

Circuit Court for Caroline County
Case No. C-05-CR-23-000222

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 0630

September Term, 2024

ASHLEY PLEASANTON

v.

STATE OF MARYLAND

Arthur,
Shaw,
McDonald, Robert N.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: June 23, 2025

*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 Rule 1-104(a)(2)(B).

Following a bench trial, Appellant, Ashley Pleasanton, was convicted in the Circuit Court for Caroline County of ten counts of violating a final protective order. She appeals those convictions and presents two questions for our review:

1. Whether the evidence was sufficient to support convictions on ten counts of failure to comply with final protective order by harassing?
2. Whether the trial court erred by imposing an illegal sentence by rendering consecutive sentences for each count when the unit of prosecution was a single course of conduct?

For the reasons that follow, we affirm the judgments of the circuit court.

BACKGROUND

Appellant and Mark Bateman share joint custody of their minor child, S. On February 2, 2023, at the conclusion of a hearing, the District Court for Caroline County entered a final protective order against Appellant. The order stated that there was a preponderance of evidence to believe that Appellant had engaged in “assault in any degree[,]” and “stalking[,]” she had tracked Bateman with an Apple air tag, and had given Bateman an eye injury. Appellant was ordered not to abuse or threaten to abuse Bateman, and not to enter Bateman’s residence. Appellant was also instructed not to contact, attempt to contact, or harass Bateman in person, by phone, writing, or other means. The order had one exception that allowed Appellant to contact Bateman “by text only with respect to visitation/access or in case of emergency involving” S. That same day, the district court entered an identical final protective order against Bateman. Both orders were effective until February 1, 2024.

On June 1, 2023, Appellant was charged with fifteen counts of failing to comply with a final protective order pursuant to Md. Code Ann., Family Law § 4-509, arising from her contacting Bateman through text messages.¹ Appellant requested a trial by jury but subsequently elected a court trial in the circuit court. Bateman testified at the trial and text message screenshots dated between February 5, 2023, to April 24, 2023, were admitted into evidence. Appellant was convicted of ten of the fifteen counts charged.

Count 1 arose from six text messages that Appellant sent to Bateman on February 15, 2023, discussing an individual named Michaela, S.’s appearance, and Bateman’s lawyer. Appellant stated:

Her hair will get darker, MaMas Eye lashes. You’re lucky I’m sending you any photos [sic] the trick you pulled on me and you just signed yourself up for a mental evaluation and a hair follicle test[.]

[S.] is safe she has always been safe with me and you just signed yourself up for some classes your lawyer is an idiot complete idiot [sic][.]

On February 16, 2023, Bateman sent a text message to Appellant inquiring about where and when he could pick up S. He informed Appellant that she had failed to let him see S. for two weekends. On February 17, 2023, Bateman texted Appellant, asking what time he could pick up S. Bateman testified that Appellant sent him screenshots of a sexual text message exchange between herself and Bateman’s friend. Appellant then sent another text stating “[s]ent to wrong person!” These messages formed the basis for Count 2.

¹ Appellant was originally charged with thirty counts total, fifteen counts (Counts 1-15) of violating a protective order and fifteen counts (Counts 16-30) of electronic communication harassment pursuant to Md. Code Ann., Family Law § 3-805(b)(1). The State entered a nolle prosequi on the electronic communication harassment charges.

On February 24, 2023, Bateman inquired about where and when he could pick up

S. Appellant sent Bateman five text messages and stated:

She is not your daughter and your name is not on the birth certificate and like you said there's no way possible so with that being said she is not your daughter.

The timing does not add up she's not your daughter's [sic][.]

Why don't you worry about sending yourself to rehab and go get a psych evaluation and a hair follicle test[.]

Do not call me do not text me.

These messages formed the basis for Count 4.

Count 5 involves forty-three text messages that Appellant sent to Bateman on March 18, 2023. Appellant texted Bateman:

You are to meet me tomorrow at 5 PM she is not your daughter as you stated and has [sic] you have always said that the timing does not add up that we were not together at that time so my next question is why do you want a child that is not yours[.]

I have proof on my phone which I will bring to court that she is not your daughter and if you harm her in anyway [sic] you will be held accountable you and the woman with a black Jeep.

