jury that was ultimately selected had eight Black jurors, the trial court accepted the prosecutor’s explanations and denied the *Batson* challenge. *Id.* at 400. The Supreme Court of Maryland affirmed. *Id.* at 404.

It is not enough, however, for the attorney whose strikes have been challenged to “merely deny[] that [they] had a discriminatory motive or ... affirm[their] good faith.”

Purkett, 514 U.S. at 769 (quoting *Batson*, 476 U.S. at 98). Some litigants fail even this miniscule hurdle, offering no nondiscriminatory reason for their seemingly discriminatory strikes. *See, e.g., Gilchrist v. State*, 340 Md. 606, 628 (1995) (“With respect to one of the challenged jurors, defense counsel could offer no reasons.”); *Hopkins v. Commonwealth*, 53 Va. App. 394, 400 (2009) (“When its stated reason applied equally to jurors who were not African–American, the Commonwealth gave no explanation for why it struck only the African–American jurors to whom the reason applied.”); *People v. Turner*, 42 Cal. 3d 711, 725 (1986) (“the assertion that ‘something in her work’ would ‘not be good for the People’s case’ is so lacking in content as to amount to virtually no explanation”); *Payton v. Kearsse*, 329 S.C. 51, 56 (1998) (striking a juror because she was a “redneck” evinces a discriminatory intent and is therefore not facially race-neutral).

Knight and the State agree the prosecutors here similarly failed to offer a valid, nondiscriminatory reason for their strikes of Juror 9 and Juror 34. The prosecutor said that he struck Juror 9 because he preferred “other jurors that were coming behind.” Juror 34, the prosecutor said, “didn’t really say anything,” and the strike was not based on Juror 34’s job, “or his race, or his heritage or anything like that.” Neither of these explanations offer substantive reasons for the strikes—a reason apart from race why prosecutors thought these jurors would hurt their chances. “Here, a credible, racially neutral rationale is lacking.” *Bennett v. State*, 252 Md. App. 549, 574–75 (2021). Accordingly, we will reverse the decision of the trial court on this issue. *Id.*

Remedy

“A trial court *Batson* error does not [automatically] entitle a party to a new trial.” *Edmonds*, 372 Md. at 339. Often, it is enough for us to issue only a limited remand to the trial court to complete its *Batson* analysis. *Id.* at 341. This less-severe relief is appropriate when the trial court failed to conduct a complete *Batson* analysis:

[U]nless it is impossible to reconstruct the circumstances surrounding the peremptory challenges, due perhaps to the passage of time or the unavailability of the trial judge, the proper remedy where the trial court does not satisfy *Batson*’s requirements is a new *Batson* hearing in which the trial court must satisfy the three-step process mandated by that case and its progeny.

Id. at 339-40. The Supreme Court of Maryland has ordered a limited remand, for example, when “the State was not given an opportunity at trial to explain its reasons for exercising the contested peremptory challenges.” *Ray-Simmons*, 446 Md. at 447. Similarly, if a trial court rejects a *Batson* challenge immediately (without asking for nondiscriminatory reasons) and is later reversed, we would issue a limited remand for the trial court to assess the nondiscriminatory reasons. *Mejia v. State*, 328 Md. 522, 540 (1992).

Limited remand is inappropriate, however, when a prosecutor has had a fair chance to state their nondiscriminatory reasons. *Cf. Ray-Simmons*, 446 Md. at 447 (limited remand is appropriate when “the State was not given an opportunity at trial to explain its reasons.”). If the prosecutor already had one bite at the apple, a limited remand would just recreate what the State tried to press on appeal here—a *post hoc* rationale untethered from the actual prosecutor at the actual trial. *See Tyler v. State*, 330 Md. 261, 271 (1993) (“In the face of what the prosecutor said at trial, he is not entitled to come forward at this time in an attempt