I've already called the police and they've been out to your house you are rental [sic] [S.] is not there[.]

Bateman responded, "Our daughter is with me remember our court order visitation schedule." Appellant responded:

Yes I do have a protective order against you for her and I So technically you are not supposed to have her[.]

She is not your daughter you kept saying that the whole time[.]

That came out of your mouth not mine remember you were with my sister unfortunately during that time frame when I got pregnant someone owes you money and it's not me it would be her biological father[.]

You drink and drive and that woman better not be driving and drinking with my daughter in the car and I certainly hope she has [sic] buckled securely in her car seat and I don't want any crazy talk around her.

The last time we seeing you you [sic] were trash talking me to my daughter you were cussing me [sic] she was scared to death in the corner of the room scared for her life because you're violence I will not tolerate violence around my daughter under any circumstances.

Bateman responded that Appellant “should read all of the protective order” and stated, “I will remind you that our conversation is to be kept strictly about [S.]” Appellant then began inquiring about what S. had for breakfast and what time she woke up. Appellant sent Bateman another series of messages arguing that he is not the father of S. and stated that his license is suspended. Appellant demanded that Bateman tell her who the woman “driving that black Jeep” is and continued to accuse Bateman of not being the father of S. Bateman responded asking Appellant to stop telling S. that he is not her father. Appellant then sent Bateman more messages again accusing him of not being the father, discussing S.'s eating and sleeping habits, asking questions about Bateman's sex life, and accusing Bateman of being “drunk and high at the same time[.]”

Count 6 occurred after Bateman asked Appellant where he could meet her to pick up S. Appellant texted Bateman three messages on March 25, 2023, stating:

I don't feel comfortable with [S.] being alone with you due to what she told me after returning from weekend last week! Where did scratch [sic] come from in her right eye? She said Eden Did It Bc Sge [sic] Said Wrong Thing? Further More You Have Long Papertrail Of Being Abusive Verbally Physically Mentally. My Baby Has Been Through Too Much Already From

Your [sic] Abusive Directly In Front Of Her! I will have my Lawyer Come April. You Do A lot Of Drugs Drink Like Fish, That Eden Is Much Older & [S.] Pleasanton Did Not Act As Normal Once Returning & For The Record She calls You Ginger Due To Fact Of Hearing MaMa So Try Agian [sic] & Go To Rehab Counseling. Baby Bel is Very Safe & No One Is Couch Surfing More Lie Upon Lies. Wish never Met You As Of Now. [S.] Has Mother That Has NEVER left her side. We Have Cameras On Smith Landing Rd So Don't Walk By Foot As You Typically Do. Please Just Stop[.]

You Will Not Lotion [S.] While She's Naked, or Scratch all over her body you're sick & im NOT Allowing You To Sexually Groom My Baby Period! Aside From The Anger Outbursts on Daily Occasion. We Left You Remember Last Time. Please Find A Woman or Man & Fall In Love, Stop Texting My Ma & Brother.

You can give back my social security card as well as hers[.]

Count 7 arises from fifteen text messages that Appellant sent to Bateman on March 31, 2023. Before Appellant exchanged S. to Bateman, she texted him stating “Police Station Denton Md Due To Physical Abuse In Public From You” and said “When I pick her up I expect her to be in the same exact condition.” Appellant also said “[t]ell Miss Rhonda she better respect my daughter we will have serious problems and that is promise not threat[.]”

Count 8 arises from forty-one text messages that Appellant sent to Bateman on April 1, 2023. Appellant texted Bateman and said:

Miss Rhonda Doesn't have much to say! Not trying to fight w[ith] an elderly female just wanted to meet her due to fact that my daughter sleeps next to her in your bed! I'm happy for you, no trouble. I have every single right to know who is driving my daughter around Etc[.]

Probably your girlfriends house that's cool as long as she respects my daughter and treats her as her own every thing will be cool.

Appellant sent additional texts and began accusing Bateman of not being the father of S. She also sent a series text messages asking about what S. had for dinner, asking Bateman about his brother, discussing S.’s favorite foods, child support, Bateman’s ex-wife, and S.’s home-schooling, and accusing Bateman of “sleeping w[ith] prostitutes that are crackheads[.]”