to present a neutral explanation”).⁷

Even though the State agrees that it failed at *Batson*’s second step during the trial, it now offers us some possible race-neutral justifications for its strikes in support of its request for a limited remand to conduct a new *Batson* hearing rather than a new trial. Prosecutors might have preferred Juror 12 to Juror 9, the State now explains, because Juror 12 would be more sympathetic to the prosecution’s case, having worked as a probation agent, been the victim of a robbery, and married a criminal law attorney. And prosecutors might have preferred Juror 47 over Juror 34, because Juror 47’s cousin was murdered with a gun. Under the State’s retelling on appeal, prosecutors might have been skeptical of jurors who had offered essentially no information over the course of *voir dire* and preferred jurors who had disclosed potentially advantageous experiences. And the State hypothesizes that the trial judge might have come to the same conclusion when it overruled the *Batson* challenge.

No matter how reasonable these explanations are now, they are too late. “*Batson*’s final step is essentially a credibility assessment, and the parties are not before this Court to permit us to judge their credibility or to explore the validity of any arguments they may

⁷ The State argues for a different line between limited remand and new trial: a new trial is appropriate only when trial counsel’s stated reasons for strikes are themselves improper, like when counsel’s responses show counsel was discriminating against female jurors, not against Black jurors. On the State’s view, trial counsel’s answers here were deficient—lacking in key details—but not improper. The rule we articulate here and the State’s line both adequately account for the *results* of our precedents, but we think our rule better accounts for the stated *reasoning* in those precedents.

advance.” *Spencer v. State*, 450 Md. 530, 557 (2016). As an appellate court, we are deprived of what is often “the best evidence of discriminatory intent,” namely “the demeanor of the attorney who exercises the challenge.” *Flowers v. Mississippi*, 588 U.S. 284, 302–03 (2019) (quoting *Snyder v. Louisiana*, 552 U.S. 472, 477 (2008)). It would not be fair for us to accept the State’s *post hoc* explanations in this setting, where we cannot see trial counsel’s demeanor while giving this (or perhaps some other) explanation. The importance of this credibility determination often works to the State’s advantage. *See, e.g., Beshore v. State*, No. 903, ST2023, 2024 WL 4249015, at *5 (App. Ct. Md. Sept. 20, 2024) (“We cannot find that the trial court judge, who was most effectively placed to determine the credibility of the challenging attorney, clearly erred in denying the *Batson* challenge”). Here, it justifies our ruling in Knight’s favor.

The right remedy here is a new trial. As Knight rightly contends, a “hearing on limited remand [in this case] cannot be a ‘reconstruction’ of prior events.” Any post-remand *Batson* hearing would happen in the wake of the State’s appellate briefing, in which the State went to great lengths to construct and explain possible race-neutral rationales. The trial court would have almost no way to know if the prosecutor advancing these theories were telling the truth, especially because the discussion would be at least two years removed from when the trial court saw counsel’s original *voir dire*. The protections of *Batson* should not be so hollow.

CONCLUSION

“America’s trial judges operate at the front lines of American justice,” and “the job of enforcing *Batson* rests first and foremost with trial judges.” *Flowers v. Mississippi*, 588 U.S. 284, 302 (2019). At the same time, the job of conducting race-neutral jury selection rests first and foremost with trial counsel. Counsel must ensure that their strikes satisfy the Equal Protection Clause and candidly explain their race-neutral strikes when asked. Here, counsel fell short. In response, the trial court should have granted Knight’s *Batson* objection, so we reverse and remand for a new trial.

**JUDGMENTS OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
REVERSED; CASE REMANDED FOR
FURTHER PROCEEDINGS CONSISTENT
WITH THIS OPINION; COSTS TO BE
PAID BY PRINCE GEORGE’S COUNTY.**

The correction notice(s) for this opinion(s) can be found here:

<https://mdcourts.gov/sites/default/files/import/appellate/correctionnotices/cosa/unreported/0625s24cn.pdf>