Count 11 stems from twenty-five text messages that Appellant sent to Bateman on April 7, 2023. While Appellant and Bateman were discussing details about exchanging S., Appellant sent multiple text messages requesting that Bateman tell her the name of his current girlfriend and stated that his girlfriend “could be a registered sex offender[.]” She informed Bateman that if she encounters his girlfriend, she is going to inspect her driver’s license. She then sent a series of text messages to Bateman:

And again I’m going to ask you not to scratch her above her knees that is sexually grooming my daughter and I believe you did something to your other two daughters they just won’t talk about it I do not like you and we will never be friends you are my worst enemy and I want you to know it this is about my daughter not about you I don’t care about you I care about my daughter[.]

You had Amy Bayless around your son knowing that she molested and had sex with a 13-year-old boy so obviously with that being said you are OK with register [sic] sex offenders around your kids you even went to the extent to put your kids in a tent in the backyard if that’s not the definition of pathetic I don’t know what is[.]

My mother does not like you she thinks you are complete piece of shit because you are and everyone knows about you and I think Miss Rhonda should know about you as well because you have cheated on everyone you have ever been with and you are currently cheating on her as well I know I have proof do not sexually grow [sic] my daughter and do not lotion her naked she is not to be naked at any time around you she’s already had her bath you don’t need to bath with her thank you[.]

Bathe her[.]

I am worried about [S.] around you because you're physically and verbally and emotionally abusive every single incident my daughter was there and you have put her through so much trauma at such a young age I wish I never met you and I wish you were not the sperm donor maybe you're not I hope you're not[.]

I believe you molested your two daughters[.]

Neither one of them give you the time a day for a legit reason[.]

My mother is not on your side my entire family hates your guts because you are complete dirtbag and now my daughters kicking doors and hitting things and that tells me that she's picking that up from you and you only because I do not do that and I hope you print all of this up want you to because everyone knows of your violent behavior you have a history of being violent towards women and around children[.]

On April 10, 2023, Appellant sent Bateman twenty-three text messages. Appellant texted Bateman about a “huge bruise” on S.’s right ankle and stated that S. had thrown up. Appellant again asked Bateman what his girlfriend’s background is, asked him to drop off items to her, and stated “do not scratch my daughter’s body[.]” Appellant texted Bateman saying that he is “sexually groom[ing] a four year old” and that this started when S. was about two and a half years old. Appellant also accused Bateman of “drugging” S. with melatonin. These messages formed the basis for Count 12.

After the State’s presentation of evidence and testimony, the court ruled:

I have taken a good look at all the evidence that was submitted in this case, all the exhibits that were marked and entered by the State as well as the Defense exhibit. And primarily I’ve taken a look at the, the text messages, which really come to, bring this whole case to light, life [sic] really in the text messages. So, I’d like to go charges one by one, the 15 that remain in the case. With regards to Count Number 1, for violating a protective order on

about 2/15/2023, after reviewing the evidence, the Court notes that in this text messages of this date, you required and/or threatened to have a mental evaluation completed and you required or threatened to have a hair follicle examination and you insisted that your daughter was safe with you only. And I do find for all those reasons, I'm convinced beyond a reasonable doubt, you did fail to comply with the protective order by harassing him on that date and time. With regards to Count 2 of the violation of the protection order, on or about 2/17, on that date the Court notes that you sent him some screenshot about having sex with someone that was known to Mr. Bateman and I, and I find beyond a reasonable doubt that you also violated the protective order by harassing him on that date. With regards to Count Number 3, violating a protective order on or about 2/21/23, the State here introduced some evidence. The content of the videos was unknown. There was no really conversation in the text message to flush that out. State did not meet their burden with regards to that count. So, you are not guilty on that count. With regards to Count Number 4, on or about February 24th of 2023, these threads you talked about him for not being his daughter, that his name was not on the birth certificate, that he should go to rehab. He needs a psych evaluation and a hair follicle test and other things and the Court finds that on that date you did fail to comply with the relief granted under the Protective Order by harassing Mr. Bateman. And I want to say for the record I think with regards to any finding that I have, I'm convinced beyond a reasonable doubt that you did intend to harass him with these messages. With regards to Count Number 5, violation of a protective order on or about 3/18/2023, here's where things really run off the rails. You talk about her not being his daughter, about him drinking and driving, about trash talking in front of her, about his violent tendencies, about his drunkenness, about his license being suspended, about him not being your daughter [sic], his daughter again. And you named another man that was his, his, her father and you accused him of couch surfing and needing a psych evaluation and drug and/or alcohol testing. You, you talked about a car accident that he was in and unable to drive. You threatened that, or you stated that the man that was her father worked for Child Protective Services. You also accused him of being manipulative, of doing drugs and drinking around your daughter and again brought up the license suspended and that he was drunk or high at the time. For all of those reasons, the Court finds that you did violate the Protective Order on that date by harassing Mr. Bateman. I'm convinced beyond a reasonable doubt of that. With regards to Count Number 6 of violating a protective order, on or about 3/25/23, this is when you first bring up his sexually grooming your daughter and that's a fairly egregious claim to make against an individual and especially someone's father without abject proof of that and that is in my mind, I am convinced without a reasonable, beyond a reasonable doubt that

you intended to harass him, so you are also guilty of that count. With regards to Count 7, on or about 3/31/23 here the Court sees that you were talking about physical abuse that you've suffered. In his, physical abuse from him in the past that makes him an unfit father and that you did fail to comply with the relief granted by harassing him on that date as well. On or about, this is Count 8, on or about the violation of protective order on or about 4/1/2023, here you talk about, I think, a woman he might be dating, Miss Rhonda and actually saying that she's trash talking and there's not going to be any trash talking and you're not to bathe her. And that she's not your daughter and that you don't smoke crack, intimating he might and then you start talking about child support and homeschooling and that his ex-wife is lying about income and then you talk about STD's and prostitutes. So, on that date, I find for all those reasons that you did fail to comply with the relief granted by harassing Mr. Bateman. I'm convinced beyond a reasonable doubt thereof. With regards to Count 9, violation of a protective order, on about 4/4 of 2023, here you insist that he has taught her how to grind her teeth and that he could benefit from going to rehab and that he gets her sick and makes her catch a cold when she's with him. That you sent her over there completely healthy. And I find on that date that you did fail to comply with the protective order relief that was granted by harassing Mr. Bateman. I'm convinced beyond a reasonable doubt of that. With regards to Count 15, on or about 4/6 of 2023, here there was some contact, but the State did not charge this as a straight contact. It was because of harassment and I don't find that the text messages, even though you said you were going to meet your younger boyfriend and, you know, people could have ducked her if you're not careful, I don't find that that was necessarily harassment. It was contact which may have been a violation if, if charged differently, but you did not meet your burden with regard to Count 10, so you're not guilty of violating the protective order. With regards to Count 11, let's see, Count 11 on or about 4/7, this is when you also bring up the girlfriend, Miss Rhonda, and how she's sleeping next to your daughter and how you called police and that there's pedophilia that's thrown into the mix here and that you have previously, that he has previously allowed a registered sex offender around his kids and that you need to know who's driving your daughter and that he's your worst enemy and that your mother dislikes him and that he thinks it's okay to have registered sex offenders around his other kids and again he's sexually, sexually grooming her. He's mostly abusive and you would charge him with molesting his other two daughters. So, for all of those reasons, with regards to that Count 11, the Court finds that you did violate the Protective Order by harassing Mr. Bateman. On or about, this is Count 12, on or about 4/10/2023, this is where you start off asking where's your daughter. Just coordinate with my mother from now on and what about this huge bruise on her ankle and who was that

woman in the background and you're sexually grooming and giving her some kind of medicine that's drugging her. So, you know, for all, for all of those text messages, I find that you did violate the protective order and the relief that was granted under that Order by harassing Mr. Bateman. With regards to Count Number 13 on or about 4/14 of 2023, the Court finds that there was contact, but it's not harassing in nature. So, by the manner in which this was pled, I am not convinced beyond a reasonable doubt that you are in violation of the Protective Order. With regards to the Count 14, on or about 4/17/2023, here the Court found evidence from your text messages that you were questioning him about why she didn't have any underwear on and you insist that in the future you were going to have sperm donor, so you're going to have to deal with him. While these messages, I mean taken as a whole, one after the other, the Court finds maybe evidence of harassment, I don't find individually that they necessarily arise to that level. So, I'm going to find that you're not in harassment [sic] on that count. And with regards to Count 14 Number 15, violation of protective order, on or about 4/25/2023, again here I think there is evidence of contact, but I don't believe that the State met its burden by convincing me beyond a reasonable doubt that this was harassment on that date. And as I said before, the text messages really brought this case to life and I marked in here every instance in which Mr. Bateman responded or weighed in on the conversations. And I would say for 95% of the time he was just asking where's my daughter, why are you late, when can I get her. So, it was completely within the context of visitation. And then there were a few times when he did bite and by biting I mean, he took the bait. I do believe that you enticing him to respond with the nature of some of the things that you were saying to him. But even, having said that, at no point does he, does he elevate the conversation in the nature that you have. So, that's the finding of the Court today.

Appellant was convicted on ten of the fifteen counts. On the first count, Appellant was sentenced to ninety days incarceration, suspended, and three years of supervised probation. For all remaining counts, the sentence was a consecutive term of ninety days incarceration. Appellant noted this timely appeal.

STANDARD OF REVIEW

When reviewing a challenge as to the sufficiency of evidence for a conviction, "the duty of the appellate court is only to determine whether, after viewing the evidence in the

light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Schiff v. State*, 254 Md. App. 509, 525 (2022) (emphasis in original) (internal quotation marks omitted). “Generally, if there are evidentiary facts sufficiently supporting the inference made by the trial court, the appellate court defers to that factfinder[.]” *State v. Smith*, 374 Md. 527, 547 (2003). For constitutional claims, where the trial court’s decision involves an interpretation and application of Maryland constitutional, statutory, or case law, we determine de novo, whether the trial court’s conclusions are legally correct. *State v. Grafton*, 255 Md. App. 128, 143 (2022) (citing *Schisler v. State*, 394 Md. 519, 535 (2006)).

DISCUSSION

I. The court did not err in convicting Appellant of Counts 1, 2, 4-9, 11, and 12.

Appellant argues that the evidence before the trial court was insufficient to sustain her convictions for violating a final protective order. She contends that the protective order permitted her to have contact with Bateman, and that her communication with Bateman was not criminal conduct as it did not satisfy the elements of criminal harassment. She asserts that the proper remedy for enforcing the final protective order would have been a contempt motion and not criminal charges.

The State argues that the evidence presented was sufficient to sustain Appellant’s convictions. The proper standard to apply, according to the State, is within the Family Law Article and not the crime of harassment as defined in Md. Code Ann., Criminal Law § 3-

803. The State argues, nevertheless, that Appellant’s text messages also constituted criminal harassment.

Md. Code Ann., § 4-509 of the Family Law Article (“FL”) provides:

(a) A person may not fail to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

* * *

(f) [a]n officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

The crime of harassment is defined in Md. Code Ann., Criminal Law § 3-803. It states:

(a) A person may not follow another in or about a public place or maliciously engage in a course of conduct that alarms or seriously annoys the other:

(1) with the intent to harass, alarm, or annoy the other;

(2) after receiving a reasonable warning or request to stop by or on behalf of the other; and

(3) without a legal purpose.

Md. Code Ann., Criminal Law § 3-803.

In *Morgan v. State*, this Court examined whether an appellant’s convictions for both second-degree assault and violating a protective order merged for sentencing purposes.

252 Md. App. 439, 446 (2021). We explained that:

second-degree assault is not an element of a violation of a protective order any more than is first-degree assault, attempted rape, or second-degree murder. Any one of those crimes may be described as “abuse, or threatening abuse” under FL 4-509, but these criminal offenses cannot be described as elements of a violation of a protective order.

Id. at 467. We referenced the Maryland Pattern Jury Instruction-Criminal, § 4:26A, which states that in order to prove that a defendant violated a protective order, the State must prove:

- (1) a protective order was issued;**
- (2) the protective order required the defendant:**
 - (a) [to refrain from abusing or threatening to abuse (name);]
 - (b) [to refrain from contacting, attempting to contact or harassing (name);]
 - (c) [to refrain from entering the residence of (name) located at ____;]
 - (d) [to immediately vacate the home of (name) located at ____;]
 - (e) [[to remain away from (name) [place of employment] [school] [temporary residence] located at ____;]]
 - (f) [to remain away from (name) family member's residence located at ____;]
 - (g) [to surrender a firearm in the defendant's possession to law enforcement;]
 - (h) [to refrain from possessing any firearms for the duration of the order;]
- (3) the defendant violated the order by:**
 - (a) [abusing or threatening to abuse (name);]
 - (b) [contacting or attempting to contact or harass (name);]
 - (c) [entering the residence of (name) located at ____;]
 - (d) [failing to immediately vacate the home of (name) located at ____;]

- (e) [[failing to remain away from (name) [place of employment] [school] [temporary residence] located at ____;]]
- (f) [failing to remain away from (name) family member's residence located at ____;]
- (g) [failing to surrender a firearm in the defendant's possession to law enforcement;]
- (h) [possessing a firearm;]
- (4) **the defendant knew of the order**; and
- (5) **the protective order was in effect at the time of the alleged violation**

Id. at 466–67 (emphasis in original).

We quoted the Maryland Supreme Court’s language from *Katsenelenbogen v. Katsenelenbogen*, 365 Md. 122 (2001) wherein the Court, quoting *Barbee* and *Coburn*, reaffirmed that the purpose of the domestic violence statute is “to protect and ‘aid victims of domestic abuse by providing an immediate and effective’ remedy” and that “‘the primary goals of the statute are preventative, protective and remedial, not punitive.’” *Id.* at 457 (quoting *Coburn v. Coburn*, 342 Md. 244, 252 (1996); then quoting *Barbee v. Barbee*, 311 Md. 620, 623 (1988)). The Supreme Court then stated:

Although the provisions in the Family Law Article are, as stated, preventive and remedial, **the Legislature has not excused the perpetrators of domestic violence from the reach of the criminal law.** They are subject to prosecution for their conduct—for **assault**, rape and other sexual offenses, criminal homicide, kidnapping—and, indeed, for failing to comply with relief provided in a protective order.

Id. at 459 (quoting *Katsenelenbogen*, 365 at Md. at 134 n.2, and adding emphasis).

In the present case, we first observe that FL § 4-509 explicitly states that individuals who violate protective orders issued pursuant to FL § 4-506 are guilty of a misdemeanor and subject to its penalties. We also observe that there is no language in FL § 4-509 referencing the Criminal Law Article or any of the offenses listed therein. As such, we

discern no intent by the legislature to require that in order to violate a protective order, one must also be found guilty of a criminal offense, in this case, criminal harassment. In essence, the conduct that gives rise to the crime at issue is the violation of the dictates of the protective order. We also discern that the legislature intended that the term harassment have its ordinary and common meaning. We hold that the State was not required to prove the crime of harassment in order to establish a violation of the protective order. Rather, the State was required to establish that Appellant violated the protective order by engaging in conduct that annoyed and/or alarmed Mr. Bateman.

Appellant argues that, regardless of the standard applied, the State did not present sufficient evidence to support her conviction. We do not agree. It is undisputed, here, that, at the time of the alleged violations, the protective order was in effect, Appellant knew the terms of the order, and she, nevertheless, sent text messages to Bateman that did not address facilitating the exchange of the minor child, visitation, or any emergency. In analyzing the sufficiency of the evidence on appeal, this Court's function is to examine the evidence in the light most favorable to the prosecution and to determine whether "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Schiff*, 254 Md. App. at 525. We hold, based upon the volume of the text messages, their language, and substance, that a rational trier of fact could have concluded that Appellant violated the protective order. In sum, the State presented sufficient evidence.

Assuming, *arguendo*, that the criminal offense of harassment is encompassed in the Family Law Article requirements for violating a protective order, utilizing the same

standard of review, we hold that the evidence was sufficient. The statute specifies that a person may not maliciously engage in a course of conduct that alarms or seriously annoys another, with the intent to harass, alarm, or annoy, after receiving a reasonable warning or request, without a legal purpose. The sheer volume of the admitted text messages as well as the rapid succession of many of the messages exhibited a course of conduct that was meant to alarm, annoy, or harass. The court’s order required Appellant not to engage in such behavior and there was no legal purpose. We hold that the evidence was sufficient.

II. The court did not err in imposing separate, consecutive sentences.

Appellant argues that the trial court erred in imposing consecutive sentences for each conviction. Appellant contends that there was only one unit of prosecution, a continuing course of conduct, and that, under *Triggs v. State*, 382 Md. 27 (2004), the sentence imposed was illegal. The State contends that the appropriate unit of prosecution for a violation of a protective order “is each distinct violation.” The State also cites *Triggs v. State*, 382 Md. 27 (2004) and its holding that a violator may receive consecutive sentences for separate offenses.

In *Triggs v. State*, 382 Md. 27 (2004), the petitioner was found to have made dozens of calls to his ex-wife “in violation of a protective order prohibiting him from having any contact with her.” *Triggs*, 382 Md. at 30. *Triggs* was sentenced, in part, to consecutive one-year sentences under the Family Law Article for his repeated violations of the protective order. *Id.* at 38. He appealed and argued that the penalty provisions [of the Family Law Article] for violating a protective order were ambiguous. *Id.* at 41. He argued

that merging the offenses was required under the rule of lenity because there was uncertainty as to whether the legislature intended multiple punishments for the same act or transaction. *Id.* Triggs noted that “under the telephone misuse statute, ‘harassing or threatening telephone calls are punished in the aggregate.’” *Id.*

The Maryland Supreme Court held that FL § 4-509(b) allows punishment “for each offense” in the event of a violation. *Id.* at 42. Citing *Purnell v. State*, 375 Md. 678 (2003), the Court stated “whether the Legislature intended multiple sentences for the same offense turns on the unit of prosecution of the offense and this is ordinarily determined by reference to legislative intent.” *Id.* at 43 (cleaned up). When a statute is ambiguous as to the units of prosecution, the rule of lenity requires that a trial court construe the language in favor of the defendant by merging the offenses. *Id.* at 44. Based on its review of the legislative history of FL § 4-509, the Court concluded that the provision was plain and unambiguous and “provides that a person who violates a protective order may receive cumulative penalties for separate offenses.” *Id.* at 48. The Court highlighted the use of the phrase “for each offense,” and the establishment of “subsequent penalties based on the number of times an abuser violates a protective order.” *Id.*

The Supreme Court acknowledged that FL § 4-509 does not expressly define what an offense is; however, FL § 4-506(d) does provide the type of relief that may be included in a protective order, such as refraining from abuse, contact, or harassment. *Id.* The Court explained that “[i]n order to determine whether an offense has been committed in violation of a protective order, a court must review what the protective order required.” *Id.* at 49.

In *Triggs*, the protective order precluded him from contacting his ex-wife, yet he called her on numerous occasions. *Id.* The Court concluded “that each call constituted prohibited contact and, thus, was a separate and distinct ‘offense’ for the purposes of the penalty provisions in Section 4–509.” *Id.*

Here, Bateman’s final protective order against Appellant stated that Appellant “shall not contact, attempt to contact, or harass” him. The order, however, did provide that Appellant could communicate with Bateman “by text only with respect to visitation/access or in case of emergency involving” S. According to the evidence presented by the State, on numerous occasions between February 25, 2023, to March 17, 2023, Appellant contacted Bateman regarding matters that did not relate to visitation, exchanges, or emergency situations. Instead, the messages sent by Appellant inquired about Bateman’s sexual relationships, accused him of sexually abusing S. and his other children, telling Bateman that she and her family disliked him, accusing Bateman of needing psychological evaluations and rehabilitation for addiction, stating that Bateman was not the father of S., and accusing Bateman of having STDs and contacting prostitutes.

Based on the record before us and the court’s finding that the text messages constituted separate and distinct violations of the protective order by harassment, we conclude that Appellant’s repeated violations of the protective order constituted separate offenses for purposes of sentencing. We hold that the trial court did not err.

**JUDGMENT OF THE CIRCUIT
COURT FOR CAROLINE COUNTY
AFFIRMED; COSTS TO BE PAID BY
APPELLANT.**